



SB376 SD2 HD1
RELATING TO THE ENVIRONMENT
House Committee on Energy & Environmental Protection

March 14, 2023

9:30 AM

Room 325

The Office of Hawaiian Affairs (OHA) offers its **STRONG SUPPORT** for SB376 SD2 HD1, which would prohibit the mining, extraction, and removal of minerals from the seabed in all state marine waters while protecting the existing rights privileges, and practices of Native Hawaiians.

Hawaii State Constitution, Article XI, section 1 provides as follows: “For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawaii’s natural beauty and all natural resources, including land, water, air, minerals, and energy sources, and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State. All public natural resources are held in trust by the State for the benefit of the people.”

The seabed in all state marine waters, are a part of the ceded lands¹ to Section 5(f) of the Act refers to the crown and government lands of the Hawaiian Kingdom, which had been designated “ceded” to the Republic of Hawai‘i, and then to the United States. The Act conveyed these lands to the new State of Hawai‘i with the caveat that revenues were to constitute a trust for five purposes. One of these was the betterment of the conditions of Native Hawaiians. By any measure, those conditions were sorely in need of improvement, but, by 1978, they had not changed for the better, as the state’s trust obligation went ignored.

The ceded lands, consisting of crown lands, once property of the Hawaiian monarchy, and of the government lands of the Kingdom of Hawai‘i, totaled 1.8 million acres upon annexation in 1898. Pursuant to the Joint Resolution of Annexation, all of these lands were considered transferred or “ceded” to the United States government “for the benefit of the inhabitants of the Hawaiian Islands.” Underscoring the federal trust responsibility are the findings of the US Congress in the Apology Resolution² (emphasis added):

¹ Note the term “ceded” is used to reference the classification of the lands in discussion and does not imply an acceptance of the illegal overthrow of the Hawaiian monarchy in 1893, the subsequent United States actions of annexation, territorial government and statehood. This testimony notes that the lands were ceded without the consent of or compensation to the Native Hawaiian people of Hawaii or other sovereign government (P.L. 103-15019)

² Public Law 103-150 (1993)



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“Whereas, the Republic of Hawaii also ceded 1,800,000 acres of crown, government, and public lands of the Kingdom of Hawaii, without the consent of or compensation to the Native Hawaiian people of Hawaii or their sovereign government.”

“Whereas, the indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States, either through their monarchy or through a plebiscite or referendum”

Upon statehood in 1959, the federal government returned to the State of Hawai‘i all ceded lands not set aside for its own use. Section 5(f) of the Admission Act, directed the state to hold the lands in trust, listed the following five purposes: 1. The support of public education; 2. The betterment of the conditions of native Hawaiians as defined in the Hawaiian Homes Commission Act of 1920; 3. The development of farm and home ownership; 4. The making of public improvements; and 5. The provision of lands for public use.

Thus, the Federal Government delegated a portion of its fiduciary duties to the indigenous peoples of Hawai‘i, which courts have found must be “judged by the most exacting fiduciary standards,” to the State of Hawai‘i via the Admissions Act, Section 5(f) of the public trust lands. Yet 63 years after statehood, the State does not have a complete inventory of classified public trust lands. In addition, a complete inventory of ceded lands, including classifications by former Kingdom Government and Crown lands, and by holdings by the federal, state and county governments, is critical for the federal government to uphold its federal trust responsibility to Native Hawaiians.

OHA works to advocate on behalf of the Native Hawaiian community for the protection of the Native Hawaiian culture, language, and people. The ocean and its resources are integral, not only to Native Hawaiian culture, but to the identity of the Native Hawaiian people. Protecting the health and life of the ocean is in essence, tantamount to protecting the health and life of the Native Hawaiians, Hawai‘i, and all those who call Hawai‘i home. Without the ocean, there is no life.

The global consensus on seabed mining has been moving toward a prohibition on the exploitation of seabed minerals to protect the health of the ocean, with indigenous peoples across the world leading the charge. Following a meeting of the International Group of Seven (G7) in Berlin from May 26-27, 2022, the G7 Ministers of Climate, Energy, and the Environment released



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a Communiqué highlighting the G7’s position that deep-sea mining could have *“potentially devastating impacts on marine ecosystems and the functioning of the ocean as a climate regulator”* and stated that the international regulation of deep-sea mining is necessary.³ During the 2022 UN Ocean Conference in Lisbon, the nations of Palau and Fiji launched an alliance advocating for a moratorium on deep sea mining.⁴ the Prime Minister of Fiji called for a ban on deep seabed mining by 2030, and it was noted by the conference that “[c]ivil society representatives almost uniformly advocated a moratorium on deep seabed mining.”⁵ Prior to the UN-affiliated International Seabed Authority Council in Kingston, Jamaica, from October 31 – November 11, 2022, 10 of the Council’s 36 member states took positions against deep sea mining, with *Germany, France, Spain, Costa Rica, New Zealand, Chile, Panama, Fiji, and the Federated States of Micronesia demanding “a moratorium on mining due to a lack of scientific data on the areas of the seabed targeted for exploitation”*, while at the 2022 United Nations Climate Change Conference, *President Emmanuel Macron of France “called for an outright ban on deep sea mining”*.⁶

