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

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CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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

Before the Senate Committees on
AGRICULTURE AND ENVIRONMENT
and
WATER, LAND, CULTURE AND THE ARTS

Wednesday, February 11, 2026
3:00 PM
State Capitol, Conference Room 224

In consideration of
SENATE BILL 3323
RELATING TO ECOSYSTEM RIGHTS

Senate Bill 3323 proposes to recognize watersheds and coral reef ecosystems as legal persons with inherent and inalienable rights to exist, flourish, and naturally evolve; establishes enforceable ecosystem rights grounded in public trust doctrine and Native Hawaiian customary stewardship; authorizes citizen enforcement, restorative and injunctive remedies, civil penalties, and continuing duties of ecological repair, including for historic harms; and provides for open representation, community consultation, co-governance, and supremacy over conflicting laws. **The Department of Land and Natural Resources (Department) appreciates the intent of this measure but has strong concerns regarding its potential impact on departmental operations.**

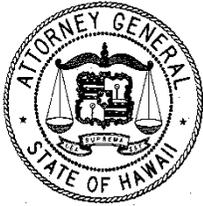
It is the Department's mission to enhance, protect, conserve and manage Hawai'i's unique and limited natural, cultural and historic resources held in public trust for current and future generations of the people of Hawai'i nei, and its visitors, in partnership with others from the public and private sectors. To carry out this mission, the Department utilizes a variety of management tools, including research and monitoring, regulation and permitting of activities, habitat protection and restoration, and education and outreach. The Department also provides environmental review and input on the issuance of permits by other agencies for activities that could affect natural or cultural resources.

Watersheds and coral reefs are complex and dynamic ecosystems. The Department has many programs focused on the management and protection of both types of ecosystems

focusing on issues from mauka to makai. The issues that these ecosystems face are vast and varied, and impacts are often compounded due to cumulative effects of multiple stressors. It is difficult to identify and quantify the impacts that these ecosystems face in a way that would translate to their legal rights being taken away or violated. Current environmental protection measures enshrined in the Hawai'i State Constitution and the public trust doctrine provide legal protections to our natural resources that are unique to the State of Hawai'i as they acknowledge the Native Hawaiian cultural significance while requiring the protection of the resources for the public good.

Providing legal personhood to our natural resources could fundamentally alter the existing legal and regulatory landscape in ways that would result in increased litigation against the State and its agencies. Defending such actions would strain the Department's limited resources and take away from ongoing management and conservation efforts that directly benefit our ecosystems.

Mahalo for the opportunity to comment on this measure.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

ON THE FOLLOWING MEASURE:

S.B. NO. 3323, RELATING TO ECOSYSTEM RIGHTS.

BEFORE THE:

SENATE COMMITTEES ON AGRICULTURE AND ENVIRONMENT AND ON WATER,
LAND, CULTURE AND THE ARTS

DATE: Wednesday, February 11, 2026 **TIME:** 3:00 p.m.

LOCATION: State Capitol, Room 224

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Alyssa Y.H. Kau, Deputy Attorney General

Chairs Gabbard and Lee and Members of the Committees:

The Department of the Attorney General (Department) respectfully opposes this bill.

The purpose of this bill is to recognize watersheds and coral reef ecosystems as legal persons with inherent and inalienable rights to exist, flourish, and naturally evolve. The bill establishes enforceable ecosystem rights, authorizes citizen enforcement with broad standing, provides for restorative and injunctive remedies and civil penalties, imposes continuing duties of ecological repair—including for historic harms dating to August 21, 1959—and declares supremacy over conflicting state and local laws. The bill would add a new chapter to the Hawaii Revised Statutes (HRS).

While the Department appreciates the bill's intent to strengthen environmental stewardship in harmony with the public trust doctrine, we have significant concerns about several provisions.

Sections -7(c) and (d) and section -9 provide that this chapter shall apply retroactively to all acts and omissions occurring on or after August 21, 1959, and that claims may be brought regardless of whether the conduct has ceased or been previously addressed through settlement or administrative action. Prior judgments or agreements "shall not bar restorative relief" if ecological or cultural harm remains unremedied. Section -7(a) further voids, both prospectively and retroactively, any

existing waiver, indemnity agreement, lease, permit, or other legal instrument that purports to limit liability under the chapter.

