

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: amel.s.chun@hawaii.gov
Subject: Submitted testimony for HB1478 on Mar 20, 2015 14:45PM
Date: Wednesday, March 18, 2015 8:36:34 AM
Attachments: [HB1478HD1_LNR_03-20-15_WTL-ENE.pdf](#)

HB1478

Submitted on: 3/18/2015

Testimony for WTL/ENE on Mar 20, 2015 14:45PM in Conference Room 224

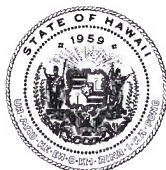
Submitted By	Organization	Testifier Position	Present at Hearing
Carty S. Chang	DLNR	Support	Yes

Comments: DLNR strongly supports this bill, provided that its passage does not adversely impact priorities indicated in the Executive Biennium Budget request.

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DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

CARTY S. CHANG
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DANIEL S. QUINN
INTERIM FIRST DEPUTY

W. ROY HARDY
ACTING 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

**Testimony of
CARTY S. CHANG
Interim Chairperson**

**Before the Senate Committees on
WATER AND LAND
and
ENERGY AND ENVIRONMENT**

**Friday, March 20, 2015
2:45 PM
State Capitol, Conference Room 224**

**In consideration of
HOUSE BILL 1478, HD 1
RELATING TO THE HAWAIIAN ISLANDS HUMPBACK WHALE NATIONAL
MARINE SANCTUARY**

House Bill 1478, HD1 proposes to establish the Hawaiian Islands Humpback Whale National Marine Sanctuary (Sanctuary) program, within the Department of Land and Natural Resources (Department); establish the sanctuary co-manager position; and appropriates general funds for the sanctuary co-manager and costs relating to State co-management of the Sanctuary. **The Department strongly supports this bill, provided that its passage does not adversely impact priorities indicated in the Executive Biennium Budget request.**

The Sanctuary was established in 1992 by United States Congress and Sanctuary waters currently comprise almost 25% (800 square miles) of all State waters in the Main Hawaiian Islands. The Sanctuary is co-managed by the National Oceanic and Atmospheric Administration (NOAA) and the State of Hawaii by way of the "Compact Agreement for Coordinated Management of Hawaiian Islands Humpback Whale National Marine Sanctuary" signed May 4, 1998. The State entered into the co-management agreement with NOAA to improve interagency coordination and enhance the management of Hawaii's humpback whales and other marine resources.

Since 1998, the State program has always been fully funded by NOAA. However, over the last several years, federal funding has declined by over 70% and future funding is uncertain. Furthermore, the Sanctuary and the State's co-management program have never been formally

established under state law and no state funding has never been provided. State recognition and state funding of co-management are critical to maintain state sovereignty and to underscore the State's commitment to co-management over the long-term.

In spring 2015, NOAA will propose to expand the Sanctuary from management of humpback whales to management of all natural and cultural resources in its boundaries. NOAA will also propose to expand Sanctuary boundaries to overlay more than 30% (1,000 square miles) of State waters in the Main Hawaiian Islands, including Niihau. The State Co-manager ensures that 1) the current sanctuary is managed with Hawaii's priorities in mind, and 2) NOAA's proposed changes are compatible with Hawaii interests. Now, more than ever, the State of Hawaii needs a Sanctuary co-manager to ensure that the interests of the State and its communities are represented.

The Sanctuary has achieved many successes over the last fifteen years, including disentangling over twenty humpback whales, conducting cutting-edge research, and developing nationally-recognized education and outreach programs. The Department will continue to work with NOAA on more equitable funding for the State and support for these important programs, but to engage successfully in the management of the Sanctuary, State recognition and support must occur and should have happened years ago.

In addition, the Department notes that although funding from NOAA's Office of National Marine Sanctuaries had declined dramatically and makes the appropriations in this bill critical to continued co-management of the Sanctuary, as a result the work of the Department's current Sanctuary staff, approximately \$2.5 million dollars in federal and private funds have come to the Department over the past three years to support programs and personnel that work on community co-management and marine protected species issues.

Lastly, the Department has a few suggested technical edits to HB1478 to make the definitions language consistent with SB1165 which passed out of this committee previously. These are included as track changes below.

HOUSE OF REPRESENTATIVES

TWENTY-EIGHTH LEGISLATURE, 2015
STATE OF HAWAII

H.B. NO. 1478
H.D. 1

A BILL FOR AN ACT

RELATING TO THE HAWAIIAN ISLANDS HUMPBACK WHALE NATIONAL MARINE
SANCTUARY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that the Hawaiian Islands humpback whale national marine sanctuary provides an essential habitat for breeding, calving, and nursing activities of the endangered North Pacific humpback whale. Since 1998, the sanctuary has been co-managed by Hawaii and the National Oceanic and Atmospheric Administration of the United States Department of Commerce. The State and the National Oceanic and Atmospheric Administration entered into a compact for co-management of the sanctuary to improve interagency coordination and to enhance management of Hawaii's humpback whales and other marine resources. However, the State's role in co-managing the sanctuary has yet to be codified under state law.

The purpose of this Act is to establish the Hawaiian Islands humpback whale national marine sanctuary program to

coordinate and fulfill the State's duties in co-managing the Hawaiian Islands humpback whale national marine sanctuary.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER

HAWAIIAN ISLANDS HUMPBACK WHALE NATIONAL MARINE SANCTUARY

§ -1 Definitions. For purposes of this chapter:

"Board" means the board of land and natural resources.

"Compact agreement" means the compact agreement for the coordinated management of the ~~Hawaiian Islands humpback whale national marine~~ sanctuary, as entered into by the State and the National Oceanic and Atmospheric Administration of the United States Department of Commerce for the coordinated management of the sanctuary.

"Department" means the department of land and natural resources.

~~"Sanctuary program~~Program" means the state program co-managing the Sanctuary. Hawaiian Islands humpback whale national marine sanctuary program.

"Sanctuary" means the Hawaiian islands humpback whale national marine sanctuary as designated by Congress in the 1992 Hawaiian Islands National Marine Sanctuary and Protection Act (Subtitle C of Public Law 102-587, as amended by Public Law 104-283) and as may be amended or renamed in accordance with the five-year sanctuary management plan review process established by section 304(e) of the Marine Protection, Research, and

Comment [EYKH1]: Suggest changing the definition of "Program" to address possible future name changes to the Sanctuary. This also matches SB1165_SD1.

Comment [EYKH2]: Suggest using the definition that is in SB1165 to address possible future name changes to the Sanctuary.

Sanctuaries Act of 1972, as amended (16 U.S.C. 1434), title III of which Act is known as the National Marine Sanctuaries Act (16 U.S.C. 1431-1445c).

~~means the Hawaiian Islands humpback whale national marine sanctuary, as designated by the United States Congress in the Hawaiian Islands National Marine Sanctuary Act, as amended.~~

§ -2 **Lead agency.** The department shall be the lead agency in co-managing the sanctuary in accordance with the Hawaiian Islands National Marine Sanctuary Act and the compact agreement. The department shall exercise responsible stewardship in managing, administering, and exercising control over lands, waters, and natural resources relating to the sanctuary.

§ -3 ~~Hawaiian Islands humpback whale national marine~~ **sanctuary program.** There is established the ~~Hawaiian Islands humpback whale national marine~~ sanctuary program within the department to coordinate and fulfill the State's management duties relating to the sanctuary, including:

Comment [EYKH3]: Suggest these changes to match above.

- (1) Issuing applicable permits;
- (2) Providing advice ~~to and recommendations to~~ seeking input from the governor, department, and other state agencies on matters relating to management of the sanctuary, and any review of the sanctuary's management plan, environmental impact statement, or regulations; and

Comment [EYKH4]: Suggest modifying language to include the program's role in any review and/or changes to the sanctuary's management plan, EIS, and/or rules and to better reflect that the program both provides and seeks input.

