

**WEST HAWAII FISHERY COUNCIL  
POBOX 489 KAILUA KONA HI 96745**

*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 FISHERY COUNCIL  
Agenda for Thursday, February 18, 2016 6:30-8:30 PM  
West Hawai'i Civic Center  
Liquor Commission Room, 2<sup>nd</sup> Floor Building B**

Facilitator: Dale Sarver

**Call to Order: 6:33PM**

Reading *and Interpretation* of WHFC Mission Statement

- Dale Sarver – “pretty self-explanatory”

Introduction of Visitors/Membership Applicants

Visitors:

- Dr. Bruce Anderson, Hannah Kihalani Springer, Christopher Peters, Kekaulike Tomich

Members:

- Donna Goodale (proxy for Linda Preskitt), J.R. Rosario, Charles Young, Tina Owens (proxy for David Dart), Chad Wiggins (proxy for Alohi Nakachi), Dr. Bill Walsh (ex officio)

Approval of Agenda

- o Edit by Tina Owens – Move Legislative update to beginning of business meeting; add discussion of next meeting location
- o Edit by Chad Wiggins – add discussion of creating WHFC powerpoint in Ongoing business
- o Motion to approve as amended by Tina, 2<sup>nd</sup> by Charles Young – all in favor Agenda Approved

Approval of Minutes

- o Suggested edits
  - Bill Walsh – change DOBAR to DOBOR

Legislative Update – Tina Owens passed out handout on bill tracking and provided an analogy:

Like Hollywood casting – open call for everyone. Folks who have promise put in a room. Some called out to a 2<sup>nd</sup> room. Some called to a 3<sup>rd</sup> room. Some called across to the audition room. House and Senate have the same process so two ways to get to the audition. Lots of folks left waiting in the rooms along

the way.

Bills can start the process where they finished in the first year of the 2 year session.

Bills that passed one committee in 2015 Leg will hit the lateral bill deadline but they will already be advanced to Stage 2.

First lateral deadline is [not recorded] – most relevant to 2016 bills and 2015 bills that had no hearings

### **2015 Bills**

HB 883, SB 322 – no hearings scheduled

HB 873 – Regulation of AQ Trade referred to JUD and deferred – survives deadline

HB 606 – AQ Moratorium deferred

HB 511 – Fisher Harrassment referred to JUD and deferred – survives deadline

HB 483 – cooler inspection referred to JUD, JDL, WLA – survives deadline

### **2016 Bills**

HB 1734 – Shark and Ray protections referred to JUD

SB 2139 – Community-based management support referred to WAM – language specific to CBSFA?

Will need staff support to administer grants

SB 2161 – Aha Moku budget allocation – referred to WAM

HB 2022 – Regulation of AQ trade – referred to OMH/JUD – similar to HB 873

How is testimony submitted – once hearing is noticed scroll through announcement and click to submit testimony and it will automatically be routed to committee. Can write testimony ahead of time and have it ready – can be used for several committees unless bill changes substantially

#### *Additional Bills to Watch*

HB [unknown number] - Ban on sale of speared fish. Hearing yesterday 2/17 – shelved/deferred – 30 opponents

HB [unknown number] – Establishes the authority to create a mitigation bank at the state level for development, grounding, or damage to habitat

HB [unknown number] – Sanctuary Bill – codifies Sanctuary into state law

HB [unknown number] – Monument Bill – codifies Monument into state law

Some are not sure it is appropriate to put federal programs in state statutes – the Sanctuary and Monument bills are carry-overs from last year.

*Question* – might there be a way to attach a mitigation fee to development that increases public access to go toward fishery management in areas where public access installation increases vehicular access and fishing pressure?

*Answer* – that wasn't the intent. The intent was to address direct habitat destruction. The example of wetlands on the mainland and elsewhere in Hawai'i is more applicable. If a wetland is destroyed, monies

are used to create a new one. New use is to address coral damage and/or aquatic issues through a bank, but depends on how broadly it is defined.

*Question* – might there be traction to a mitigation fund for tangential impacts of development such as increased access?

*Answer* – that is another issue, but fisheries label might fit.

TNC put forward a bill to push for funding state positions 7 to be converted from temporary to permanent and also funds 10 new DOCARE positions. Having more enforcement is a good thing. On money bills, bill will die and money will show up in executive budget if there is support throughout the session so that money committees will understand what monies are for. Even if Bill dies it will show up in the budget – this usually happens but no guarantee.

*Questions* from the council clarifying if bill or money are more important.

*Answer* – it's a vehicle to bring attention to the need for additional money instead of burying it in a huge budget – it will be earmarked for the positions if the it is adopted into the budget bill.

Division of Aquatic Resources would prefer to manage via administrative rulemaking than be directed to act by the legislature. Request to pass along priorities for administrative rulemaking directly to authority.

