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GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
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**STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA**

P.O. BOX 621
HONOLULU, HAWAII 96809

**Testimony of
DAWN N. S. CHANG
Chairperson**

**Before the Senate Committee on
TRANSPORTATION AND CULTURE AND THE ARTS**

**Tuesday, February 28, 2023
3:00 PM**

State Capitol, Conference Room 224 & Videoconference

**In consideration of
SENATE BILL 403
RELATING TO CORAL**

Senate Bill 403 proposes to repeal the designation of black coral as the official gem of the State. **The Department of Land and Natural Resources (Department) appreciates the intent of this bill and offers the following comments.**

Black corals (order Antipatharia) are a group of deepwater invertebrate organisms that form branching or tree-like colonies. They are vastly different in appearance and ecological function from stony corals (order Scleractinia), which are the shallower-water colonial invertebrate organisms that comprise Hawai'i coral reefs. Nonetheless, both black corals and stony corals are important contributors to biodiversity and habitat in marine ecosystems.

State law currently regulates the take of black coral through a minimum size limit.¹ Over the past five years, less than three Commercial Marine Licensees have reported harvesting black coral in Hawai'i. The Department manages for sustainability of resources and has no evidence that the ongoing marketing and promotion of black coral as the official state gem is adversely impacting the health and sustainability of black coral populations in Hawai'i, much less the health of nearshore coral reef ecosystems. Though it is one action that can be taken to help coral, repealing black coral as the official state gem would contribute negligibly toward the stated goal of preventing further harm to the State's coral reefs and reef ecosystems. Erosion from land, cesspools, marine debris, fishing line, and high numbers of people in the water and especially stepping on the reef, have a far greater impact on the health of Hawai'i's corals. These harms could be mitigated with funding support for ungulate control, fencing, native reforestation,

¹ Hawaii Administrative Rules §13-91-2(b) states: "No person shall take, destroy or possess any black coral with a base diameter of less than 3/4 inches from State marine waters."

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

LAURA H.E. KAAKUA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

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

cesspool conversion, natural resources enforcement, and public education. The Department does not take a position on this measure due to lack of evidence that the sustainability of the resource is threatened, but does acknowledge that the Legislature may feel that at this critical time, all actions, big and small, should be taken to protect Hawai'i's reefs.

Mahalo for the opportunity to comment on this measure.

SB-403

Submitted on: 2/24/2023 3:16:13 PM

Testimony for TCA on 2/28/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ted Bohlen	Testifying for Hawaii Reef and Ocean Coalition	Support	Written Testimony Only

Comments:

Support!

SB-403

Submitted on: 2/27/2023 8:58:29 AM

Testimony for TCA on 2/28/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
R A Culbertson	Testifying for Big Island Reef Keepers hui	Support	Written Testimony Only

Comments:

Aloha Senators!

While this bill, SB403 is limited to repealing Black Coral as the Hawaii State gem, it represents a 'half measure' and really points out the need to protect Hawaiian black coral in a wider context.

More specifically, to ban its taking and sale by local vendors here in the islands!

Let's do this AND the complete job while you're at it!

Mahalo nui loa!

R A Culbertson,

member, Big Island Reef Keepers hui



*Dedicated to the conservation of coastal and marine environments,
emphasizing stewardship of the natural resources of Hanauma Bay*

COMMITTEE ON TRANSPORTATION AND CULTURE AND THE ARTS

Senator Chris Lee, Chair

Senator Lorraine R. Inouye, Vice Chair

DATE:	Tuesday, February 28, 2023
TIME:	3:00 PM
PLACE:	Conference Room 224 & Videoconference State Capitol

Re: Strong Support for SB403 which repeals the designation of black coral as the official gem of the State

Aloha Chair Lee, Vice Chair Inouye, and Committee members,

Designated as the official gem of the State by Act 9, Session Laws of Hawaii (1987), black coral played a significant role in marketing campaigns showcasing Hawaii's beauty. The resulting promotion of black coral led tourists and residents alike to covet black coral jewelry, curios, and other products to embrace as treasured family heirlooms or gifts that represent Hawaii's natural beauty.

By 2019, Hawaii's continued promotion of tourism tipped the scale into overtourism with measurable adverse effects on the quality of life of our residents and our natural resources, including the over harvesting of coral. While legally protected, the sale, import, and export of coral jewelry in the State continues to threaten coral reefs and reef ecosystems in Hawaii.



*Dedicated to the conservation of coastal and marine environments,
emphasizing stewardship of the natural resources of Hanauma Bay*

The ongoing marketing and promotion of black coral as the official state gem to both tourists and residents must therefore be addressed to prevent further harm to vital coral reefs and reef ecosystems in the State's waters.

Please pass SB403!

With Aloha,
Lisa Bishop
President
Friends of Hanauma Bay

February 28, 2023, 3pm

RE: SUPPORT FOR SB403; Repealing Black Coral as the Hawaii State Gem

Dear Chair Lee and Members of the TCA Committee,

Thank you for your consideration of SB403, to repeal Black coral as the Hawaii State gem. As noted in the preamble, the 1987 designation of our precious black coral as the state gem led to overexploitation and commercialization of this important, fragile resource. While other corals, such as pink and gold, are prohibited from harvest, black coral remains unprotected from harvest for sale for jewelry and trinkets, and have been marketed to visitors as the state gem for decades, which has driven its harvest and decline.