- (3) Soliciting and accepting grants, donations, and contributions to support management of the sanctuary.

§ -4 **Sanctuary co-manager.** There is established a sanctuary co-manager position within the ~~Hawaiian Islands~~

~~humpback whale national marine~~ sanctuary program to represent the State in management of the sanctuary, including but not limited to all programs, policies, and operations relating to the sanctuary.

§ -5 Penalties. (a) Any person who violates any rule adopted pursuant to, or any term or condition of a permit issued under, this chapter shall be guilty of a petty misdemeanor and, in addition to any other penalties provided by law, shall be fined not less than:

- (1) \$250 for a first offense;
- (2) \$500 for a second offense; and
- (3) \$1,000 for a third or subsequent offense.

(b) Fines assessed pursuant to subsection (a) shall not be suspended or waived.

(c) Any criminal or administrative action taken under this chapter shall not preclude the State from pursuing any other criminal action or forfeiture proceeding otherwise provided by law.

(d) Except as otherwise provided by law, the board or duly authorized representative may impose general administrative penalties as provided in section 187A-12.5.

§ -6 Rules. The board shall adopt rules pursuant to chapter 91 to implement this chapter."

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ or so much

thereof as may be necessary for fiscal year 2015-2016 and the same sum or so much thereof as may be necessary for fiscal year 2016-2017 to establish one full-time sanctuary co-manager position and costs relating to the State's co-management of the ~~Hawaiian Islands humpback whale national marine~~ sanctuary.

Comment [EYKH5]: Suggest these changes to match above.

The sums appropriated shall be expended by the department of land and natural resources for the purposes of this Act.

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. This Act shall take effect on December 24, 2088.

INTRODUCED BY: _____

Report Title:

Hawaiian Islands Humpback Whale National Marine Sanctuary
Program; Appropriation

Description:

Establishes the Hawaiian Islands humpback whale national marine
sanctuary program. Establishes a sanctuary co-manager
position. Appropriates moneys.

*The summary description of legislation appearing on this page is for informational purposes only and is
not legislation or evidence of legislative intent.*

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: dmendes@dbedt.hawaii.gov
Subject: Submitted testimony for HB1478 on Mar 20, 2015 14:45PM
Date: Wednesday, March 18, 2015 6:59:38 AM
Attachments: [HB1478HD1 BED-OP 03-20-15 WTL-ENE.pdf](#)

HB1478

Submitted on: 3/18/2015

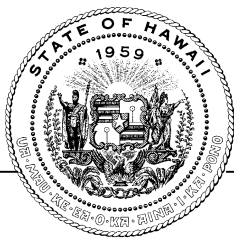
Testimony for WTL/ENE on Mar 20, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Debra Mendes	Office of Planning	Support	No

Comments: Please see attached testimony.

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OFFICE OF PLANNING STATE OF HAWAII

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <http://planning.hawaii.gov/>

DAVID Y. IGE
GOVERNOR

LEO R. ASUNCION
ACTING DIRECTOR
OFFICE OF PLANNING

Statement of
LEO R. ASUNCION
Acting Director, Office of Planning
before the
**SENATE COMMITTEE ON WATER AND LAND
AND
SENATE COMMITTEE ON ENERGY AND ENVIRONMENT**
Friday, March 20, 2015
2:45 PM
State Capitol, Conference Room 224

in consideration of
HB 1478 HD1
**RELATING TO THE HAWAIIAN ISLANDS HUMPBACK WHALE NATIONAL
MARINE SANCTUARY.**

Chairs Thielen and Gabbard, Vice Chairs Galuteria and Green, and Members of the Senate Committees on Water and Land, and Energy and Environment.

The Office of Planning (OP) supports the intent of this bill, HB 1478 HD1, which proposes to establish the Hawaiian Islands humpback whale national marine sanctuary (Sanctuary) program and co-manager position within the Department of Land and Natural Resources (DLNR).

OP administers the State's Coastal Zone Management (CZM) Program. The CZM area encompasses the entire State of Hawaii including the Northwest Hawaiian Islands and extends seaward to the limit of the State's police power and management authority, to include the territorial sea; thus, Sanctuary boundaries overlap with the State's CZM area. Establishing the Sanctuary program benefits the State's CZM program and encourages continued collaboration with a network of agencies for the management of ocean and marine resources.

Given the responsibilities of the State's role as co-manager for the Sanctuary Program, OP respectfully recommends the following technical amendments for clarity and consistency, and to ensure that the governor, department (DLNR), and other state agencies are able to provide input that represents the State's perspective during early stages of management plan updates, environmental impact statements and/or regulations that may arise:

Page 2, Lines 16-17 - to read as follows: "Sanctuary program~~Program~~" means the state program co-managing the Sanctuary. Hawaiian Islands humpback whale national marine sanctuary program.

Page 2, Lines 18-21 - to read as follows: "Sanctuary" means the Hawaiian islands humpback whale national marine sanctuary as designated by Congress in the 1992 Hawaiian Islands National Marine Sanctuary and Protection Act (Subtitle C of Public Law 102-587, as amended by Public Law 104-283) and as may be amended or renamed in accordance with the five-year sanctuary management plan review process established by section 304(e) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended (U.S.C. 1434), title III of which Act is known as the National Marine Sanctuaries Act (16 U.S.C. 1431-1445c). ~~means the Hawaiian Islands humpback whale national marine sanctuary, as designated by the United States Congress in the Hawaiian Islands National Marine Sanctuary Act, as amended.~~

Page 3, Lines 8-10 - to read as follows: § -3 ~~Hawaiian Islands humpback whale national marine s~~ **Sanctuary program.** There is established the ~~Hawaiian Islands humpback whale national marine~~ sanctuary program within the department to coordinate and fulfill the State's management duties relating to the sanctuary, including:

Page 3, Lines 14-16 - to read as follows: (2) Providing advice to and ~~recommendations~~
~~to~~ seeking input from the governor, department, and other state agencies on matters relating to
management of the sanctuary, and any review of the sanctuary's management plan,
environmental impact statement, or regulations; and

Page 5, Line 9 - to read as follows: ~~Hawaiian Islands humpback whale national marine~~
sanctuary.

Thank you for the opportunity to provide testimony on this measure.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: mz@conservehi.org
Subject: Submitted testimony for HB1478 on Mar 20, 2015 14:45PM
Date: Thursday, March 19, 2015 2:17:53 PM
Attachments: [CCH testimony HB 1478 HD 1 SENATE WTL ENE whale sanctuary appropriation.pdf](#)

HB1478

Submitted on: 3/19/2015

Testimony for WTL/ENE on Mar 20, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Marjorie Ziegler	Conservation Council for Hawai'i	Support	No

Comments:

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**Conservation Council
for Hawai'i**

Hawai'i's voice for wildlife

Kō Hawai'i leo no nā holoholona lōhiu



Testimony Submitted to the
Senate Committee on Water and Land
Senate Committee on Energy and Environment
Hearing: Friday, March 20, 2015 2:45 pm, Room 224

In Support of HB 1478 HD 1 Relating to the
Hawaiian Islands Humpback Whale National Marine Sanctuary

Aloha, Chairs Thielen and Gabbard, Vice Chairs Galuteria and Green, and Members of the Committee. The Conservation Council for Hawai'i supports HB 1478 HD 1, which establishes the Hawaiian Islands humpback whale national marine sanctuary program and the Papahānaumokuākea marine national monument program, establishes a co-manager position, and appropriates moneys.