These provisions raise constitutional concerns. The retroactive creation of new liability for conduct that was lawful when performed implicates the due process protections of the Fourteenth Amendment to the United States Constitution and article I, section 5, of the Hawaii Constitution. Moreover, although the bill characterizes its remedies as "restorative," it also authorizes civil penalties under section 17, which could be viewed as punitive in nature if an administrative agency has already imposed administrative penalties for damage to the resource. The retroactive voiding of existing contracts, leases, and indemnity agreements likely violates the Contract Clause of the United States Constitution.

Additionally, section 15(b) provides that "[c]ompliance with other permits, standards, or regulations shall not constitute a defense to liability for harm to any ecosystem person." Section 17(d) repeats this rule with respect to civil penalties. These provisions mean that a person who obtains every required government permit and complies with every applicable condition can nonetheless be sued and held liable under this chapter.

This raises a fundamental due process concern: if full compliance with all applicable government-issued permits and standards provides no defense, the law fails to give meaningful notice of what conduct is required to avoid liability. This provision could also frustrate the State's own permitting and regulatory programs by effectively rendering them moot as a basis for regulated parties to rely upon.

Section 2(a) grants ecosystem persons the "right to exist, flourish, and naturally evolve." While the bill attempts to provide some specificity—such as "maintaining or increasing live coral cover" and "ensuring conditions that allow natural recovery processes"—these terms remain extraordinarily broad as enforceable legal standards against which to measure liability and penalties. Virtually any human activity near a watershed or reef could arguably impair these rights.

Combined with the bill's universal citizen suit provision, mandatory injunction requirement, and civil penalties, this standard creates a regime under which regulated

parties cannot reasonably determine what conduct is prohibited. This raises due process and vagueness concerns. Because the bill's definition of "watershed" incorporates section 183-31, HRS, nearly every parcel of land in the State could eventually be included in or located near a watershed, meaning the vague standard would apply statewide to all activities.

Section -9(c) imposes a "continuing duty of repair" on any entity that "caused, contributed to, benefitted from, or failed to remedy a condition of ecological degradation." Applied retroactively to 1959, the "benefitted from" standard could reach essentially every landowner, business, utility, and resident in the State—anyone who has used water, electricity, or roads associated with activities that affected a watershed. This is an almost unlimited liability net that raises both due process concerns, as it provides no meaningful limiting principle.

Section -3 states that "[t]he natural resources found associated with watersheds and coral reefs, including all flora and fauna, shall be considered to have an inalienable connection to the health and well-being of the ecosystem person." It then provides that "[n]o use, activity, or lease involving watersheds or coral reefs shall be approved that comprises or endangers this connection." Because farming arguably affects natural resources associated with watersheds and fishing affects fauna associated with coral reefs, both activities may be banned under this section.

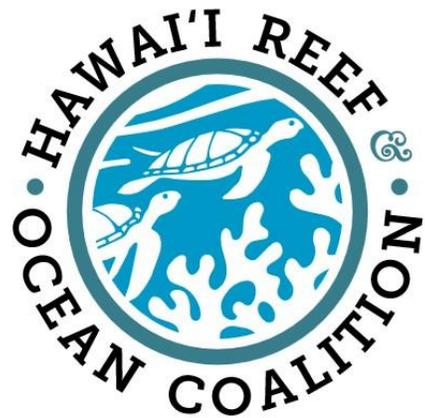
Section -7(b) declares that this chapter "shall supersede and preempt any state or local law to the extent of the conflict," while simultaneously, sections -5 and -10 state that nothing in the chapter shall "limit, modify, or supersede," among other things, the authority of the Commission on Water Resource Management under chapter 174C, HRS. These provisions are in tension: the bill claims supremacy over all conflicting state law while also claiming not to modify existing law.

Finally, sections -7(a) and -16 purport to apply this chapter to "any branch of the United States Armed Forces" and to "federal agencies and military activities, to the maximum extent permitted by law." While the bill includes the qualifying phrase "to the maximum extent permitted by law," its operative provisions—voiding federal agreements, imposing liability and penalties on federal actors, and mandating injunctive

relief—are drafted without meaningful limitation, and which could be subject to legal challenge.