OHA supports the purpose of this measure and the spirit of the language to ensure that Hawaii will align with the growing global consensus regarding seabed mining by prohibiting such practices, this prohibition will not detract from existing Native Hawaiian rights, practices, and privileges by explicitly exempting Native Hawaiian rights, practices, and privileges from the prohibition.

³ International Group of Seven, “G7 Climate, Energy and Environment Ministers’ Communiqué”, G7 Germany 2022, May 27, 2022 (available at https://www.bmuv.de/fileadmin/Daten_BMU/Download_PDF/Europa_International/g7_climate_energy_environment_ministers_communique_bf.pdf)

⁴ Catarina Demony et al, “‘Not worth the risk’: Palau, Fiji call for deep-sea mining moratorium”, Reuters, June 27, 2022 (available at <https://www.reuters.com/business/environment/not-worth-risk-palau-fiji-call-deep-sea-mining-moratorium-2022-06-27/>)

⁵ United Nations, “Report of the 2022 United Nations Conference to Support the Implementation of Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development”, UN Ocean Conference in Lisbon, Portugal, June 27 – July 1, 2022, (available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/454/51/PDF/N2245451.pdf?OpenElement>)

⁶ Woody, Todd, “More Governments Are Turning Against the Rush to Mine the Deep Sea”, Bloomberg News, November 7, 2022 (available at <https://www.bloomberg.com/news/articles/2022-11-07/more-governments-are-turning-against-the-rush-to-mine-the-deep-sea>)



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OHA appreciates the opportunity to support this measure and asks the Legislature to **PASS SB376 SD2 HD1** to preserve and protect Native Hawaiian cultural rights, practices, and traditions and our precious natural environment. Mahalo nui loa.

SB-376-HD-1

Submitted on: 3/17/2023 7:55:19 PM

Testimony for WAL on 3/22/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|------------------------|---------------------------|---------------------------|
| Lisa Bishop | Friends of Hanauma Bay | Support | Written Testimony Only |

Comments:

Aloha Chair, Vice Chair, and Committee Members,

Friends of Hanauma Bay urges you to pass this important bill!

With Aloha,

Lisa Bishop

President



Aloha Committee Members,

My name is Arwen Revere and I am a high school student from Kailua. Today, I am representing the environmental organization Wild Kids. We strongly support SB376 which would prohibit mining, extracting, and removing minerals from the seabed in all state marine waters as well as prohibit the issuance of any permit for or in connection with the development or operation of any facility or infrastructure associated with the mining, extraction, or removal of minerals from the seabed within state marine waters.

Seabed mining poses an unacceptably high risk of damage and disruption to marine environments and the wildlife that inhabits them. Additionally, this practice is not consistent with the public interest, including the right that each person has to a clean and healthy environment as enshrined in Article XI, section 9, of our State Constitution.

Thank you for hearing our testimony,

Arwen Revere on behalf of Wild Kids



Senate Committee on Water and Land

Hearing: Wednesday, March 22, 2023

TESTIMONY IN SUPPORT OF SB376: RELATING TO THE ENVIRONMENT

The Hawaii State Youth Commission (HiYC) was established to “advise the governor and legislature on the effects of legislative policies, needs, assessments, priorities, programs, and budgets concerning the youth of the state.” We are writing in strong support of SB376.

The youth of today and tomorrow deserve clean waters with healthy, robust ecosystems, and we believe that the government has an obligation to preserve our oceans. Seabed mining poses significant risks to the conditions of our waters, and particularly to the health of our fragile marine life ecosystems. The extraction of minerals from the seabed is a geologically disruptive process, resulting in the damage and possible destruction of our coral reefs and harm to our marine wildlife, the populations of which have long been at risk due to other issues such as overfishing, pollution, and ocean acidification. Allowing seabed mining would only serve to exacerbate these problems.

Furthermore, the ocean and the deep sea in particular hold significance to the Native Hawaiian community, culturally, socially, and politically; water is the lifeblood of our people, and yet has not been protected for future generations as it should be. The continued degradation of our oceans and environment, often in the pursuit of profit, has caused many of the historical injustices and modern day disparities that the community experiences today. As such, it is even more necessary that our treatment of processes such as seabed mining is one of extreme caution. Banning seabed mining would be an important first step towards preventing these disparities from widening and promoting equity for our keiki.

