

WEST HAWAII FISHERIES COUNCIL
WHFC@hawaii.rr.com

MISSION STATEMENT OF THE WEST HAWAII FISHERIES COUNCIL

“To effectively manage fishery activities to ensure sustainability; enhance nearshore resources; develop and implement management plans for minimizing resource depletion and conflicts of use; per legislative mandate to the Department of Land and Natural Resources to provide for substantive involvement of the community in resource management decisions; and encourage scientific research and monitoring of the nearshore resources and environment from Upolu Point to Ka Lae.”

WEST HAWAII FISHERIES COUNCIL
DRAFT Minutes for Thursday, February 19, 2015
Presiding: Dale Sarver

Call to Order: 6:30pm

Members attending: Tina Owens, Dale Sarver, Bob Hajek, Patrick Cunningham, Malia Kipapa (proxy: Tina Owens), Linda Preskitt, Donna Goodale, Dana Riddle, David Dart, Chad Wiggins.

Guest: James Byrne

Reiteration by the Chair of the meeting protocols:

- *All questions from Council members must be recognized by the Chair
- *All questions/statements will be limited to topic-oriented statements. Note that a short time has been added after each agenda item to discuss that item.
- *Proxies: Each person asking someone to represent them by proxy will have to notify the administrator before the meeting as to who is going to represent them, email to Malia in advance so she has it in writing. There will be no call for proxies from the floor at the meeting.

Reading of the Mission Statement by Donna Goodale.

Reading of the proposed agenda. Motion to approve by Dana Riddle, seconded by Linda Preskitt. Passed unanimously.

Reading of the January 2015 draft minutes. Motion to approve by Tina Owens, seconded by Bob Hajek.

New Business: Legislative Update

Tina Owens gave a rundown of what bills have been heard, deferred and/or passed in this legislative session.

HB 606 Moratorium on AQ fishing and money for retraining

as of 2/19/15 the measure is deferred.

HB 511 Anti-harrassment bill for marine fishers

Still alive as **HB511 HD1**. No hearing date yet for JUD committee. Amended as follows:

"[~~E~~]**§188-71**[~~F~~] **Harassment of fishermen; prohibition.** (a) No person shall intentionally prevent or attempt to prevent the lawful taking of fish by a person permitted pursuant to section 188-31, licensed pursuant to section 188-50, or fishing in marine waters within the State's jurisdiction by[~~:~~] purposely:

- (1) Placing the person's self in a location in which human presence may affect the behavior of fish to be taken or the feasibility of taking such fish;
- (2) Creating a visual, aural, olfactory, or physical stimulus to affect the behavior of fish to be taken;
- (3) Affecting the condition or placement of personal property intended for use in the taking; or
- (4) Obstructing the person's access to areas in which the person intends to lawfully take fish[~~;~~].

with the intent to prevent the taking of fish.

(b) No person shall enter or remain upon public lands or waters, or upon private lands or waters, without permission of the owner or the owner's agent, with intent to violate this section.

(c) It shall not be a violation of subsection (a) to:

(1) Take photographs or video recordings of a person engaged in the taking of fish or related activities while maintaining a reasonable distance from the person; or

(2) Engage in activities pursuant to the department's makai watch program.

[~~(e)~~] (d) The maximum penalty for violation of subsection (a) or (b) is a fine of \$500, thirty days imprisonment, or both."

HB 483 Cooler inspection bill

Still alive as **HB 483**, no amendments. No hearing date yet for JUD committee.

HB 873 Ban bill

Still alive as **HB873 HD1**. Almost totally rewritten. No hearing date yet for JUD committee

Tasks the DLNR with setting up, among other things, limited entry areas in the state for AQ permits. Rules must be put in place and implemented no later than July 1, 2018. Too many amendments to list here. Look it up.

SB 322 Criminalize the sale of aquarium fish.

Did not receive a hearing yet. Likely to be deferred this year.

SB 670 Transport of live animals.

Did not receive a hearing yet.

HB 883 Cannot sell AQ fish that have been injured or cruelly treated.

This measure was deferred. This is House companion to SB 1340 below.

SB 1340 Cannot sell AQ fish that have been injured or cruelly treated.

Did not receive a hearing yet.

To read bills or check up on status go to <http://www.capitol.hawaii.gov> and put in the bill number with no spaces between HB/SB and the number.

Members requested a copy of the information above and Tina said she would send all members a copy of her notes.

Presiding Chair Dale Sarver gave an update on the County Council meeting which had been held on the previous Tuesday, February 17, 2015.

The meeting was long, more than 6 hours and was a hearing on two bills introduced by County Councilmember Margaret Wille. Although phrased as administrative bills concerning proper and humane handling of live animals and licensing fees for aquarium collectors, it was clear that the bills had no real merit and were based on incorrect information.

There was a large number of people present and a few testifiers from other parts of the island who testified by videoconferencing. A clear count of supporters versus opponents was not available.

After all testifiers were through, there were three presentations, the first by Dr. William Walsh, of the Division of Aquatic Resources, on the status of the reef fish populations based on data and conclusions from the 2015 Report to the Legislature which he had filed earlier.

The second presenter was Dr. Muzik, a coral expert, whose presentation was a little difficult to understand. Finally, Dr. Teresa Teleky of the Humane Society of the United States, gave a presentation on fish handling and mortality.

As the County Council moved into the deliberation stages, Ms. Wille quickly withdrew one bill, the one concerning handling techniques of live animals. As for the remaining bill, licensing requirements for aquarium collectors, the discussion by the County Council members showed that there was considerable concern about the legality of the bills, especially concerning Hawaii County jurisdiction. Ms. Wille was asked if she had cleared the proposals with the legal department and she replied she had not. There was some discussion as to whether she should defer the bill until a later date, but councilmembers balked at the thought of having to sit through six hours of testimony all over again.

During a break, the presiding chair Valerie Poindexter made a phone call to their legal staff and when she returned, it was clear there was a considerable problem. In the end, Ms. Wille withdrew the second bill as well.

Dr. Bill gave a presentation on information given to the Hawaii County Council.

After these updates, the meeting became a discussion about various factors, including whether or not to support the still-alive bill giving the state the authority to create a limited-entry fishery for the aquarium industry. Bob Hajek mentioned, and was supported by several others, that the bill as written was not really supportable. He mentioned by most of the aquarium collectors did not trust the government, or even the WHFC, to write a limited-entry bill that they could support. Discussion on this would be ongoing, related to how the legislative bill moved through the process.

The meeting was adjourned at 8:30 PM.