We respectfully request this bill be held in Committee.

Thank you for the opportunity to testify.



To: The Honorable Chairs Senators Mike Gabbard and Chris Lee, the Honorable Vice Chairs Herbert M. “Tim” Richards III, and Lorraine Inouye, and Members of the Agriculture and Environment and Water, Land, Culture and the Arts Committees.

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

Re: **Hearing SB3323 RELATING TO ECOSYSTEM RIGHTS.**

Hearing: Wednesday February 11, 2026, 3:00 p.m., room 224

Aloha Chairs Gabbard and Chris Lee, Vice Chairs Richards and Inouye, and Members of the Agriculture and Environment and Water, Land, Culture and the Arts Committees!

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.

The mission of the Climate Protectors Hawai'i is to educate and engage the local community in climate change action.

The Hawai'i Reef and Ocean Coalition and Climate Protectors Hawaii SUPPORT SB3323!

Native Hawaiians recognized that man is a part of nature, not superior to it. To protect our watersheds (mauka to makai) and coral reef ecosystems, our laws and courts should recognize them as legal persons with inherent and inalienable rights to exist, flourish, and naturally evolve. The bill establishes enforceable ecosystem rights grounded in Hawaii's public trust doctrine and Native Hawaiian customary stewardship. The bill authorizes citizen enforcement, restorative and injunctive remedies, civil penalties, and continuing duties of ecological repair, including for historic harms. It provides for open representation, community consultation, co-governance, and supremacy over conflicting laws.

Please **pass this bill!**

Mahalo!

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

SB-3323

Submitted on: 2/9/2026 7:58:12 PM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christopher Dean	Testifying for Clean the Pacific	Support	Remotely Via Zoom

Comments:

We strongly support SB 3323. You'll hear a lot of testimony about how coral reefs provide economic resources, a draw for tourism, sustain cultural practices, provide protection from coastal erosion and provide a foundational nursery for life in the ocean, but you may not hear about something that doesn't get much attention; coral reefs are beautiful. If someone destroyed the Louvre, it would be a global tragedy. People would be grieving over the loss for decades, but coral reefs are far more spectacular, created by millions of years of evolution. They are performance art, with a dizzying array of colors, textures and motion. They are in critical danger. We need to do everything possible to save this truly irreplaceable global treasure. This act is a first step in that huge effort. Please, we beseech you, pass this bill and let's all work together to save what we can, before it's too late.

Below is a link to a talk I gave at the Museum of Natural History in New York City last summer. It's less than 7 minutes. It's my personal account of the devastation of coral reefs due to the burning of fossil fuels. I hope you can access it. If you have to, copy the URL and manually enter it into your search window. I promise, it's worth it.

Thank you for hearing this important testimony.

Sincerely, Topher Dean, Founder of Clean The Pacific

https://open.spotify.com/episode/3V2aYCGw9b1xExDlykZJRg?go=1&sp_cid=2acc7e486c29448ead1a29f2b9c1635c&utm_source=embed_player_p&utm_medium=desktop&nd=1&dlsi=2041627806de44df

SB-3323

Submitted on: 2/9/2026 11:05:37 PM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dave Mulinix	Testifying for Greenpeace Hawaii	Support	Remotely Via Zoom

Comments:

Aloha Chairs, Vice Chairs, and AEN/WLA Committee Members,

My name is Dave Mulinix, Co-Founder & Hawaii State Representative of Greenpeace Hawai'i. On behalf of our thousands of members and supporters in the state of Hawai'i we stand in **STRONG SUPPORT** of SB3323 that recognizes watersheds and coral reef ecosystems as legal persons with inherent and inalienable rights to exist, flourish, and naturally evolve. This measure establishes enforceable ecosystem rights grounded in public trust doctrine and Native Hawaiian customary stewardship. Authorizes citizen enforcement, restorative and injunctive remedies, civil penalties, and continuing duties of ecological repair, including for historic harms, and provides for open representation, community consultation, co-governance, and supremacy over conflicting laws.