We ask you to appropriate \$127,500 for the position and operations. The Sanctuary is one of the world's most important humpback whale habitats, with more than 10,000 whales visiting Hawai'i each year. The Sanctuary's incredible natural resources draws countless visitors to Hawai'i each year, which subsequently provides essential revenue to hundreds of Hawai'i businesses. Many local nonprofits, conservation organizations, schools and universities also rely on the Sanctuary for its outreach and education programs.

The Sanctuary has been co-managed by the State of Hawai'i and NOAA since 1998. Since that time, the federal government has supported the State Co-Manager position and Sanctuary operations. However, current funding will expire in July 2015.

This is a critical time. In the spring 2015, the federal government will propose shifting the Sanctuary's scope from management of humpback whales to management of all natural and cultural resources in its boundaries. In addition, the proposal will expand Sanctuary boundaries to overlay 30% of State waters (approx. 1,000 square miles).



Conservation Council for Hawai'i is a nonprofit, environmental membership organization dedicated to protecting native Hawaiian plants, animals, and ecosystems for future generations. Established in 1950 and based in Honolulu, CCH is one of the largest and most effective wildlife organizations in Hawai'i with more than 5,000 members and supporters, including concerned citizens, educators, scientists, government agencies, and elected officials.

Through research, education, service, organizing, and legal advocacy, CCH works to stop the destruction of native wildlife and wild places in Hawai'i.

Since 1973, CCH has served as the Hawai'i state affiliate of the National Wildlife Federation.

Telephone/Fax: 808.593.0255 | email: info@conservehi.org | web: www.conservehi.org
P.O. Box 2923 | Honolulu, HI 96802 | Office: 250 Ward Ave., Suite 220 | Honolulu, HI 96814

President: Hannah Kihalani Springer | Vice-President: Julie Leialoha | Treasurer: Bianca Isaki | Secretary: Wayne Tanaka
Directors: Rick Barboza | Ryan Belcher | Maka'ala Ka'aumoana | Koalani Kaulukukui
Executive Director: Marjorie Ziegler | Administrator: Jonnetta Peters



The State Co-Manager has been a consistent voice for the State, for our communities, and for our resources, working closely with a range of partners—fishermen, community advocates, tour operators, cultural practitioners, universities, agencies, and keiki—to address complex issues related to the Sanctuary, as well as Hawaiian monk seals, sea turtles, and other marine protected species.

We need to ensure that the state and Hawai'i communities do not lose the one state position responsible for co-managing its natural resources. Please kokua and allocate enough general funds for the State Co-Manager position and Sanctuary operations.

Mahalo nui loa for the opportunity to testify.

Sincerely,

A handwritten signature in cursive script that reads "Marjorie Ziegler". The ink is dark and the signature is fluid.

Marjorie Ziegler

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: hawaiigreengrowth@gmail.com
Subject: Submitted testimony for HB1478 on Mar 20, 2015 14:45PM
Date: Tuesday, March 17, 2015 1:19:00 PM
Attachments: [HGG Testimony in Support of HB1478 HD1 3.20.15.pdf](#)

HB1478

Submitted on: 3/17/2015

Testimony for WTL/ENE on Mar 20, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Hawai'i Green Growth	Individual	Support	No

Comments:

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**Testimony of Hawai'i Green Growth In Support of HB1478 HD1
Relating to the Hawaiian Islands Humpback Whale National Marine Sanctuary**

Senate Committee on Water & Land and Energy and Environment

20 March 2015, 2:45pm, Room 324

Audrey Newman

Hawai'i Green Growth

P.O. Box 535 Ho'olehua, Hawai'i 96729

Hawai'i Green Growth is a voluntary partnership of more than 60 state, county, federal, business, and non-governmental leaders from energy, food production, natural resources, waste reduction, planning, green jobs, and other sectors who have come together to support a shared statewide commitment and tangible actions toward sustainability and a model green economy.

Aloha Chairs Thielen and Gabbard, Vice Chairs Galuteria and Green, and Members of the Committees,

Hawai'i Green Growth (HGG) strongly supports HB1478 HD1 to establish and appropriate money for the Hawaiian Islands humpback whale national marine sanctuary program and sanctuary co-manager position.

The two State Co-Managers represent state priorities in the large-scale marine protected areas jointly managed with federal agencies: Hawaiian Islands Humpback Whale National Marine Sanctuary and Papahānaumokuākea Marine National Monument (PMNM). The Sanctuary Marine Wildlife Program Coordinator oversees State efforts to reduce recreational fisheries-related hookings, entanglements, and other disturbances of Hawaiian monk seals and sea turtles in the Main Hawaiian Islands. HGG members agreed these critical state marine resource management positions in the Department of Land & Natural Resources are top priorities for legislative action to significantly advance the natural resource management goals of the *Aloha+ Challenge*.

The *Aloha+ Challenge: A Culture of Sustainability – He Nohona 'Ae'ōia* is a joint leadership commitment to achieve six sustainability targets by 2030 in the areas of clean energy, local food production, natural resource management, solid waste reduction, smart growth and climate resilience, green jobs and education. The *Aloha+ Challenge* was unanimously endorsed by the 2014 Legislature (SCR 69) and signed by Hawai'i's Governor, Mayors and Office of Hawaiian Affairs. It was also internationally recognized as a model of integrated sustainability at the UN Conference on Small Island Developing States in Samoa.

As a partnership representing Hawai'i's leaders in environment, food and energy, HGG asks for your support of **HB1478 HD1**, an important investment to ensure the health and productivity of our marine resources.

Mahalo,

A handwritten signature in black ink that reads "Audrey Newman". The signature is fluid and cursive, with the first name "Audrey" written in a larger, more prominent script than the last name "Newman".

Audrey Newman

Senior Advisor, Hawai'i Green Growth (HGG)

Bringing leaders together to achieve sustainability in Hawai'i & be a model for a green economy

<http://www.hawaiigreengrowth.org>

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: jerrod_kowalski@yahoo.com
Subject: Submitted testimony for HB1478 on Mar 20, 2015 14:45PM
Date: Tuesday, March 17, 2015 12:50:46 PM
Attachments: [HB1478.doc](#)

HB1478

Submitted on: 3/17/2015

Testimony for WTL/ENE on Mar 20, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Jerrold Kowalski	Aqua Lung Pacific	Support	No

Comments:

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Re: Strong support for HB 1478

- I am Jerrod Kowalski and I am the General Manager for Aqua Lung Pacific in Aiea.
- **I strongly support legislative efforts to allocate general funds for the State Co-Manager position of the Hawaiian Islands Humpback Whale National Marine Sanctuary** (Sanctuary), as well as the Sanctuary's operations.
- The Sanctuary is an important part of the local culture and community and to business we partner with to support tourism.
- The Sanctuary is one of the world's most important humpback whale habitats, with more than 10,000 whales visiting Hawaii each year.
- The Sanctuary's incredible natural resources draws countless visitors to Hawai'i each year, which subsequently provides essential revenue to hundreds of Hawai'i businesses. Many local nonprofits, conservation organizations, schools and universities also rely on the Sanctuary for its outreach and education programs.
- The Sanctuary has been co-managed by the State of Hawaii and NOAA since 1998. Since that time, the federal government has supported the State Co-Manager position and Sanctuary operations. However, current funding will expire in July 2015.
- This is a critical time. In spring 2015, the federal government will propose shifting the Sanctuary's scope from management of humpback whales to management of all natural and cultural resources in its boundaries. In addition, the proposal will expand Sanctuary boundaries to overlay 30% of State waters (app. 1,000 square miles). Now, more than ever, the State of Hawaii needs a Sanctuary co-manager to ensure that the interests of the State and its communities are represented.
- The State Co-Manager has been a consistent voice for the State, for our communities, and for our resources, working closely with a range of partners—fishermen, community advocates, tour operators, cultural practitioners, universities, agencies, and keiki—to address complex issues related to the Sanctuary, as well as Hawaiian monk seals, sea turtles, and other marine protected species.
- **We need to ensure that the state and Hawaii communities do not lose the one position responsible for co-managing its natural resources.**
- Please allocate general funds for the State Co-Manager position and Sanctuary operations.