We believe that the government has a responsibility to protect our oceans and communities by preventing the harm that seabed mining could create, and urge the Senate Committee on Water and Land to pass SB376.

Thank you for your consideration of our testimony in support of this important bill.

The Hawai'i State Youth Commission
hawaiiistateyc@gmail.com



3/20/2023

WAL Committee
Hawai'i State Capitol
Honolulu, Hawai'i 96813

Dear Chair Ichiyama, Vice Chair Poepoe, and Members of the Committee on Water and Land,

Position: Support SB376 SD2 HD1

The Surfrider Foundation Hawai'i region is testifying in **strong support of SB376 SD2 HD1**, which would 1) prohibit the mining, extraction, and removal of minerals from the seabed in Hawai'i's marine waters; and 2) prohibit the issuance of any permit for or in connection with the development or operation of any facility or infrastructure associated with the mining, extraction, or removal of minerals from the seabed within state marine waters.

Every new research dive to the seafloor reveals amazing wildlife and new discoveries about the role the deep sea plays in the health of our ocean and our lives. Seabed mining directly destroys whole communities of life on the seafloor, leaving behind habitat that may never recover. Mining also creates extremely large and potentially toxic sediment plumes; as well as noise, light, and thermal pollution that disrupt marine habitats. [More than 700 ocean scientists](#) have called for a halt to seabed mining citing the risks it poses to ocean health and the well-being of coastal communities.

Hawai'i cannot afford to risk losing our social, cultural, and economic connections to the sea. The seafloor and ocean underpin Hawai'i's cultural heritage, along with its multi-billion dollar tourism and fishing industries. As the extractive industry grows, seabed mining activities pose a large-scale disruption to these important ecosystems. Seabed mining would harm commercially and recreationally important species like tuna/ahi, mahi-mahi, billfish and other species as well as the overall health of our ocean.

The State of California passed a ban on seabed mining in state waters last year in 2022, following Washington's seabed mining ban in 2021 and Oregon's in 1991. We urge you to do the same and ensure passage of SB376 to protect Hawai'i's coastal waters.

The Surfrider Foundation is a national nonprofit organization dedicated to the protection and enjoyment of our ocean, waves, and beaches. Surfrider maintains a network of over 150 chapters and academic clubs nationwide, including 4 chapters in the Hawaiian Islands. The Surfrider Foundation focuses on many aspects of the environment such as coastal protection, plastic pollution, and water quality.

Sincerely,

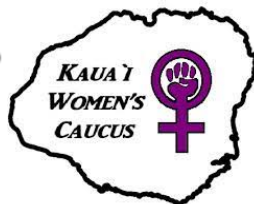
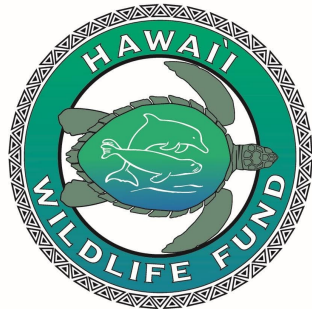
Lauren Blickley
Hawai'i Regional Manager
Surfrider Foundation



TE IPUKAREA SOCIETY
Caring for our Environment



Environmental Caucus of
The Democratic Party of Hawai'i



Aloha Chair Ichiyama, Vice Chair Poepoe, and Members of the Committee:

We write to express our thanks and support for your leadership in authoring Senate Bill 376 to 1) prohibit the mining, extraction, and removal of minerals from the seabed in Hawai'i's marine waters; and 2) prohibit the issuance of any permit for or in connection with the development or operation of any facility or infrastructure associated with the mining, extraction, or removal of minerals from the seabed within state marine waters.

Every new research dive to the seafloor reveals amazing wildlife and new discoveries about the role the deep sea plays in the health of our ocean and our lives. Seabed mining directly destroys whole communities of life on the seafloor, leaving behind habitat that may never recover. Mining also creates extremely large and potentially toxic sediment plumes; as well as noise, light, and thermal pollution that disrupt marine habitats. [More than 700 ocean scientists](#) have called for a halt to seabed mining citing the risks it poses to ocean health and the well-being of coastal communities.

Hawai'i cannot afford to risk losing our social, cultural, and economic connections to the sea. The seafloor and ocean underpin Hawai'i's cultural heritage, along with its multi-billion dollar tourism and fishing industries. As the extractive industry grows, seabed mining activities pose a large-scale disruption to these important ecosystems. Seabed mining would harm commercially and recreationally important species like tuna/ahi, mahi-mahi, billfish and other species as well as the overall health of our ocean.

The State of California passed a ban on seabed mining in state waters last year in 2022, following Washington's seabed mining ban in 2021 and Oregon's in 1991. The undersigned organizations urge Hawai'i to do the same and ensure passage of SB376 to protect Hawai'i's coastal waters.

Thank you.