SB3323 is landmark legislation that offers Hawai'i an opportunity to affirm what many here have long known: that our ecosystems are living beings worthy of protection, respect, and a voice. This legislation builds on Hawai'i's already-strong environmental and public trust laws, aligns with the ahupua'a system and 'ike kupuna, and creates a way to stand up for coral reefs and watersheds that cannot speak for themselves, but sustain all of us.

This legislation is ever so important as for too long corporations and governments have used our life giving and life sustaining planet as a dumping ground for waste, without taking into consideration the consequences. This neglect and disrespect for our environment has had severe consequences such as the growing Climate Crisis. As the Hawaii State Legislature noted in 2021, we are already in a growing Climate Emergency. Here in Hawaii we are currently experiencing the effects of the growing Climate Crisis with increasing receding shorelines, homes on the north shore of Oahu falling in the ocean, extended drought conditions, and the global warming caused firestorm that obliterated Lahaina. This is just the beginning of the devastation we are facing if we don't make a concerted effort to get off of fossil fuels as quickly as possible. SB3323 is an excellent step in the right direction to address this lack of concern for the importance to protect our life giving and life sustaining environment.

Around the globe, it has long been common for entities like corporations, governments and universities to have legal personhood, meaning that they have certain rights and can, through human representatives, go to court to enforce them. Our essential environment deserves the same rights.

Legal precedents from the Inter-American Court of Human Rights, the Convention on Biological Diversity and the International Labor Organization, among others, have established that there is an “undeniable relationship” between human rights and environmental degradation. In particular, the human right to a healthy environment, is recognized by 150 countries, that assert that the right safeguards elements of the natural world like forests, rivers and oceans.

SB3323 is important because it is about protecting nature and the environment not only because of its connection with a utility for human beings or because of the effects that its degradation could cause on other people’s rights, such as health, life or personal integrity, but due to its importance for the other living organisms with which the planet is shared, also deserving of protection in themselves.

In regard to protecting the health of our essential environment we need to concentrate on the precautionary principle, a long recognized but often overlooked legal doctrine requiring that in the absence of adequate scientific evidence, it is better to avoid certain risks that could lead to irreversible damage of ecosystems. An important aspect of the precautionary principle is the reversal of the burden of proof, requiring those wishing to engage in potentially nature-harming activities to prove that their actions will not damage the environment.

The legal framework of the rights of nature should not only be made up of articles that grant rights to nature but they should also impose a series of obligations on the state to respect, protect and guarantee the rights of nature, and that has included the precautionary principle.

Twenty other countries in the Americas have recognized the jurisdiction of the Inter American Court of Rights, many of which have also nationally recognized the human right to a healthy environment and the precautionary principle. It's time that we do the same here in Hawai'i.

Please pass SB3323 and grant the same Rights and as protections corporations receive to our life giving and life sustaining environment.

Mahalo,

Dave Mulinix

Co-Founder & Hawaii State Representative

Greenpeace Hawaii



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February 11th, 2026

Re: Memorandum of Support for SB 3323
Relating to Ecosystem Rights

Dear Chair Gabbard, Vice Chair Richards, and Members of the Committee on Agriculture and Environment; and Chair Lee, Vice Chair Inouye, and Members of the Committee on Water, Land, Culture, and the Arts,

On behalf of the Animal Legal Defense Fund, the nation's preeminent legal advocacy organization for animals, and our supporters in Hawai'i, I appreciate the opportunity to submit this memo in strong support of SB 3323, a bill to recognize watersheds and coral reef ecosystems, including all the "the fish, invertebrates, limu (algae), marine mammals, and all other living components" of the ecosystem, as legal persons with inherent and inalienable rights to exist, flourish, and naturally evolve. This bill will ensure the protection of Hawai'i's most precious ecosystems, and the organisms that rely on them, so that they may continue to thrive and provide innumerable benefits to the people of Hawai'i.

The Rights of Nature Movement

The word 'person' is often used in everyday language as meaning the same thing as 'human' but it carries a much broader definition in the context of the law. A 'legal person' refers at its most basic to an entity recognized by the law as having some rights. A legal person's rights can vary dramatically depending on what type of legal person they are.