Thank you,

Jerrod Kowalski
General Manager
Aqua Lung Pacific

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: kevin@kuahawaii.org
Subject: Submitted testimony for HB1478 on Mar 20, 2015 14:45PM
Date: Tuesday, March 17, 2015 7:51:54 PM
Attachments: [KUA Testimony HB 1478 HD1 3-20-2015.pdf](#)

HB1478

Submitted on: 3/17/2015

Testimony for WTL/ENE on Mar 20, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kevin Chang	Kua'aina Ulu 'Auamo	Support	No

Comments:

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Testimony Before The House
Committee on Water & Land
Committee on Energy & the Environment
IN SUPPORT OF HB 1478 HD1
Friday, March 20, 2015, 2:45PM, Room 224

My name is Kevin Chang and I am the Executive Director of Kua'āina Ulu 'Auamo (or KUA). KUA works to empower grassroots rural and Native Hawaiian mālama 'āina groups to celebrate their places and pass on their traditions to better Hawai'i and achieve 'āina momona— an abundant, productive ecological system that supports community well-being.

KUA supports HB 1478 HD1 as an incremental step towards 'āina momona. This bill would establish the Hawaiian Islands Humpback Whale National Marine Sanctuary (Sanctuary) within DLNR; establishes the co-managed marine area special fund; appropriates general funds.

We employ a community-driven approach that currently supports a network of more than 31 mālama 'āina community groups collectively referred to as E Alu Pū (moving forward together), 40 fishpond projects and practitioners called the Hui Mālama Loko I'a, and a new and growing hui of Limu practitioners from across our state.

Many of the communities in the networks KUA facilitates focus on improving natural resource management and restoration of food and native ecological systems, values and ethics more sensitive to the needs of their wahi (their places). Some of the communities in the networks we facilitate touch upon, interact with and have interests in the borders and shared jurisdiction of the Sanctuary. The collaboration and at sometimes necessary tension between the State and Federal Sanctuary Managers and their overlapping jurisdictions has also led to incremental improvements and evolution of the program in a way more favorable to community input and participation.

This year our federal government will propose shifting the Sanctuary's scope from humpback whales to include all natural and cultural resources in its boundaries. In addition, the proposal will expand Sanctuary boundaries to overlay 30% of State waters (app. 1,000 square miles). Given this shift and the tensions it may bring it is now even more important that our state retain a voice for state and community concerns in this discussion. That voice has been embodied in the State's Sanctuary Co-Manager.

Our communities are committed to ensuring the long-term health of our cultural and natural resources because they have depended on them for generations. This bill among others helps to better support our state's role as a partner with our communities to restore the abundance that we all desire.

Mahalo for this opportunity to testify.
Aloha 'Āina Momona

March 18th, 2015



RE: Testimony recommending strong support for HB 1478

My name is Kristi West and I direct the Hawaii Pacific University (HPU) marine mammal stranding program where I am also an Associate Professor of Biology. I am in strong support of legislative efforts to allocate general funds for the State Co-Manager position of the Hawaiian Islands Humpback Whale National Marine Sanctuary as well as for Sanctuary operations. Many of my students and stranding volunteers are also in strong support of this bill as demonstrated by the attached list of supporters.

Approximately 20-25 whales and dolphins strand throughout the main Hawaiian Islands every year, and the HPU stranding program is responsible for conducting cause of death investigations to document causes of mortality and threats faced by Hawaiian dolphins and whales. While HPU manages the cause of death investigations that follow a dead stranding event, the State Co-Manager (Ms. Elia Herman) plays an equally critical role during stranding events. Specifically, the Department of Land and Natural Resources (DLNR) ensure that human safety remains of paramount importance during whale strandings and the State Co-Manager coordinates logistics for at sea towing of carcasses or land transport for disposal using heavy equipment when floating or beached dead whales attract sharks to popular beaches. Decomposing carcasses also pose human health hazards and disease risks to an untrained public and this has historically been mitigated by at sea towing or by disposal efforts on land that are led by the State Co-Manager at DLNR. Large decomposing sperm or humpback whale carcasses that pose human health hazards occur in the Hawaiian Islands occur on at least an annual basis, and I am very concerned about the potential for negative human health and safety impacts to local communities in the absence of permanent support of the State Co-Manager position.

The State Co-Manager has historically worked cooperatively with other stakeholders to leverage federal funds for the protection and management of endangered marine mammals in Hawaiian waters. Most recently, the State Co-Manager coordinated partners from Cascadia Research Collective, HPU and DLNR while providing oversight for the writing and content development of a Section 6 Endangered Species proposal that was submitted to NOAA by DLNR last fall. Through a nationwide competition among states for federal funding to support endangered species work, this proposal has been recommended for funding and will very likely bring significant federal support to Hawaii. The proposal requests in excess of 1 million federal dollars, and it would not have been possible to prepare and submit such a competitive proposal without the leadership of the State Co-Manager.

College of Natural and Computational Sciences

45-045 Kamehameha Highway
Kāne'ohe, HI 96744-5297
USA

T: +1.808.356.5279
E: conatsci@hpu.edu

Founded in 1965, Hawai'i Pacific University (HPU) has grown to become the state's leading private, not-for-profit university with three campuses, presences on six military bases, and online courses offered to students around the world. HPU maintains strong academic programs, small class sizes, and a diverse faculty and student population.

With students from all 50 U.S. states and more than 80 countries, HPU is a leading destination for foreign students studying abroad and is recognized as one of America's top 20 masters universities in international enrollment.

HPU is accredited by the Accrediting Commission for Senior Colleges and Universities of the Western Association of Schools and Colleges (WASC), and has additional accreditations and memberships from nationally recognized groups.

www.hpu.edu

In addition to public safety priorities and leveraging of funds, the State Co-Manager maximizes the opportunity to learn about 20 different species of primarily poorly known dolphins and whales that come ashore in our state during stranding events. Marine mammals are recognized sentinels of ocean health and can provide the first line of detection of ominous changes to our ocean environment. The State Co-Manager coordinates heavy equipment to transport fresh carcasses for examination (such as an endangered Hawaiian false killer whale that stranded last year with 5 fish hooks and a plastic bottle in its stomach) and conducts community outreach. Hawaiian dolphins and whales are an important natural resource to the state of Hawaii and the State Co-Management of Hawaii's marine wildlife is vital to our collective future.

Sincerely,
Kristi West, Ph.D.
Stranding Program Director/Associate Professor of Biology



**College of Natural and
Computational Sciences**

45-045 Kamehameha Highway
Kāne'ohe, HI 96744-5297
USA

T: +1.808.356.5279
E: conatsci@hpu.edu




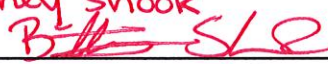

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With students from all 50 U.S. states and more than 80 countries, HPU is a leading destination for foreign students studying abroad and is recognized as one of America's top 20 masters universities in international enrollment.

HPU is accredited by the Accrediting Commission for Senior Colleges and Universities of the Western Association of Schools and Colleges (WASC), and has additional accreditations and memberships from nationally recognized groups.

www.hpu.edu

I strongly support HB 1478, and SB 1165.