Sincerely,

Koda Daily
Executive Director
Sustainable Ocean Alliance Hawai'i

Kahi Picarro
Director
Parley for the Oceans, Hawai'i

Wayne Tanaka
Director
Sierra Club of Hawai'i

Dyson Chee
Executive Director
Hawai'i Youth Climate Coalition

Megan Lamson
President
Hawai'i Wildlife Fund

Denise Antolini
Director
Mālama Pūpūkea-Waimea

Ted Bohlen
Co-founder
Hawai'i Reef and Ocean Coalition

Arnie Saiki
Management
Deep Sea Mining Campaign

Sherry Pollack
Co-founder
350Hawai'i

Alan Burdick & Melodie Aduja
Co-chairs
Environmental Caucus of the Democratic
Party of Hawai'i

Nina Jensen
Chief Executive Officer
Rev Ocean

Lisa Bishop
President
Friends of Hanauma Bay

Carissa Cabrera
Chief Executive Officer
The Conservationist Collective

Lance Morgan
President
Marine Conservation Institute

Laurel Brier
Chair
Kauai Women's Caucus

Donna Wong
Executive Director
Hawai'i's Thousand Friends

Rafael Bergstrom
Executive Director
Sustainable Coastlines Hawai'i

Neal Desai
Senior Director of Field Operations, Pacific
National Parks Conservation Association

Courtney Vail
Director of Strategic Campaigns
Oceanic Preservation Society

Lauren Blickley
Hawai'i Regional Manager
Surfrider Hawai'i

Stan Rowland
CEO; Chairman
Blue Climate Initiative; Tetiaroa Society

Douglas McCauley
Director
Benioff Ocean Science Laboratory

Jeff Boehm
Chief External Relations Officer
The Marine Mammal Center

Bobbi-Jo Dobush
Legal Officer
The Ocean Foundation

John Hocevar
Oceans Campaign Director
Greenpeace USA

Rob Culbertson
Member
HULIPAC

Kelvin Passfield
Technical Director
Te Ipukarea Society



To: The Honorable Chair Linda Ichiyama,
The Honorable Vice Chair Mahina Poepoe,
Members of the House Committee on Water & Land

Re: **SB 376 – Relating to Environmental Protection; Seabed Mining; Permits; Prohibition**

Position: **Strong Support**

Aloha Chair Ichiyama, Vice Chair Poepoe, and Members of the Committee,

Thank you for your leadership on this bill, SB 376, prohibiting the mining, extraction, and removal of minerals from the seabed in all state marine waters; and the issuance of any permit for or in connection with the development or operation of any facility or infrastructure associated with the mining, extraction, or removal of minerals from the seabed within state marine waters. I appreciate the opportunity to testify and express my strong support for this bill. Every new research dive to the seafloor reveals amazing wildlife and new discoveries about the role the deep sea plays in the health of our ocean and our lives. Seabed mining directly destroys whole communities of life on the seafloor, leaving behind habitat that may never recover. Mining also creates extremely large and potentially toxic sediment plumes; as well as noise, light, and thermal pollution that disrupt marine habitats. [More than 700 ocean scientists](#) have called for a halt to seabed mining citing the risks it poses to ocean health and the well-being of coastal communities. [Major companies](#) including Google, BMW, Philips, Volkswagen, and more also support an international moratorium, [alongside major NGOs](#) such as World Wildlife Fund, The Nature Conservancy, Conservation International, Pew Charitable Trusts, and many others.

This extractive industry of seabed mining poses many risks that are yet to be fully understood. The fishing and tourism industries are likely to feel the impacts of mining, even mining that happens in the high seas outside of the Hawaiian EEZ. I ask that you please pass this bill, reinforcing Hawai'i's role as leaders in environmental stewardship. Thank you for this opportunity.

Sincerely,
Douglas McCauley

A handwritten signature in black ink that reads "Douglas McCauley". The signature is written in a cursive, flowing style.

Director, Benioff Ocean Science Laboratory

SB-376-HD-1

Submitted on: 3/20/2023 9:29:07 AM

Testimony for WAL on 3/22/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|----------------------|---------------------------|---------------------------|
| laurel brier | Kauai women's caucus | Support | Written Testimony Only |

Comments:

Protect our most precious of nature resources. Ours to use and preserve for all times, for all people



To: The Honorable Chair Linda Ichiyama, the Honorable Vice-chair Mahina Poepoe, and members of the House Committee on Water and Land

From: The Hawai'i Reef and Ocean Coalition (by Ted Bohlen)

Re: Hearing **SB376 SD2 HD1 RELATING TO THE ENVIRONMENT**

Hearing: Wednesday, March 22, 2023, 9:30 a.m. CR430

Aloha Chair Lowen, Vice Chair Cochran, and members of the Committee:

Hawai'i Reef and Ocean Coalition STRONGLY SUPPORTS SB376 SD2 HD1.