The granting of legal rights, including standing, for features of the environment like rivers, forests, and ecosystems, is a global movement often called the "rights of nature" movement. In 2017, the Whanganui River in New Zealand was the first river in the world to be granted legal personhood. Since then, similar efforts have increased around the world in countries like Canada, Bolivia, India, and Ecuador, pushing the fight for legal personhood for certain ecosystems forward as a tool for securing crucial protections for the environment.

The movement has been growing in the United States, as well. In 2019, a Native American tribe granted the Klamath River in Northern California legal personhood, making it the first river in the United States to be granted personhood. Also in 2019, the "Lake Erie Bill of Rights" was approved by voters in Toledo, Ohio, making it the first measure of its kind in the states to grant personhood to a specific ecosystem. In 2020, voters in Orange County, Florida, approved a charter amendment granting legal rights to all waterways, including two rivers, in the county. Though the "Lake Erie Bill of Rights" and the Orange County charter were both overturned by courts, they were both significant steps in the "rights of nature" movement that signify a growing desire for enhanced protections for the environment.

At the core of the Rights of Nature movement is the desire by communities to maintain a healthy environment for themselves and future generations. It is also directly in line with traditional Hawaiian values, like that of mālama, that center caretaking and stewardship over the land, communities, and animals. Elevating the status of environmental features, like in this bill, allows enhanced protections from big polluters and others that may be harming the environment. This is not just for the benefit of the ecosystems and the animals within them, but for the people who need them to thrive.

This is especially true in Hawai'i. The people of Hawai'i are blessed with marine ecosystems that provide not only natural beauty and sustenance, but that truly inform the ethos, culture, and traditions of the society. People flock from all over the world to see Hawai'i's abundant reefs, but this abundance also attracts outside interests that may seek to exploit these ecosystems. The granting of legal personhood to coral reef ecosystems and watersheds allows for enhanced protections where current law may fall short. It is another tool in the protection of our environment.

The Animal Legal Defense Fund supports the global Rights of Nature movement and advocates for laws across the country that elevate the status of animals as above "mere property." The shift away from viewing the environment and animals as things to be owned and exploited towards one of stewardship and respect is an important cultural shift toward a more humane and conscious society, one that recognizes we are a part of nature, not above it.

Mahalo nui loa for the consideration of this legislation, which if passed, would make Hawai'i a global leader in environmental protection.

Sincerely,

Lindsay Vierheilig
Legislative Affairs Manager
Animal Legal Defense Fund

SB-3323

Submitted on: 2/10/2026 6:03:13 PM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Quetza Ramirez	Testifying for Global Alliance for Rights of Nature Youth Hub	Support	Written Testimony Only

Comments:

Dear Committee,

I am writing regarding support for SB3323, which relates to Ecosystem Rights. SB 3323 recognizes coral reefs as living systems with rights, giving Hawai'i greater legal authority to protect them. I hope you all can support this bill at a critical time when we must do all we can to protect our planet. I am speaking as myself and on behalf of the Global Alliance for Rights of Nature (GARN) Youth Hub, as our work focuses on the Rights of Mother Earth declaration. This movement began in 2010, when Ecuador and Bolivia incorporated the Rights of Nature into their constitutions.

The science shows that coral reefs are dying due to climate change and overfishing, so supporting this bill is essential to convey to youth and people around the world that we can make sustainable changes. And we know that changes in law and policy are effective ways to protect land, water, air, and non-human living beings. The Rights of Nature movement is the fastest-growing movement of the 21st century, and we continue to grow worldwide. The rights of coral reefs are critical for the future.

We are seeing more governments and judicial support the Rights of Nature because it is a movement that supports the future generations and the well being of society. We hope you can support this bill and give Nature a voice.

Thank you,



Testimony in SUPPORT of SB3323

Relating to Ecosystem Rights

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

My name is Carmen Guzman-Simpliciano, Co-Founder of Kingdom Pathways, a Native Hawaiian-led nonprofit based in Wai'anae. Our work centers 'āina-based stewardship, watershed and water quality monitoring, coral reef protection, and cultural restoration, strengthening alignment between community knowledge and Hawai'i's public trust responsibilities. We respectfully support SB3323.