Sign Name	Title
Dakota Stetler	HPU student
Juliana Burdette	Aquarium of the Pacific Volunteer (4yrs)
Jackie Ton	Marine Stranding Program member
Nicholas Hofmann	HPU Student
Johanna Johansson	HPU student
Chelsie Nogaj	HPU student
Andrea Tugisany	HPU Student
Samantha Reese	HPU student
Elana Boekman 	Marine Mammal Stranding Program lead
Erin Hanahoe 	marine mammal Stranding Program coordinator
Lauren Tarpley 	Marine Mammal Stranding program lead
Brittney Shook 	Marine mammal Stranding program lead
Trenton Wilder 	Independant
Heather Stambaugh	HPU marine science student
Anabel von Jackowski	HPU Student, Marine Mammals Stranding program volunteer
Sarah Hoffman	HPU student & marine mammal stranding program member
Andrea Norwood	HPU marine biology senior and Marine Mammal Program volunteer
Brittney Shadday	HPU Marine Biology Student
Lindsey McVay	HPU student : environmentalist
Ashley Wagner	HPU student, stranding team, Hawaii resident

I strongly support HB 1478, and SB 1165.

Sign Name	Title
London Lusk	HPU Student
Stephanie Shaw	HPU Graduate Student, MSMS program
Jennette VanderJagt	HPU, msms graduate student
Erin Kelly	HPU, Marine Science graduate student
Lauren Clark	HPU Student
Clare Wolf	Marine Biology Major at HPU.
Caisha Waffel	HPU Marine Biology Student
Ben France	HPU Fisheries Biologist
Caitlyn Gesicki	HPU marine Biology student and stranding volunteer
Katre Frasher	HPU marine Bio student & stranding program lead
Naomi Hughes	HPU marine Biology student.
Claudia Chabola	HPU Marine Biology Student
Kristina Wolf	HPU Marine Biology student / stranding volunteer
Marianna Koza	HPU marine Biology Student
Mari-lee Abram	HPU student
Marlene Reyes	Hawaii Resident
Harrison Kazik	HPU student
Dani Guerin	HPU Marine Biology Undergrad Student
Sarah Soden	Marine Biology student at HPU
Kyanna Tamborini	HPU Marine Biology student / stranding volunteer

sign name	Title
Janelle Van Ruiten	HPU Marine Bio student & animal activist
Kiki Boenel	HPU Marine Bio student
Rachel Partosa	Marine Mammal Stranding Program
Turn Lab	
Matt Daily	Student

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: Leimana.K.Damate@hawaii.gov
Subject: Submitted testimony for HB1478 on Mar 20, 2015 14:45PM
Date: Tuesday, March 17, 2015 2:20:30 PM
Attachments: [AMAC Testimony HB 1478 HD1 WTL-ENE 32015.docx](#)

HB1478

Submitted on: 3/17/2015

Testimony for WTL/ENE on Mar 20, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Leimana DaMate	Aha Moku Advisory Committee	Support	Yes

Comments:

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**Department of Land and Natural Resources
Aha Moku Advisory Committee
State of Hawaii
Post Office Box 621
Honolulu, Hawaii 96809**

Testimony of
Leimana DaMate
Executive Director – Aha Moku Advisory Committee

Before the Senate Committees on
Water and Land,
Energy and Environment

Friday, March 20, 2015
2:45 P.M.
State Capitol, Conference Room 224

**In SUPPORT of
House Bill 1478, HD 1
Relating to the Hawaiian Islands Humpback Whale National Marine Sanctuary**

House Bill 1478 HD 1 establishes the Hawaiian Islands Humpback Whale National Marine Sanctuary Program, establishes a sanctuary co-manager position within the Hawaii State Department of Land and Natural Resources (DLNR) and appropriates general funds for the sanctuary position and costs related to the State co-management of the Sanctuary. **Aha Moku strongly supports this bill as its overall concept reflects the State's long-term commitment to co-manage the resources of the Sanctuary into perpetuity.**

Established in 1992 by Congress, the Sanctuary jurisdiction currently comprises almost 25% of all State waters in the Main Hawaiian Islands. It is co-managed by the National Oceanic and Atmospheric Administration (NOAA) and together, the State and NOAA focused on improving interagency coordination. However, since its creation, NOAA has fully funded both the federal and state program. That funding will expire for the State portion in July 2015. And, while the funding is very important, of more critical concern for the Aha Moku is the strengthening of and continuing co-management of the Sanctuary in state waters.

The Aha Moku, through its moku and ahupua'a communities on each island has studied the Humpback Whale Sanctuary Draft Management Plan which is being processed now. There is consensus that all state waters, including those waters located within the Sanctuary jurisdiction must be strongly co-managed by the State because there are areas within those waters that have been and continue to be used traditionally by native Hawaiian practitioners in cultural and subsistence ways. There is concern that the expanding jurisdiction of the Sanctuary as listed within the current draft plan will impact native Hawaiian practices, thus the support of the State co-manager is an important part of this bill.

The Aha Moku supports this bill, provided that its passage does not adversely impact Native Hawaiian natural and cultural resources, and that it does not adversely impact priorities indicated in the Executive Biennium Budget request.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: makaala@hawaiian.net
Subject: Submitted testimony for HB1478 on Mar 20, 2015 14:45PM
Date: Thursday, March 19, 2015 11:40:31 AM

HB1478

Submitted on: 3/19/2015

Testimony for WTL/ENE on Mar 20, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Makaala Kaaumoana	Hanalei Watershed Hui	Support	No

Comments: The Hanalei Watershed Hui strongly supports this measure and asks for your affirmative vote. We partner with both the Hawaii State DLNR and NOAA Sanctuaries in the study and management of the near shore marine resources in Hanalei. This legislation provides for the State position to coordinate these efforts. Me ka pono, Makaala Kaaumoana, Executive Director

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: mfox@tnc.org
Subject: Submitted testimony for HB1478 on Mar 20, 2015 14:45PM
Date: Tuesday, March 17, 2015 3:54:57 PM
Attachments: [HB 1478 TNC testimony 03 20 15.pdf](#)

HB1478

Submitted on: 3/17/2015

Testimony for WTL/ENE on Mar 20, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Fox	The Nature Conservancy	Support	Yes

Comments:

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Testimony of The Nature Conservancy of Hawai'i
Supporting H.B. 1478 HD1 Relating to the Hawaiian Islands Humpback
Whale National Marine Sanctuary
Senate Committee on Water and Land
Senate Committee on Energy and Environment
Friday, March 20, 2015, 2:45AM, Room 224

For more than 35 years, The Nature Conservancy of Hawai'i has been working closely with government agencies, local businesses, private landowners, non-profit partners, and interested communities across the state to preserve the lands and waters upon which all life in these islands depends. The Conservancy is a private non-profit conservation organization that has helped to protect nearly 200,000 acres of natural lands in Hawai'i. Today, we actively manage more than 35,000 acres in 11 nature preserves on Maui, Hawai'i, Moloka'i, Lāna'i, and Kaua'i, and support 19 coastal communities seeking to co-manage marine resources in partnership with the State of Hawai'i.

The Nature Conservancy supports H.B. 1478 HD1 to formally establish the program and co-manager position in the DLNR to represent the State's interests in the Hawaiian Islands Humpback Whale National Marine Sanctuary.

The Humpback Whale Sanctuary surrounding the main Hawaiian Islands overlaps with some of the most important marine assets belonging to the State of Hawai'i. The federal government has supported the State co-manager position for the Sanctuary for many years, but those funds are going away. It is critical that the State support its share of the co-management partnership for these resources and, perhaps more importantly, ensure that its interests are properly represented going forward.