The Hawai'i Reef and Ocean Coalition (HIROC) is a group of scientists, educators, filmmakers and environmental advocates who have been working since 2017 to protect Hawaii's coral reefs and ocean.

This Act would prohibit the mining, extraction and removal of minerals from the seabed in all state marine waters or the issuance of any permit for infrastructure or operation related to seabed mining in state waters.

Seabed mining is like strip mining of the deep ocean floor, releasing toxic sediment plumes as well. It poses an unacceptably high risk of damage and disruption to the marine environment, including our globally significant ecosystems that host thousands of species, which are comparable in biodiversity

and carbon storage to tropical rainforests. It may harm coral reefs, release stored carbon dioxide, and its noise may disrupt whales, dolphins and other marine mammals. It may take decades, if not hundreds of years, for marine ecosystems to recover from seabed mining.

Seabed mining also **may harm ocean-dependent industries such as commercial and recreational fishing and tourism.**

The Legislatures of California, Oregon, and Washington have all passed similar legislation.

We thank the committee for hearing this important measure! Please pass SB376 SD2 HD1 in order to protect our marine ecosystems and ocean-dependent industries.

Mahalo!

Hawai'i Reef and Ocean Coalition (by Ted Bohlen)



Aloha Chair Ichiyama, Vice Chair Poepoe, and Members of the Committee,

I submit written testimony supporting SB376 as a marine biologist focused on the little-known habitats and animals of the deep ocean, and how our actions are impacting them. Although now based at the Benioff Ocean Science Laboratory at the University of California, Santa Barbara, I spent many years as a researcher at the School of Ocean and Earth Science and Technology at the University of Hawai'i at Manoa.

Thank you for the opportunity to testify and express my strong support for SB376 1) Prohibiting the mining, extraction, and removal of minerals from the seabed in all state marine waters; and 2) Prohibiting the issuance of any permit for or in connection with the development or operation of any facility or infrastructure associated with the mining, extraction, or removal of minerals from the seabed within state marine waters.

Most of Hawai'i's deep sea is unexplored and poorly understood, but despite this, we know it is home to incredible biodiversity. This includes some of the world's oldest gold and black corals, aged at many thousands of years old. The richness and diversity of life in Hawai'i's deep sea supports ecosystem processes necessary for ocean and planetary systems to function, and is connected to Hawai'i's shallow seas, coasts and land. It is also an integral part of the culture and well-being of local communities, as well as ocean-dependent industries.

Deep-sea mining would result in the irreversible loss of biodiversity, ecosystems and their functioning before we know, understand and value them. These impacts could have far-reaching effects, from the potential contamination of commercially important species of food fish, such as ahi and opah, to impacts on carbon sequestration dynamics and climate regulation.

As a scientist, I deeply value evidence-based decision making, especially in instances as consequential as a decision to open up an entirely new frontier of the ocean to large-scale industrial resource exploitation. This is why [more than 700 scientists](#) have signed a statement calling for a delay to the start of deep-sea mining in international waters. The sheer importance of the ocean to Hawai'i's planet and people, and the risk of large-scale and permanent loss of biodiversity and ecosystems necessitates a pause of all efforts to begin mining of the deep sea, in line with the precautionary principle, and an acceleration of research so that we can gain a better understanding of what is at stake.



Sincerely,

A handwritten signature in black ink, appearing to read "Diva Amon".

Diva Amon, Ph.D.

Science Advisor

Benioff Ocean Science Laboratory & Deep Ocean Stewardship Initiative

SB-376-HD-1

Submitted on: 3/20/2023 1:53:18 PM

Testimony for WAL on 3/22/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Kelvin Passfield | te Ipukarea society | Support | Written Testimony Only |

Comments:

Aloha Chair Ichiyama, Vice Chair Poepoe, and Members of the Committee,

We support this bill very strongly. We are very concerned about the potential impacts of future deep sea mining on the health of our Pacific ocean. Sediment plumes, noise and light pollution, irreversible destruction of deep sea ecosystems, impacts on migratory species such as whales, turtles, and tuna that we rely on for our livelihoods. Thank you for this opportunity to support this bill.

SB-376-HD-1

Submitted on: 3/20/2023 4:16:52 PM

Testimony for WAL on 3/22/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|---|--------------------|---------------------------|
| Inga Gibson | Animal Welfare Institute, For the Fishes | Support | Written Testimony Only |

Comments:

RE: SUPPORT SB376 SD2 HD1 RELATING TO THE ENVIRONMENT; Seabed Mining

Dear Chair Ichiyama, Vice-Chair Poepoe and Members of the House Water & Land Committee,

Opening our waters to ocean/seabed mining could have far-reaching detrimental impacts to many marine species, from fish to marine mammals. In addition to potential direct negative environmental impacts such as pollution and sedimentation clouds, the practice of mining itself could create noise pollution for many highly sensitive species, even disrupting larval dispersal.

