

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Testimony of
SUZANNE D. CASE
Chairperson

Before the House Committee on
JUDICIARY & HAWAIIAN AFFAIRS

Wednesday, February 24, 2021
2:00 PM

State Capitol, Via Videoconference, Conference Room 325

In consideration of
HOUSE BILL 1017
RELATING TO CRUSTACEANS

House Bill 1017 proposes to repeal Section 188-58.5, Hawaii Revised Statutes (HRS), which prohibits the taking or killing of female spiny lobsters, Kona crabs, and Samoan crabs. **The Department of Land and Natural Resources (Department) supports this Administration bill and offers the following comments.**

The Department currently regulates the take of spiny lobster, Kona crab, and Samoan crab through administrative rules. Regulations include minimum size limits, seasonal restrictions, gear restrictions, and a prohibition on the take of egg-bearing females. The Department has recently amended its spiny lobster, Kona crab, and Samoan crab rules to adopt the provisions of Section 188-58.5, HRS, into Chapter 13-95, Hawaii Administrative Rules. Thus, Section 188-58.5, HRS, is no longer necessary and should be repealed.

Section 188-58.5, HRS, limits the Department's ability to properly manage these species based on the best available scientific information. Since the 2006 enactment of Section 188-58.5, HRS, scientific information about Kona crabs has grown to the point where management measures for this species should be updated. A 2018 National Oceanic and Atmospheric Administration benchmark stock assessment concluded that Kona crab populations in the Main Hawaiian Islands are very healthy. Other studies have suggested that the prohibition on the taking of females could potentially create a sex ratio and size imbalance that may inhibit successful reproduction.

Repealing Section 188-58.5, HRS, would enable the Department to adopt more appropriate, science-based regulations for the management of Kona crab. This would be done through the Chapter 91, HRS, administrative rulemaking process, which provides ample opportunity for

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

public input in the development of rules. As more information is known about spiny lobsters and Samoan crabs, changes to the management of these species may be warranted as well.

Thank you for the opportunity to comment on this measure.

HB-1017

Submitted on: 2/22/2021 9:35:38 PM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jim Hori, DDS	Lokahi Fishing, LLC	Support	No

Comments:

I strongly support this bill.

Mahalo,

Jim Hori, DDS

Founder, Lokahi Fishing, LLC

HB-1017

Submitted on: 2/23/2021 7:16:33 AM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
James Silva	Waialua Boat Club	Support	No

Comments:

I support this bill

HB-1017

Submitted on: 2/23/2021 11:57:29 AM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Stephen Lee	Waialua Boat Club	Support	No

Comments:

Aloha, I am the President of the Waialua Boat Club, the oldest boat club in the state with 50 members strong. Our members support passage of HB1017 as our personal observations and the science support the bill. Fishermen have long known the the release of female Kona crabs is a futile attempt at preserving the population since the majority of released females do not survive the release as they are eaten by predators after release. The science also supports this as was related in previous hearings on this bill.

Thank you for your support of HB336.



February 23, 2021

HOUSE OF REPRESENTATIVES
THE THIRTY-FIRST LEGISLATURE
REGULAR SESSION OF 2021

Rep. Mark M. Nakashima, Chair
Rep. Scot Z. Matayoshi, Vice Chair

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

DATE: Wednesday, February 24, 2021
TIME: 2:00 PM
PLACE: VIA VIDEOCONFERENCE

TESTIMONY IN **STRONG SUPPORT** of HB1017 RELATING TO CRUSTACEANS

Aloha Honorable Chair Nakashima, Vice Chair Matayoshi and Members of the Committee on Judiciary and Hawaiian Affairs:

HFACT is a not-for-profit, IRS 501c (5) organization, that advocates for small boat commercial, non-commercial, and recreational fishermen throughout Hawaii. HFACT board members sit on a number of international, regional, and federal fisheries management and endangered species advisory committees as well as state marine, coastal zone, and fisheries advisory committees and working groups; and, HFACT is thoroughly familiar with and participates in ocean and marine resource management in Hawaii and the western and central Pacific.

HFACT STRONGLY SUPPORTS HB1017 that seeks to repeal the statutory prohibition of taking or killing female spiny lobsters, Kona crabs and Samoan crabs. Extensive scientific studies and management measures implemented in Australia, where Kona crabs (*Ranina ranina*) or spanner crabs exists as a large fishery, advises against the taking of only large male crabs as it severely impacts the reproductive capability of the species. Additionally, a recent assessment by NOAA Fisheries show that Kona crabs are abundant in the waters around Hawai'i, are not overfished, no overfishing is occurring, and recent catch levels are sustainable. Even better, the stock could withstand increased fishing activity.

This Act will remove any conflicts that may exist between Hawai'i Administrative Rules and the Hawai'i Revised Statutes regarding the taking or killing of certain crustaceans creating confusion.



HFACT supports management of crustaceans in all Hawaiian waters. Repeal of HRS Sec 188-58.5 will allow the Division of Aquatic Resources to work with knowledgeable fishers and use scientific information to efficiently and effectively manage this fishery.

This bill has received much testimony in support of the proposed repeal at a earlier hearing. Managing crustaceans solely through the administrative rule making process will help management of this important fishery as crustacean population and structure evolves, thus HFACT asks for your support in this matter.

Thank you, Chair Nakashima, Vice-chair Matayoshi, and committee members for this opportunity to provide testimony in strong support on this critically important matter that can affect the sustainability of our crustacean fisheries and aquatic resource conservation and management.

Sincerely,

A handwritten signature in blue ink, which appears to read "Phil Fernandez", is placed on a light-colored rectangular background.

Phil Fernandez
President

HB-1017

Submitted on: 2/22/2021 6:06:22 PM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Quinn	Individual	Oppose	No

Comments:

Dear Honorable Committee Members,

Please oppose HB1017. Allowing female crustaceans to be harvested can have a damaging impact on our food supply.

Thank you,

Andrea Quinn

HB-1017

Submitted on: 2/22/2021 7:29:53 PM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kurt Kawamoto	Individual	Support	No

Comments:

Strong support.

HB-1017

Submitted on: 2/22/2021 9:47:10 PM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Brian F. Funai	Individual	Support	No

Comments:

Strong Support. The original legislation that implemented this regulation lacked credible science and was a knee-jerk legislative rule making action that should have been left to the Dept. to do its job.

HB-1017

Submitted on: 2/23/2021 8:13:36 AM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ronald Tam	Individual	Support	No

Comments:

The initiative to accommodate repealing the current prohibition on the take of female Kona crab is supported with science and long over due.

HB-1017

Submitted on: 2/23/2021 10:14:02 AM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ron Dellinger	Individual	Support	No

Comments:

Strongly Support ! Long overdue.

HB-1017

Submitted on: 2/23/2021 1:53:23 PM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Clay Tam	Individual	Support	No

Comments:

To the Presiding Committee Members,

I strongly support Bill HB1017 as this belongs under Chapter 91 not in the legislature. This will provide better and more timely management of the species under this bill. Thank you for hearing my testimony.

Sncerely,

Clay Tam

Fishermen, taxpayer and voter

HB-1017

Submitted on: 2/23/2021 7:19:12 PM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Nakachi	Moana Ohana	Support	No

Comments:

Aloha for Aina, time to Malama aina to make aina Momona