National Marine Sanctuaries play a valuable role in the marine conservation. Not only are they designed to protect important biological and archeological resources, they have served as test beds for new management techniques, provide critical research and monitoring opportunities that extend beyond their boundaries, and have helped to increase public education and awareness of ocean issues and the role healthy oceans play in our lives and livelihoods.

In spring 2015, the federal government will propose shifting the Whale Sanctuary's scope from management of humpback whales to management of all natural and cultural resources in its boundaries. In addition, the proposal will expand Sanctuary boundaries to overlay 30% of State waters (~1,000 square miles). Now, more than ever, the State of Hawai'i needs and established program and Sanctuary co-manager in DLNR to ensure that the interests of the State and Hawai'i's people are represented in the joint management of these resources with the federal government.

Thank you for the opportunity to testify on this measure.

BOARD OF TRUSTEES

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A. Catherine Ngo James C. Polk Chet A. Richardson Jean E. Rolles Scott C. Rolles Crystal K. Rose
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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: philferna@gmail.com
Subject: Submitted testimony for HB1478 on Mar 20, 2015 14:45PM
Date: Thursday, March 19, 2015 10:49:32 AM
Attachments: [HFACT HB1478HD1.pdf](#)

HB1478

Submitted on: 3/19/2015

Testimony for WTL/ENE on Mar 20, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Philip Fernandez	Hawaii Fishermen's Alliance for Conservation and Tradition, Inc.	Support	No

Comments: HFACT SUPPORTS HB1478, HD1.

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Senator Laura H. Thielen Chair
Senator Brickwood Galuteria, Vice Chair
Committee on Water & Land

Senator Mike Gabbard, Chair
Senator Josh Green, Vice-Chair
Committee on Energy and Environment

From: Hawaii Fishermen's Alliance for Conservation and Tradition, Inc. (HFACT)

Date: March 19, 2015

Subject: **SUPPORT OF HB1478, HD1**
Relating to Hawaiian Islands Humpback Whales National Marine Sanctuary

Hawaii Fishermen's Alliance for Conservation and Tradition, Inc. (HFACT) is a Hawaii 501(c)(5) organization that advocates for fishermen throughout the State of Hawaii. HFACT advocates for managed, where appropriate, fisheries that are based on science. Our goal is to have marine resources that are sustainable for generations to come.

HFACT **supports** the establishment of a permanent and state-funded co-manager position within the Department of Land and Natural Resources to represent the State in the management of the Hawaiian Islands Humpback Whale National Marine Sanctuary.

Having a co-manager funded by the State, and not through grants from the federal government will provide total independence from federal "strings" that may be attached to federal funds. A State co-manager can better represent the people of Hawaii and balance the federal and national interests represented by the federal Sanctuary Superintendent. We need a voice at the table, and that voice is the State co-manager.

A local state employee is better connected to the wants and needs of the people of Hawaii. It is clear that there may be divergent interests between the State and National interests – the only way to balance these interests is to have a State co-manager.

A State co-manager can bring better local engagement through better local knowledge, can engage local communities better, and can provide better local monitoring and enforcement.

To have ordered and principled decision making, we must have State representation in the leadership of Sanctuary management.

Sincerely,

Phil Fernandez
President, Hawaii Fishermen's Alliance for Conservation and Tradition, Inc

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: hodges@mnsrc.org
Subject: Submitted testimony for HB1478 on Mar 20, 2015 14:45PM
Date: Wednesday, March 18, 2015 7:08:46 PM
Attachments: [150318_HB1478_HIHWNMScManagementSupportLetter.pdf](#)

HB1478

Submitted on: 3/18/2015

Testimony for WTL/ENE on Mar 20, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Robin Newbold	Individual	Support	No

Comments:

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Working together to restore clean water, healthy coral reefs and abundant native fish populations to the islands of Maui Nui.

Robin Newbold, Chair

Tegan Hammond,
MCRP Coordinator

Amy Hodges,
Program Assistant

Irene Bowie

Rich Brunner

Jay Carpio

Linda Nakagawa Castro

Rhiannon Chandler

Mark Deakos

Lucienne deNaie

Scott Fisher

John Gorman

Wendy Harvey

Harry Hecht

Sol Kaho'ohalahala

Robin Knox

Ekolu Lindsey

Takeo Miyaguchi

Tamara Paltin

Dana Reed

Rina Sampson

Larry Stevens

Ananda Stone

Darla White

March 18, 2015

Committee Chair Senator Laura Thielen
Water and Land Committee

**Re: Relating to the Hawaiian Islands Humpback Whale National Marine Sanctuary
- HB 1478**

Aloha Senators:

The Maui Nui Marine Resource Council respectfully submits support for legislative efforts to allocate general funds for the State Co-Manager position of the Hawaiian Islands Humpback Whale National Marine Sanctuary (HIHWNMS) and its operations.

Our council consists of 22 members and numerous advisors who represent a broad spectrum of the community including commercial, recreational and subsistence fishers; ocean tourism businesses; scientists, educators and cultural practitioners. Our goals are to have clean water, healthy reefs, and abundant native fish.

The people of Maui Nui depend on Sanctuary waters for cultural, ecological, subsistence, and economic purposes. Protecting this resource requires the cooperation of agencies and organizations at all levels.

The HIHWNMS has been an invaluable partner for us and many other Maui-based organizations. The State Co-Manager has been a consistent voice for the State, for our communities, and for our resources. As the Sanctuary's management scope shifts from species specific to ecosystem based to include all natural and cultural resources in its boundaries, the State Co-Manager's role will become increasingly important in marine resource conservation.

We encourage you to ensure that the State continues to co-manage its natural resources in partnership with the Federal government. Please allocate general funds for the State Co-Manager position and Sanctuary operations.

Thank you,

Robin Newbold

Chair and Co-Founder, Maui Nui Marine Resource Council

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: toi@hawaii.rr.com
Subject: Submitted testimony for HB1478 on Mar 20, 2015 14:45PM
Date: Wednesday, March 18, 2015 9:04:24 AM

HB1478

Submitted on: 3/18/2015

Testimony for WTL/ENE on Mar 20, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Thomas	DLNR Board Member, Kauai	Support	No

Comments: HB 1478 is very important to the people of Hawaii because this bill will continue to give Hawaii input on what NOAA plans are for the State of Hawaii. Without it we may have State like North Dakota deciding the faith of Hawaii ocean waters. Please support HB 1478 HD-1

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: clewis@hawaiiantel.net
Subject: Submitted testimony for HB1478 on Mar 20, 2015 14:45PM
Date: Thursday, March 19, 2015 2:34:01 PM
Attachments: [OTC-HB 1478, HD 1 - Relating to Humpback Whales.pdf](#)

HB1478

Submitted on: 3/19/2015

Testimony for WTL/ENE on Mar 20, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Tim Lyons	Ocean Tourism Coalition	Support	Yes

Comments: Please deliver on behalf of Tim Lyons, Executive Director of the Ocean Tourism Coalition. Thank you.

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Ocean Tourism Coalition

The Voice for Hawaii's Ocean Tourism Industry
Century Square-1188 Bishop St., Ste. 1003
Honolulu, HI 96813-3304
(808) 537-4308 Phone (808) 533-2739 Fax
timlyons@hawaiiantel.net

March 20, 2015

Testimony To: Senate Committee on Water and Land
Senator Laura H. Thielen, Chair

Senate Committee on Energy and Environment
Senator Mike Gabbard, Chair

From: Tim Lyons, CAE
Executive Director

Subject: H.B. 1478, HD 1 - RELATING TO THE HAWAIIAN ISLANDS HUMPBACK
WHALE NATIONAL MARINE SANTUARY

Chair Thielen, Chair Gabbard and Members of the Joint Committee:

I am Tim Lyons, Executive Director of the Ocean Tourism Coalition and we support this bill.