This bill recognizes watersheds and coral reef ecosystems as legal persons with inherent rights to exist, flourish, and naturally evolve. This reflects what Indigenous stewardship has always understood: these are living systems, not commodities.

For Kānaka Maoli, Ko'a are our eldest ancestors. In the Kumulipo, our genealogy traces back to the coral polyp and the origins of life in the ocean. Reefs are kūpuna. To harm them is not simply environmental damage, it is a breach of relationship and kuleana. SB3323 places that responsibility into enforceable law.

Importantly, this measure does not replace Hawai'i's Public Trust Doctrine but affirms Native Hawaiian traditional and customary rights. We appreciate that the bill includes safeguards to ensure citizen enforcement strengthens lawful cultural practices and community stewardship, not undermines them. The consultation requirements reflect pono governance and respect established relationships to place.

SB3323 strengthens accountability by establishing enforceable ecosystem rights grounded in public trust and recognized customary knowledge; authorizing injunctive and restorative remedies; requiring ecological restoration and continuing duties of repair; and prohibiting waivers or agreements that shield parties from responsibility for ecosystem harm.

For those of us engaged in watershed monitoring and coral reef stewardship in Wai'anae, this framework matters. Compliance with permits alone does not excuse ecological harm. Where degradation persists, so too must the duty to restore.

SB3323 aligns law with ecological reality and 'ike kupuna. It affirms mālama 'āina as both a moral and legal obligation. Kingdom Pathways respectfully urges passage of SB3323.

With Aloha,

Carmen Guzman-Simpliciano

Co-Founder, Kingdom Pathways



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To: Senator Mike Gabbard, Chair; Senator Herbert "Tim" Richards, III,
Vice Chair; and members of the Committee on Agriculture and Environment (AEN)
To: Senator Lorraine R. Inouye, Chair; Senator Brandon J.C. Elefante,
Vice Chair; and members of the Committee on Water and Land (WLA)
From: Earth Law Center
Date: February 10, 2026
Re: Support for SB 3323: ECOSYSTEM RIGHTS: WATERSHEDS AND CORAL REEFS

Hearing Date: Wednesday, February 11, 2026

Time: 3:00 PM HST

Conference Room: 224 & Video Conference

Re: SB 3323 – RELATING TO ECOSYSTEM RIGHTS (The NANI Act)

Position: STRONGLY SUPPORT

Aloha Chairs Gabbard and Inouye, Vice Chairs Richards and Elefante, and Members of the Committees. My name is Lucy Ward, and I am writing on behalf of the Earth Law Center and its Ocean Program. We are a global organization dedicated to the advancement of ecocentric laws, policies, and governance for the well-being of the Earth Community. We are supported by a network of over **12,000 active newsletter subscribers** and a **coalition of 30 international NGOs and legal experts** who collaborated with us to develop [model legislation for the Rights of Coral Reefs](#).

We stand in Strong Support of **SB 3323**, which represents a landmark step in aligning Hawaii's legal system with both ancient indigenous wisdom and modern science and ethics.

The Scientific and Cultural Imperative

Coral reefs are the "biological heartbeat" of our planet. While they cover less than 1% of the ocean floor, they support 25% of all marine life. Globally, they provide essential services—from carbon sequestration to providing the primary protein source for billions.¹ This bill recognizes the notion and practice of **malama aina** and the importance of **Kanaka Māoli** knowledge and stewardship practices in securing the ongoing success of this bill in implementation. By codifying a relationship-based stewardship model, Hawaii establishes a 21st-century legal standard that protects both ecological integrity and the sacred bond between a community and its environment.

A Mature Global Movement

The Rights of Nature (RoN) movement has moved past its "symbolic" phase and entered a period of legal maturity; courts worldwide are now successfully using these frameworks to enforce restoration and prevent irreversible ecological collapse.