It has been more than a decade since our deep-water corals have undergone any comprehensive stock assessment, therefore, any claim of sustainable harvesting is without demonstrable scientific merit. Deepwater corals grow extremely slowly and if left protected, can in fact live for thousands of years. Recent research (noted below) discovered a completely new species of black coral that for years had been misclassified. This research shows that we still know so little about our corals and our oceans and that all steps must be taken to protect them. There is also growing concern that federal waters outside of Hawaii will be subject to commercial seabed mining in the near future. This reminds us of the importance of protecting our corals whenever and wherever possible.

Importantly, Black coral, 'ēkaha kū moana, is a living native Hawaiian ancestor. Hawaiian history and culture is grounded in the kumulipo, where all life begins from the sacred coral polyp. Allowing commercial exploitation of these corals is disrespectful to native Hawaiian cultural values, traditions and practices.

Below are links to relevant articles on black coral and our testimony in support of HB1988 which passed the House and Senate in 2022 but died due to not meeting Conference Committee deadlines.

While this measure does not extend the protections needed as were proposed last year, it is a necessary first step in recognizing that this 35 year old designation is no longer appropriate. Thank you for your support of SB403 and interest in protecting these corals, our “redwoods” of the ocean.

Inga Gibson, For the Fishes



For the Fishes Supports UN Sustainable Development Goal 14 Life Below Water

March 29, 2022, 10am

RE: STRONG SUPORT HB 1988 HD2 SD1; RELATING TO CORAL

Dear Chair Baker and Members of the Senate Committee on Commerce & Consumer Protection:

For the Fishes, Conservation Council for Hawaii, Kai Palaoa, Moana Ohana, Sierra Club of Hawaii Moku Lua Group, Kalanihale, Center for Biological Diversity, Friends of Hanauma Bay, Legacy Reef Foundation, Haereticus Environmental Laboratory, Hawaii Reef & Ocean Coalition, Environmental Caucus of the Democratic Party of Hawaii, Fair Wind Charters and Ocean Defenders Alliance-Hawaii ask for your **SUPPORT of HB1988**.

This measure would prohibit the import, export, harvest and sale of products such as jewelry and trinkets made from both Hawaii sourced and non-Hawaii sourced corals. While take of Hawaii's stony corals have long been prohibited, there is still commercial harvesting of Hawaii's black corals. Pink and Gold corals used to be harvested but have been under a federal take moratorium due to overharvesting and habitat loss. Currently, any person with a mere \$100 Commercial Marine License can harvest Hawaii's most precious black coral and simply self-report what they took, after the fact, and without any verification.

It has been more than a decade since our deep-water corals have undergone any comprehensive stock assessment, therefore, any claim of sustainable harvesting is without demonstrable scientific merit. Deepwater corals grow extremely slowly and if left protected, can in fact live for thousands of years. Recent research (noted below) discovered a completely new species of black coral that for years had been misclassified. This research shows that we still know so little about our corals and our oceans and that all steps must be taken to protect them. There is also growing concern that federal waters outside of Hawaii will be subject to commercial seabed mining in the near future. This reminds us of the importance of protecting our corals whenever and wherever possible.

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We support the existing exemptions in the bill to ensure that corals may be taken for *non-commercial purposes*, as necessary, under a DLNR issued Special Activity Permit for research, education, replanting or aquaculture, or under a NOAA issued federal permit.

Further, we appreciate that some jewelry store owners may have existing inventory of black or other coral products and support their being given an extended effective date to lawfully sell these existing products.

Black corals are Hawaii's official state "gem" for their cultural significance and beauty. We do not sell our Hawaii state bird, the nēnē or Hawaii's sole native mammal, the 'ōpe'ape'a (Hawaiian hoary bat). We should extend this same protection to our critically important living corals.

Thank you for your consideration of this testimony. Below is additional information and recent news reports on the importance of protecting our precious corals—Hawaii's "redwoods."

Inga Gibson

Pono Advocacy
On behalf of For the Fishes and the above-noted organizations
PonoAdvocacy@gmail.com, 808.922.9910

“How many species are we actually losing before we know they exist?” Montgomery asked, adding the answer is still unknown.

<https://www.civilbeat.org/2022/02/scientists-find-a-new-black-coral-hidden-in-plain-sight-in-the-pacific/>

"Besides being a vast reservoir of biodiversity, the deep ocean provides us with benefits ranging from carbon sequestration, to medicine, to food chains that sustain billions of people," said Amon, who is a marine biologist and director and founder of SpeSeas. "But climate change, habitat destruction, and overfishing are already stressing the ocean, and seabed mining would jeopardize ocean health even more. If we continue to proceed on this path blindly, we will lose parts of our ocean before we truly know them and the benefits they offer. We can't effectively manage and protect what we don't know, understand and value."

<https://www.hawaii.edu/news/2022/03/10/unknowns-deep-sea-mining/>

"The coral reefs are "not like weeds or grasses that might, if you cut it, they will come back. They are more like redwood forests in that if you remove it, it's basically permanently gone," Wagner said. "They grow very slowly, they reproduce very slowly ... They're not equipped to withstand impact."

These deep-sea corals are important sinks for carbon. In addition, the ecosystems hold potential importance for humanity in other ways. Early [Covid-19 vaccine testing included the use of enzymes](#) found in these habitats."

<https://www.civilbeat.org/2021/10/we-may-know-less-about-the-deep-sea-than-the-moon-should-we-be-digging-it-up/>

"These long-living corals are much like the redwoods of the ocean. They're not only slow-growing and long-lived, but also provide important habitat for many other species," Wagner said. Mining their habitat could potentially wipe them out before we know their true value."

<https://www.reuters.com/article/mining-deepsea-idUSKBN27E0H8>