The OTC represents over 300 small ocean tourism business state-wide. Most of these are family businesses which are locally owned and operated. Many of them have been in business for several decades and are an important and valued part of their respective communities.

The Ocean Tourism Industry depends on an environment that is healthy and protected. The Whale Sanctuary enjoys strong support from our members. The Sanctuary has been co-

managed by the State of Hawaii and NOAA since 1998. Historically the Feds have funded this State Co-manager position.

We understand that this necessary funding has been cut from the Federal budget as of July, 2015. It is absolutely vital that the State of Hawaii not lose this very important position and be able to have a voice in how to manage our state waters. Without a state funded manager we have no voice.

The Co-Manager will look out for the interests of the people and the State of Hawaii. We must continue to have this voice to protect our collective interests.

The OTC humbly asks you to pass H.B. 1478, HD1 and fund this vital position.

Thank you.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: pack@hawaii.edu
Subject: Submitted testimony for HB1478 on Mar 20, 2015 14:45PM
Date: Wednesday, March 18, 2015 11:01:26 PM
Attachments: [AA Pack testimony HB1478 HD1.pdf](#)

HB1478

Submitted on: 3/18/2015

Testimony for WTL/ENE on Mar 20, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Adam Pack	Individual	Support	No

Comments:

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Date: March 18, 2015

To: Senate Committee on Water and Land
Conference Room 224
Hawai'i State Capitol
415 S. Beretania St.
Honolulu, HI 96813

From: Adam A. Pack, Ph.D.

Re: STRONG SUPPORT FOR HB 1478 HD1

Testimony:

Aloha Chairpersons Thielen and Galuteria and Committee Members:

I STRONGLY SUPPORT HB 1478 HD1, which establishes the Hawaiian Islands Humpback Whale National Marine Sanctuary Program within DLNR and allocates general funds for the State Sanctuary Co-Manager position and Sanctuary Co-Management operations.

I am Dr. Adam Pack, an Associate Professor in the Departments of Biology and Psychology at University of Hawaii at Hilo. I am also the current elected Chair of the Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council, although for the purposes of this testimony I am only representing myself as a long-time resident in the Hawaiian Islands. I have lived in Hawaii since 1983, and for the past 20 years have been working in the coastal waters off Maui, Oahu and Hawaii Island studying the social ecology, migratory patterns, biology, behavior, and communication systems of our humpback whales. I have published over 25 scientific papers and reports on Hawaii's humpbacks that have provided State and Federal agencies with important information to assist them in the protection and conservation of this endangered species and official State of Hawaii marine mammal.

Hawaii is the principal destination for North Pacific humpback whales migrating from feeding areas in Alaska and elsewhere along the Northern Pacific rim. Each winter and spring, over 10,000 humpbacks congregate in Hawaii's waters to breed, calve and raise their young. Because these activities occur along our coastlines and often involve spectacular aerial displays, they attract tens of thousands of visitors from around the world and constitute a significant economic factor in Hawaii. The total economic impact of Hawaii's humpback whale tour boat industry alone was estimated at \$19-27 million per year back in 1999, supporting nearly 400 jobs (Utech, 2000) and has continued to grow over the last 15 years.

In 1992, U.S. Congress designated the Hawaiian Islands Humpback Whale National Marine Sanctuary (Sanctuary), and in 1998, Governor Cayetano signed a Compact Agreement recognizing a joint State and Federal partnership of the Sanctuary. As part of that original agreement, funding to support the State of Hawaii Co-Manager Position housed in DLNR was to be provided by NOAA pending availability of funds. However, as you are aware, in recent years federal funding for many programs has been cut making budgets and budget planning tenuous at best. At the same time, the Sanctuary's community-based advisory

council has recommended as part of the Sanctuary's management plan review and planning process expanding from a single species sanctuary to one that recognizes the importance of the entire marine ecosystem. I believe that this recommendation is a positive move for the Sanctuary as long as it's commitment to humpback whales is maintained.

However, I also believe that if the State of Hawaii is to be a true partner with NOAA, play a significant role in co-managing the Sanctuary, and live up to its own rights and responsibilities for the protection of Hawaii's fragile marine environment, it must at this critical juncture provide its own State resources to permanently establish and fully fund the State Co-Management Sanctuary Program within DLNR including the allocation of funds for the State Co-Manager Position and Sanctuary Co-Management operations. By providing this funding, the State's ability to co-manage the Sanctuary would not be dependent on fluctuations in federal budgets. Furthermore, the State would be clearly demonstrating to all its long-term commitment to its partnership and active participation in the Sanctuary, as well as to the protection and conservation of Hawaii's marine resources. To best manage Hawaii's marine resources, a true partnership in all senses of the word makes sense, particularly as the Sanctuary considers expanding the resources it manages. More than that, it is simply *pono*. **I therefore urge you to pass HB 1478 HD1.**

I sincerely thank you for your time and consideration, and for all that you do to protect Hawaii nei.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Pack". The signature is fluid and cursive, with a large initial "A" and a stylized "P".

Adam A. Pack, Ph.D.

References Cited:

Utech, D. (2000). 'Valuing Hawaii's Humpback Whales: The Economic Impact of Humpbacks on Hawaii's Ocean Tour Boat Industry' in 'The Economic Contribution of Whale Watching to Regional economies: Perspectives From Two National Marine Sanctuaries', Marine Sanctuaries Conservation Series MDS-00-2.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: d.raney108@gmail.com
Subject: Submitted testimony for HB1478 on Mar 20, 2015 14:45PM
Date: Tuesday, March 17, 2015 4:26:09 PM
Attachments: [TESTIMONY IN FAVOR OF HB 1478 HD1 032015.docx](#)

HB1478

Submitted on: 3/17/2015

Testimony for WTL/ENE on Mar 20, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Dave Raney	Individual	Support	No

Comments:

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COMMITTEE ON WATER AND LAND
COMMITTEE ON ENERGY AND ENVIRONMENT

Friday, March 20, 2015 2:45 2:45 PM

TESTIMONY IN SUPPORT OF HB 1478 HD1

RELATING TO THE HAWAIIAN ISLANDS
HUMPBACK WHALE NATIONAL MARINE SANCTUARY

Chairpersons Thielan and Gabbard, and distinguished committee members:

My name is Dave Raney. I am a former member of the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Advisory Council, and I support passage of HB 1478 HD1.

The Hawaiian Humpback Whale National Marine Sanctuary is based on partnerships between the state of Hawai'i and the federal government. Co-management between equal partners is a key, and beneficial, principle underlying these partnerships.

Many of the most important natural resources in these marine protected areas are found within state waters. HB 1478 will provide the Department of Land and Natural Resources with the legal authorities and financial means for the State to properly carry out its Co-Management responsibilities, and will demonstrate the State's commitment to the effective management of the public trust resources involved.

The dollar amounts are modest, and the benefits are significant. I urge passage of HB 1478 HD1.

