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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
RYAN K.P. KANAKA'OLE
Acting Chairperson

Before the Senate Committee on
WATER, LAND, CULTURE AND THE ARTS

Friday, February 6, 2026
1:00 PM
State Capitol, Conference Room 224

In consideration of
SENATE BILL 2944
RELATING TO CONSERVATION

Senate Bill 2944 proposes to require the Board of Land and Natural Resources to adopt rules that implement wildlife viewing guidelines that substantially conform to the wildlife viewing guidelines issued by the National Oceanic and Atmospheric Administration (NOAA) and require annual reports to the Legislature until rules are adopted. **The Department of Land and Natural Resources (Department) appreciates the intent of this measure and offers the following comments.**

The Department recognizes the importance of establishing safeguards to protect Hawaiian monk seals and green sea turtles, as well as the public, from harmful interactions. The Department currently works closely under a Joint Enforcement Agreement with NOAA to enforce federal laws that prohibit the harassment of monk seals and turtles and federal marine wildlife viewing guidelines that recommend remaining certain distances away.

The Marine Mammal Protection Act establishes federal authority over the conservation of marine mammals and allows for co-management agreements with states so long as their regulations are consistent with federal law. State laws prohibiting the "take" of Hawaiian monk seals include Hawaii Revised Statutes Chapter 195D and Hawaii Administrative Rules 13-124 which by definition prohibit harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting Hawaiian monk seals. This definition of "take" allows the Department to enforce prohibitions on acts that could be harmful to monk seals or result in a harmful interaction with people.

Currently, the Department's Division of Aquatic Resources provides guidance to the public through outreach and education programs in partnership with local organizations regarding the recommended viewing distance of 50 feet for monk seals generally and 150 feet for mothers with pups. While this guidance is helpful in preventing any potential "take" violations and any harmful interactions between people and Hawaiian monk seals, the Department understands that the viewing distance is not always feasible in every situation and that there may be situations where "take" could occur even from a distance. Therefore, enforcement is generally limited to illegal interactions where "take" occurs regardless of the viewing distance as these interactions are most harmful for both people and Hawaiian monk seals.

Mahalo for the opportunity to comment on this measure.

SB-2944

Submitted on: 2/4/2026 11:10:08 PM

Testimony for WLA on 2/6/2026 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Melina Clark	Individual	Support	Written Testimony Only

Comments:

I am in support of bill SB2944. I am a 40 year resident of Oahu and a 20 year volunteer working to preserve, protect Hawaiian monk seals while doing much needed outreach and education with tourists and locals. I have witnessed hundreds of times first hand at beaches (and in online posts) the disturbances and harassment to wildlife such as sea turtles and Hawaiian monk seals, however, rarely do state officers enforce the laws in place (let alone address the guidelines in place by NOAA Fisheries). As an experienced responder for Hawaiian monk seals, I have spent thousands of hours documenting seals before, during and after any harassment and disturbances, and reporting to law enforcement. Even with witness statements, photos and videos of incidents, state officers under DOCARE rarely write a citation or arrest individuals and groups of people, even when it is very clear there was a "Take" against the seals. Monk seals and sea turtles are subjected to daily harassment and harm while the public and volunteers try to help and get help. For example, three loose dogs from three different people were at Yokohama Bay in the Ka'ena State park (west end of Oahu). There are multiple signs along the road next to the beach stating no dogs allowed. There were multiple seals resting on shore while the dogs ran across to approach the seals. This incident happened months after DLNR state park worker Lesley Macpherson's dogs mauled and killed the newborn monk seal pup in May 2024. Phone calls were made to DLNR dispatcher and they said there were already DOCARE officers there for hours and they departed but they'd send an officer again because they had several calls about the dogs and seals. Several officers arrived. They told us even though it was illegal to have dogs down there in the state park, they would not be giving citations. When we asked the officer why not, he stated "If we crack one owner, we have to crack all three." A tourist was standing there and she said "Then crack all 3." He said he wouldn't be doing that. Another example: the consequences for the killing of a monk seal is said to be up to 5 years in jail and up to \$50,000 fine. DLNR's park worker Lesley Macpherson and her partner both only were given a joint citation of \$20,000, negotiated down to \$18,000. No jail time or maximum fines to either of them. DLNR didn't investigate the couple, nor did they issue a citation or jail and to make matters worse, they did not remove their employee from her position as state park tech. They sheltered her and protected her and they have allowed her to continue her employment working along side Hawaiian monk seals and other wildlife. She is responsible for the negligent killing of a highly endangered Hawaiian monk seal pup and the evidence is all plainly written in the FOIA under NOAA Fisheries. One more of hundreds of examples: Dogs were circling a Hawaiian monk seal resting on sand. Somebody called DLNR. They sent a DOCARE officer. He was seen trying to "shoo" the seal to the water. When we asked what he was doing, he said if you all don't like dogs around seals, you need to get the seal to leave the beach." Instead of the officer going to the dog owners to address the issue, give a citation and remove the dog from the area, he told

us to do a "take" against this protected species. I am in support of the bill SB2944 in hopes state officers will step up and follow through with each and every reported incident and enforce the rules and laws so our wildlife can thrive and survive without everyone doing whatever they want everytime they go to a beach, as if they are untouchable and above the law. Right now, the guidelines in place by NOAA Fisheries aren't enough. People know they can get away with any and all bad behavior which is negatively impacting our wildlife. Please pass this bill and be sure the agencies are held accountable to write citations and make arrests when people intentionally approach (harass/disturb/KILL) protected and threatened marine animal species in Hawaii.

Thank you for your time.

SB-2944

Submitted on: 2/5/2026 7:28:40 AM

Testimony for WLA on 2/6/2026 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry Support

2944 SB RELATING TO CONSERVATION.

To the Honorable Chair and Committee Members,

I am writing today to express my strong **support for SB 2944**, which seeks to strengthen protections and enforcement regarding the endangered Hawaiian monk seal.

Our state is the only place on Earth where these "living fossils" exist, yet recent data suggests that our current enforcement and public education efforts are not keeping pace with human behavior.

The Data-Driven Case for Stronger Legislation:

According to a study conducted by NOAA Fisheries scientists (Sullivan, Robinson, and Littnan) there is a significant "enforcement gap" that this bill can help bridge:

- **The Reality of Disturbance:** While fewer than **1%** of traditional sighting reports mention human interference, an analysis of 2,400 Instagram posts under the hashtag #monkseal revealed that nearly **18%** of posts showed humans disturbing the seals.
- **Social Media Influence:** The desire for selfies has created a culture where federal guidelines (such as the 50-foot distance rule) are frequently ignored for the sake of social media engagement.
- **Biological Consequences:** These disturbances are not harmless; they force seals to expend critical energy and abandon the resting spots necessary for their survival and nursing.

The Necessity of SB 2944:

Federal regulations alone are insufficient to monitor every beach in Hawai'i. By passing **SB 2944**, the State of Hawai'i takes a necessary step toward aligning state-level enforcement with the reality of human-wildlife conflict. This bill provides the state with the authority to deter irresponsible behavior and protect a species that is central to our cultural and natural heritage.

We cannot allow the desire for a photograph to jeopardize the recovery of one of the world's most endangered marine mammals. I respectfully urge the committee to **pass SB 2944**.

Thank you for the opportunity to provide testimony on this important matter.

Sincerely,

Matthew Thompson