Further, recent research suggests that deep-sea mining activities could impact species present from the surface of the ocean through the seabed, with deep-sea species being particularly vulnerable since they use natural sound to perform functions like detect food, and are not accustomed to anthropogenic noise at a close range. Many deep-sea species are also sessile, which means they wouldn't be able to evade the noise created by deep-sea mining activities. Even migratory species like whales, dolphins and turtles could be impacted, even if only briefly passing through a mining area to feed or breed.

Our marine resources and their sensitive, interconnected ecosystems are far too valuable to be subjected to such dangerous, extractive activities.

We urge the Committee's support of SB376.

Thank you, Inga Gibson

On behalf of

Animal Welfare Institute

For the Fishes

Inga Gibson, Policy Director
Pono Advocacy LLC
808.922.9910
PonoAdvocacy@gmail.com
www.PonoAdvocacy.com



Environmental Caucus of
The Democratic Party of Hawai'i

To: The Honorable Linda Ichiyama, Chair
The Honorable Mahina Poepoe, Vice Chair
Members of the Committee on Water and Land

Re: **SB 376 SD2 HD1– RELATING TO THE ENVIRONMENT**
Hearing: Wednesday, March 22, 2023, 9:30 a.m., Conference Room 430 &
Videoconference

Position: **Strong support**

Aloha, Chair Ichiyama, Vice Chair Poepoe and Members of the Committee on Water and Land:

The Environmental Caucus of the Democratic Party of Hawai'i and its 7,500 members stand in strong support of SB 376, SD2, HD1. This measure would prohibit the mining, extraction, and removal of minerals from the seabed in all state marine waters and would prohibit the issuance of any permit for or in connection with the development or operation of any facility or infrastructure associated with the mining, extraction, or removal of minerals from the seabed within state marine waters.

As provided in the Democratic Party of Hawai'i Platform adopted at the DPH State Convention on May 28, 2022, our policy is to “protect and preserve Hawai'i's environment and achieve energy sustainability, advance measures to re-establish a healthy climate and environment for humans and fellow species, including actions to urgently address climate change, and work towards 100% renewable energy goals.

We believe that all people have the right to live in a clean, healthy and safe environment. We believe that the preservation of our natural environment and its ecological well-being is essential to ensuring a safe, healthy, bountiful life for future generations in Hawai'i. We support policies that create a more sustainable society. We support the restoration, preservation, and protection of native ecosystems.

We believe in the resource management principles outlined in the Public Trust Doctrine of [Article XI, Section 1 of] the Hawai'i State Constitution. [State Constitution – LRB Legislative Reference Bureau \(hawaii.gov\)](#) We support policy that incorporates indigenous resource-management practices and technologies such as the Ahupua'a System in modern urban planning and development to create an ecologically sustainable balance between the needs of the people and the rights of nature. [OUR PLATFORM | DPH \(hawaiidemocrats.org\)](#)



March 22, 2023

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Prohibiting the mining, extraction, and removal of minerals from the seabed in all state marine waters and prohibiting the issuance of any permit for or in connection with the development or operation of any facility or infrastructure associated with the mining, extraction, or removal of minerals from the seabed within state marine waters would be consistent with the Public Trust Doctrine and the policies of the Democratic Party of Hawaii Environmental Platform plank, to wit, that (1) all people have the right to live in a clean, healthy and safe environment; (2) that the preservation of our natural environment and its ecological well-being is essential to ensuring a safe, healthy, bountiful life for future generations in Hawai'i; and (3) that enrolled members support the restoration, preservation, and protection of native ecosystems.

Here, mining, extracting, and removing minerals from the seabed in all state marine waters would be inconsistent with the Democratic Party of Hawaii Platform environmental plank that calls for the restoration, preservation, and protection our native ecosystems.

Please support and pass this measure.

/s/ Melodie Aduja & Alan Burdick

Co-Chairs, Environmental Caucus of the Democratic Party of Hawai'i

SB-376-HD-1

Submitted on: 3/21/2023 12:37:46 PM

Testimony for WAL on 3/22/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|----------------------------|---------------------------|------------------------|
| Mark Haver | Sustainable Ocean Alliance | Support | Written Testimony Only |

Comments:

We write to express our thanks and support for your leadership in supporting SB376 SD2 HD1 to to 1) prohibit the mining, extraction, and removal of minerals from the seabed in Hawai'i's marine waters; and 2) prohibit the issuance of any permit for or in connection with the development or operation of any facility or infrastructure associated with the mining, extraction, or removal of minerals from the seabed within state marine waters.