Mahalo for the opportunity to present my testimony on this important matter.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: jamesjtz@aol.com
Subject: *Submitted testimony for HB1478 on Mar 20, 2015 14:45PM*
Date: Wednesday, March 18, 2015 6:57:31 PM

HB1478

Submitted on: 3/18/2015

Testimony for WTL/ENE on Mar 20, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
James Gauer	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: kwest@hpu.edu
Subject: Submitted testimony for HB1478 on Mar 20, 2015 14:45PM
Date: Thursday, March 19, 2015 11:00:11 AM
Attachments: [HB Water and Land Committee 03-19-15.pdf](#)

HB1478

Submitted on: 3/19/2015

Testimony for WTL/ENE on Mar 20, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kristi West	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: lherman@hawaii.edu
Subject: Submitted testimony for HB1478 on Mar 20, 2015 14:45PM
Date: Thursday, March 19, 2015 1:23:49 PM
Attachments: [Testimony 2 suporting HB1473.doc](#)

HB1478

Submitted on: 3/19/2015

Testimony for WTL/ENE on Mar 20, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Louis Herman	Individual	Support	No

Comments:

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03/19/15

TO: Committees on WTL/ENE, WAM

RE: Testimony in **STRONG** support of HB1478 HD1

FROM: Louis M. Herman, Ph.D.

I served for several years as Conservation Chair of the Sanctuary Advisory Committee ("SAC") of the Hawaii Islands Humpback Whale National Marine Sanctuary ("Sanctuary"). I therefore had opportunity to observe the process of management of the Sanctuary. It is my strong conviction that the State's role and influence in the management of the Sanctuary and its natural, historical, and cultural resources will be greatly aided by passage of HB 1478 HD1. The Sanctuary boundaries lie almost entirely within State waters, so it is reasonable, indeed imperative, that the State be a full participant in the management of those waters and its resources.

To effect that strong role of State co-management, I respectfully urge you to pass HB 1478 HD1.

Mahalo!

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: babyjean@hotmail.com
Subject: *Submitted testimony for HB1478 on Mar 20, 2015 14:45PM*
Date: Monday, March 16, 2015 1:50:16 PM

HB1478

Submitted on: 3/16/2015

Testimony for WTL/ENE on Mar 20, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Ronnie Perry	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: maunalei.ahupuaa@gmail.com
Subject: Submitted testimony for HB1478 on Mar 20, 2015 14:45PM
Date: Thursday, March 19, 2015 8:34:10 AM

HB1478

Submitted on: 3/19/2015

Testimony for WTL/ENE on Mar 20, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Solomon P. Kahooalahala	Individual	Support	No

Comments: I am in full support of HB1478, HD1. The state of Hawaii's participation is vital in the co-management of the the Hawaiian Islands Humpback Whale National Marine Sanctuary with NOAA. The co-management position established within DLNR will insure that our work to support the sanctuary waters throughout the Hawaiian Islands will have shared oversight and responsibility as we plan for the care and protection of our precious marine resources. Mahalo for your full consideration of this measure.

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: thorneabbott@yahoo.com
Subject: *Submitted testimony for HB1478 on Mar 20, 2015 14:45PM*
Date: Tuesday, March 17, 2015 9:49:37 PM

HB1478

Submitted on: 3/17/2015

Testimony for WTL/ENE on Mar 20, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Thorne Abbott	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: jkittinger@gmail.com
Subject: Submitted testimony for HB1478 on Mar 20, 2015 14:45PM
Date: Wednesday, March 18, 2015 12:17:19 PM
Attachments: [Testimony for HB1478 - J Kittinger.pdf](#)

HB1478

Submitted on: 3/18/2015

Testimony for WTL/ENE on Mar 20, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
John N. Kittinger	Individual	Comments Only	No

Comments: Testimony of JOHN N. (JACK) KITTINGER, PHD In consideration of HB1478 Relating to the State of Hawai'i's Co-Manager for the Hawaiian Islands Humpback Whale National Marine Sanctuary I strongly support legislative efforts to allocate general funds for the State Co-Manager position of the Hawaiian Islands Humpback Whale National Marine Sanctuary I am the acting Secretary of the Sanctuary Advisory Council for the Hawaiian Islands Humpback Whale National Marine Sanctuary and have worked on coastal conservation issues for over 8 years in the Hawaiian Islands. My family and I live in Niu Valley, Oahu. The Hawaiian Islands Humpback Whale National Marine Sanctuary is one of the world's most important humpback whale habitats, with more than 10,000 whales visiting Hawaii each year. Further, the Sanctuary's incredible natural resources draws countless visitors to Hawai'i each year, which subsequently provides essential revenue to hundreds of Hawai'i businesses. Many local nonprofits, conservation organizations, schools and universities also rely on the Sanctuary for its outreach and education programs. The Sanctuary has been co-managed by the State of Hawaii and NOAA since 1998. Since that time, the federal government has supported the State Co-Manager position and Sanctuary operations. However, current funding will expire in July 2015. This is a critical time. In spring 2015, the federal government will propose shifting the Sanctuary's scope from management of humpback whales to management of all natural and cultural resources in its boundaries – a shift that has been endorsed by the Sanctuary Advisory Council and has engendered a broad base of support from community members. In addition, the proposal will expand Sanctuary boundaries to overlay 30% of State waters (app. 1,000 square miles). Now, more than ever, the State of Hawaii needs a Sanctuary co-manager to ensure that the interests of the State and its communities are represented. The State Co-Manager has been a consistent voice for the State, for our communities, and for our resources, working closely with a range of partners—fishermen, community advocates, tour operators, cultural practitioners, universities, agencies, and keiki—to address complex issues related to the Sanctuary, as well as Hawaiian monk seals, sea turtles, and other marine protected species. For the State of Hawaii to be an effective management partner in this collaboratively managed site, we need to ensure that the co-manager position is adequately supported. Please allocate

general funds for the State Co-Manager position and Sanctuary operations. Thank you, John N. (Jack) Kittinger, PhD

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Testimony of
JOHN N. (JACK) KITTINGER, PHD

In consideration of
HB1478
Relating to the State of Hawai'i's Co-Manager for the Hawaiian Islands Humpback Whale
National Marine Sanctuary

I strongly support legislative efforts to allocate general funds for the State Co-Manager position of the Hawaiian Islands Humpback Whale National Marine Sanctuary

I am the acting Secretary of the Sanctuary Advisory Council for the Hawaiian Islands Humpback Whale National Marine Sanctuary and have worked on coastal conservation issues for over 8 years in the Hawaiian Islands. My family and I live in Niu Valley, Oahu.

The Hawaiian Islands Humpback Whale National Marine Sanctuary is one of the world's most important humpback whale habitats, with more than 10,000 whales visiting Hawaii each year. Further, the Sanctuary's incredible natural resources draws countless visitors to Hawai'i each year, which subsequently provides essential revenue to hundreds of Hawai'i businesses. Many local nonprofits, conservation organizations, schools and universities also rely on the Sanctuary for its outreach and education programs.

The Sanctuary has been co-managed by the State of Hawaii and NOAA since 1998. Since that time, the federal government has supported the State Co-Manager position and Sanctuary operations. However, current funding will expire in July 2015.

This is a critical time. In spring 2015, the federal government will propose shifting the Sanctuary's scope from management of humpback whales to management of all natural and cultural resources in its boundaries – a shift that has been endorsed by the Sanctuary Advisory Council and has engendered a broad base of support from community members. In addition, the proposal will expand Sanctuary boundaries to overlay 30% of State waters (app. 1,000 square miles). Now, more than ever, the State of Hawaii needs a Sanctuary co-manager to ensure that the interests of the State and its communities are represented.

The State Co-Manager has been a consistent voice for the State, for our communities, and for our resources, working closely with a range of partners—fishermen, community advocates, tour operators, cultural practitioners, universities, agencies, and keiki—to address complex issues related to the Sanctuary, as well as Hawaiian monk seals, sea turtles, and other marine protected species.

For the State of Hawaii to be an effective management partner in this collaboratively managed site, we need to ensure that the co-manager position is adequately supported.

Please allocate general funds for the State Co-Manager position and Sanctuary operations.

Thank you,

John N. (Jack) Kittinger, PhD