TODO: Chad to research elasmobranch bills at legislature

#### Public Hearing Review/Update

Charles Young delivered testimony. Time was reduced so hit key points about WHFC while delivering testimony. A lot of the testimony was from cultural practitioners and baseline of observation. Scientific information and hands-on divers was well represented and it was good to have the WHFC represented as a group that receives information from a broader constituency outside of Ka'ūpūlehu.

People stuck to 2 minute limit – David Tarnas facilitated well.

Donna counted 5 negative testimonies – one person asked to think about displacement of fishing effort from Ka'ūpūlehu to Kawaihae.

During Information meeting some people expressed dismay, but most did not testify.

Seventy-five testimonies – 70 in support and 5 expressed concerns that 10 years is too long, that ta'ape will go wild and take over, displacement of fishing effort to other areas, native gathering rights.

One person submitted a petition with 600+ signatures which counts as 600 testimonies in favor – the weight of that is huge.

Community perspective provided by Hannah Kihalani Springer – Thanked council for being stalwart in process – Ka'ūpūlehu, by being a good example of a community that comes into the process and the

Fishery Council by being a supporter of the community. The networks of communities are to be thanked for helping prepare everyone to practice giving testimony and we all prepared for 3 minutes – some edited well and others went over. It was a group effort. The families have been there the longest but we understand that it is a mutually held resource and we came forward with respect for both the proponents and the opponents. We welcome constructive criticism on improving the product that we deliver to the DLNR. We play the hand that we are dealt and we were dealt this hand.

Charles - One thing in the hearing was a surprise – when David Sakoda said that from the DLNR Traditional and Customary rights have not been defined by the court. That is an opportunity because in West Hawai'i we still have many native fishing communities – although the subsistence might be ill defined, the practice that they continue to observe exists. That needs to be identified and will be different in each community. Let's see how that management plan works because I think it's going to become a model for how T&C work. I hope we can collaborate to resolve this before we go through the court.

Bruce – At present, everyone needs to follow the same rules whether they are fishing for subsistence, commercial use, to share, etc. Looking at every place's practice complicates management.

Charles – Would like to see traditional fishing practices honored.

Bruce – Hearing comments will be received until 2/27. They will be summarized and reviewed and presented to BLNR – about two months out. Summary will include relevant comments and including relevant items in what is presented to BLNR. Once BLNR makes the decision, the rule will be passed to Governor for signature.

### Funding Status

Big Island Reef Fund – met w/ Mālama Kai Foundation – Carolyn Stewart and Lindsay Kramer – could be a vehicle to keep WHFC functional. About \$10,000 in BIRF – 15% for Mālama Kai Administration – might have a year remaining on basic level for core work.

Foundation proposal would be ideal. Leg. Bill could help if it works. Mālama Kai is waiting to submit proposal to HKL Castle Foundation until Ocean Warriors component can be submitted.

Current funding can sustain fishery council for [undetermined period of time].

Since last month, Tina has worked for WHFC full time.

### Membership

Committee Recommendation –

TODO – clear the roles – More than 3 meetings missed w/out proxies; 2015 – more than 3 meetings missed; 2016 – 2 meetings missed - Dana Riddle, Kim Koch, Pat Cunningham, Bob Hajek, Glennon Gingo,

Kaimi Kaupiko – represents Miloli‘i and desire for CBSFA there – often carpools with:  
Healani Cahill – works for Queen Liliuokalani Children’s Center and represents from Miloli‘i to Honaunau.

At interview – both revealed that they might not be able to attend every meeting. Panel discussed Kaimi being Healani’s alternate/proxy. If both become members and aren’t able to attend meetings it will be difficult to get a quorum. Rather than 1 membership each, suggested a proxy membership to ensure that one of them is there for voting. They were open to the idea, understood the issue.

Important to have representation from this geography and user group

Motion to offer membership to Healani and suggest she put Kaimi on as alternate  
Tina 2<sup>nd</sup>

Unanimous approval of motion to make Healani Cahill

Motion by Tina to review minutes for last 5 years and make list of members  
Dale 2<sup>nd</sup>

Unanimous approval **TODO**

#### Presentation

1. Background on west Hawaii fishery council. Who we are? What we do? What our objectives are? How can we help
2. Fish biology, ecology, and marine reserve benefits

Tina has stock photo credits

Presentation Team – Dale Sarver, Linda Preskitt, and Healani Cahill (from December strategic planning meeting); Bill Walsh and Chad Wiggins to submit.

TODO – draft presentation outline and draft by next meeting

#### **New Business:**

Membership – no show members – list pending

Membership Matrix completed by members present and on behalf of absent members and submitted to Chad Wiggins for compilation

#### Publication of EA for Kona Kampachi Farms

Offshore net pen w/ 15,000 fish drifting in gyre. Did EA again in preparation for a lawsuit from food and water watch. Separate from blue ocean mariculture net pen expansion.

March Meeting in Kona – need full attendance so we can decide who will host away meeting in April  
Tina move to adjourn; Donna 2<sup>nd</sup>; All in favor

#### **Decision-Making (if appropriate)**

**Adjourn: 8:30pm**