Every new research dive to the seafloor reveals amazing wildlife and new discoveries about the role the deep sea plays in the health of our ocean and our lives. Seabed mining directly destroys whole communities of life on the seafloor, leaving behind habitat that may never recover. Mining also creates extremely large and potentially toxic sediment plumes; as well as noise, light, and thermal pollution that disrupt marine habitats. More than 700 ocean scientists have called for a halt to seabed mining citing the risks it poses to ocean health and the well-being of coastal communities.

Hawai'i cannot afford to risk losing our social, cultural, and economic connections to the sea. The seafloor and ocean underpin Hawai'i's cultural heritage, along with its multi-billion dollar tourism and fishing industries. As the extractive industry grows, seabed mining activities pose a large-scale disruption to these important ecosystems. Seabed mining would harm commercially and recreationally important species like tuna/ahi, mahi-mahi, billfish and other species as well as the overall health of our ocean.

The State of California passed a ban on seabed mining in state waters last year in 2022, following Washington's seabed mining ban in 2021 and Oregon's in 1991. We urge Hawai'i to do the same and ensure passage of SB376 SD2 HD1 to protect Hawai'i's coastal waters.

Thank you.

Sincerely,

Koda Daily
Executive Director
Sustainable Ocean Alliance Hawai'i

Mark Haver

North America Regional Representative

Sustainable Ocean Alliance

SB-376-HD-1

Submitted on: 3/21/2023 9:39:14 PM

Testimony for WAL on 3/22/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|-----------------------|---------------------------|------------------------|
| Megan Lamson | Hawai'i Wildlife Fund | Support | Written Testimony Only |

Comments:

Aloha esteemed members of the WAL committee,

Mahalo for your time and my apologies for this belated testimony.

To keep it short and sweet, we (Hawai'i Wildlife Fund) are wholehearted opposed to seabed mining and **FULLY IN SUPPORT OF SB 376** that aims to prohibit this detrimental activity that will impact our native wildlife and deep-sea ecosystems. Please follow the legislators in Oregon, Washington and California that have already passed similar measures and support Senate Bill 376 SD2 HD1 at tomorrow's hearing.

Many thanks for your consideration on this matter.

Best,

Megan Lamson, M.Sc.

HWF President

SB-376-HD-1

Submitted on: 3/17/2023 5:50:10 PM

Testimony for WAL on 3/22/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| B.A. McClintock | Individual | Support | Written Testimony Only |

Comments:

Please protect our islands and support this important bill. Mahalo.

SB-376-HD-1

Submitted on: 3/18/2023 11:56:57 AM

Testimony for WAL on 3/22/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Virginia Tincher | Individual | Support | Written Testimony Only |

Comments:

Members of the Water and Land Committee,

Mahalo for hearing this important bill.

I strongly support SB376 SD2 HD1

Mining the ocean floor results in long lasting environmental degradation that far outweighs any benefits including disruption to the vertical aquatic animal food chain, releases stored CO2 and impacts water quality.

Hawaii can set a precedent to reject ocean floor mining.

Virginia Tincher, Oahu

SB-376-HD-1

Submitted on: 3/18/2023 6:20:18 PM

Testimony for WAL on 3/22/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Will Caron | Individual | Support | Written Testimony Only |

Comments:

Seabed mineral mining is not consistent with the public interest, including the right that each person has to a clean and healthy environment as enshrined in Article XI, section 9, of the State Constitution. Seabed mining poses an unacceptably high risk of damage and disruption to the marine environment of the state. It is in the best interest of the people and ecosystems of Hawai'i that leasing for hard mineral mining on the seafloor be prohibited. Please support SB376 SD2 HD1.

SB-376-HD-1

Submitted on: 3/19/2023 7:12:49 AM

Testimony for WAL on 3/22/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|----------------|
| Carissa Cabrera | Individual | Support | In Person |

Comments:

Aloha Chair Ichiyama, Vice Chair Poepoe, and Members of the Committee



Since the last hearing on these bills, Canada has employed a moratorium on deep seabed mining during the conclusion of the Fifth International Marine Protected Area Conference, setting the stage as a global leader in North America. It is time we do the same for the United States.

My name is Carissa Cabrera and I am a marine conservation biologist who has been working locally with ocean nonprofit in Hawai'i for over 8 years to scale their work. I am testifying in strong support of SB376 SD2 and urge committee leadership to protect our deep sea as the largest carbon sink on our planet and as an ecosystem that we do not understand well enough to disrupt at this scale.

For your awareness, it is unlikely that DSM operations would take place directly in Hawaii state waters, as we do not have coveted nodules or minerals directly here. However, the Clarion-Clipperton Zone is the most coveted place on the planet for these nodules, and is extremely close to Hawai'i. This means that mining groups sourcing minerals from that region could base their operations out of Hawai'i if this bill does not become law. Please pass this bill with no amendments.

With aloha,
Carissa Cabrera
The Conservationist Collective

SB-376-HD-1

Submitted on: 3/19/2023 8:38:30 PM

Testimony for WAL on 3/22/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Sherry Pollack | Individual | Support | Written Testimony Only |

Comments:

The rising ocean temperatures and increased acidification have already damaged Hawaii's coral reefs and marine ecosystems. Seabed mining poses an unacceptably high risk of further damage and disruption to the marine environment of the State. It is imperative that action be taken to ensure the protection of our environment for present and future generations. Please support this important measure.

SB-376-HD-1

Submitted on: 3/20/2023 9:03:54 AM

Testimony for WAL on 3/22/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Shannon Rudolph | Individual | Support | Written Testimony Only |

Comments:

Support

SB-376-HD-1

Submitted on: 3/20/2023 10:50:26 AM

Testimony for WAL on 3/22/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Dwamato | Individual | Support | Written Testimony Only |

Comments:

To: Members of the WAL committee

From: Daniel Amato, PhD

Re: SB376

Hearing: March 22, 2023, 9:30am

Aloha Members of the WAL:

As a research scientist and a water quality professional, I strongly support SB376. The ocean is a sensitive environment that provides essential services to earth. Mining the ocean is extremely detrimental to the delicate balance that exists in this environment. Please support SB376 in your committee. Mahalo -Dr. Daniel Amato

SB-376-HD-1

Submitted on: 3/20/2023 10:57:15 AM

Testimony for WAL on 3/22/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Mattison Priest | Individual | Support | Written Testimony Only |

Comments:

Aloha Committee Members,

My name is Mattison and I live in Liliha.

The seafloor and ocean underpin Hawai'i's cultural heritage. As the extractive industry grows, seabed mining activities pose a large-scale disruption to these important ecosystems. Seabed mining would harm commercially and recreationally important species like ahi, mahi-mahi, billfish and other species as well as the overall health of our ocean. We are at an opportune time to protect our sacred ecosystem before imminent threat and should capitalize on this opportunity.

Mahalo for the opportunity to testify,

Mattison Priest

SB-376-HD-1

Submitted on: 3/20/2023 11:23:17 AM

Testimony for WAL on 3/22/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Mark Hixon | Individual | Support | Written Testimony Only |

Comments:

Aloha. As professional marine biologist who has personally conducted deep sea research using small submarines, I urge you to pass this bill. The deep sea is a highly sensitive ecosystem that we are only beginning to explore. Deep sea mining technology will not only destroy the sea life inhabiting the sea floor, but also affect the entire water column with noise and sediment plumes that will negatively affect whales and fisheries species in the region. Washington, Oregon, and California have all passed similar legislation to ban deep sea mining in their marine jurisdictions. I urge you to do the same for Hawaii, as well as to not allow deep sea mining companies to use Hawaii as a base of operations. Mahalo.

SB-376-HD-1

Submitted on: 3/20/2023 1:13:25 PM

Testimony for WAL on 3/22/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Helen Cox | Individual | Support | Written Testimony Only |

Comments:

Aloha Chair and Committee Members,

Please pass SB376 SD2 HD1 which prohibits the mining, extraction, and removal of minerals from the seabed in all state marine waters. Protect our ocean environment! Mahalo!

Helen Cox, Kalaheo, Kauai

SB-376-HD-1

Submitted on: 3/20/2023 2:01:05 PM

Testimony for WAL on 3/22/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| John Latkiewicz | Individual | Support | Written Testimony Only |

Comments:

We need to fight against degradation of our environment including our waters - local and worldwide.

This bill is a step in the right direction of our waters

SB-376-HD-1

Submitted on: 3/21/2023 12:37:48 PM

Testimony for WAL on 3/22/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Molly Whiteley | Individual | Support | Written Testimony Only |

Comments:

Please support SB376.

Mahalo!

M. Whiteley

Kihei

SB-376-HD-1

Submitted on: 3/21/2023 12:56:15 PM

Testimony for WAL on 3/22/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|------------------------------|---------------------|---------------------------|---------------------------|
| Solomon P. Kaho'ohalahala | Individual | Support | Written Testimony Only |

Comments:

Aloha e members

I am in full support of this measure.

Sol P. Kahoohalahala

SB-376-HD-1

Submitted on: 3/21/2023 1:07:19 PM

Testimony for WAL on 3/22/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Barbara Best | Individual | Support | Written Testimony Only |

Comments:

This type of environmental help is recommended

SB-376-HD-1

Submitted on: 3/21/2023 9:06:14 PM

Testimony for WAL on 3/22/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| jeanne wheeler | Individual | Support | Written Testimony Only |

Comments:

We very much need to protect our oceans - PLEASE pass this bill! Mahalo, JW