¹ Souter, D., Planes, S., Wicquart, J., Logan, M., Obura, D., & Staub, F. (Eds.). (2020). *Status of coral reefs of the world: 2020*. Global Coral Reef Monitoring Network (GCRMN) and International Coral Reef Initiative (ICRI). <https://gcrmn.net/2020-report/>

- **Ecocentric Law & Personhood:** As of 2026, nearly **600 RoN initiatives** exist across 60 countries.² Scholars now identify a "legal revolution" where specific entities, like the Mar Menor in Spain (Law 19/2022),³ gain personhood to bypass the procedural failures of traditional environmental law.⁴
- **The Rights of Coral Reefs:** Dedicated legal toolkits developed by international coalitions now provide the "black-letter law" needed for coral guardianship, ensuring that restoration and ecological integrity are enforceable legal mandates.⁵

SB 3323 is part of the next evolution of this movement: Ecosystem-Specific Legislation. Rather than broad, abstract declarations, this bill provides the precise legal tools needed to protect specific, high-vulnerability ecosystems like Hawaii's reefs and watersheds. By granting these ecosystems standing, Hawaii ensures that the voice of the reef is heard in court.

Global Collaboration for Local Success

Our NGO's work with over 30 global partners has shown that when legislation is ecosystem-specific, it drives the movement forward by providing clear, enforceable standards. SB 3323 does exactly this by:

1. Codifying the right of the reef to exist, flourish, and naturally evolve as legal persons.
2. Empowering local communities as guardians to act in the reef's best interest, and retaining scope for wider stakeholders to also act as stewards.
3. Ensuring that restoration, not just fines and penalties, is the primary remedy for harm, and such funds are directly used for restoration of and protection of ecosystem persons.
4. Creating pathways for the addressing of historic harm through restorative retroactivity.

Hawaii has the opportunity to lead the world by passing the NANI Act. We urge this Committee to pass SB 3323 to protect these vital ecosystems and the communities that live in relationship with them.

Mahalo for the opportunity to testify.

Sincerely,

Lucy Ward & The Earth Law Center Team and Community

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 Ocean Program Lead
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² Eco Jurisprudence Monitor. (2026). *Global map of eco jurisprudence initiatives*.

<https://ecojurisprudence.org/?map-style=political>

³ Kauffman, Craig, Catherine Haas, Alex Putzer, Shrishtee Bajpai, Kelsey Leonard, Elizabeth Macpherson, Pamela Martin, Alessandro Pelizzon & Linda Sheehan. Eco Jurisprudence Monitor. V2. 2025. Distributed by the Eco Jurisprudence Monitor. <https://ecojurisprudence.org/initiatives/proposed-law-for-recognition-of-legal-personality-to-the-laguna-del-mar-menor-and-its-basin/>.

⁴ Jefferson, D. J., Macpherson, E., & Moe, S. (2023). Experiments with the extension of legal personality to ecosystems and beyond-human organisms. *Transnational Environmental Law*, 12(2), 343-365.

⁵ Earth Law Center. (2026). *Rights of coral reefs: A voice for coral reef ecosystems through the rights of nature and ecocentric law*. <https://www.earthlawcenter.org/coralreefs>



Feb 10, 2026

Aloha Chairs, Vice Chairs, and Members of AEN/WLA,
Conference Room 224 & Videoconference
State Capitol
415 South Beretania Street

RE: SB 3323 Relating to Ecosystem Rights

I am testifying on behalf of Coral Reef Alliance in support of SB3323, Nā 'Āina Nō Lā Act. CORAL works to protect coral reef ecosystems through science based conservation, community partnerships, and place based stewardship. SB3323 reflects both ecological necessity and Native Hawaiian cultural values that recognize the living relationship between people, land, and ocean.

SB3323 affirms a principle long held in Hawaiian thought, that 'āina and kai are living systems deserving care, respect, and protection. The recognition of watersheds and coral reefs as rights bearing entities aligns with the practice of mālama 'āina, the responsibility to sustain the health of the places that sustain us as familial and kuleana connected peoples. Healthy reefs and watersheds are inseparable from healthy communities. Reefs and watersheds support food security, shoreline protection, culture, economic stability, and climate resilience, and when they decline the effects ripple across island life.

This bill supports a framework of accountability that prioritizes restoration and healing in a collaborative setting, like the pilina built from working through issues together. From a cultural perspective, restoration is not only ecological repair but a reaffirmation of relationship. It recognizes that past harms carry forward into the present and that there is a continuing kuleana to restore balance.

SB3323 integrates recognized customary knowledge alongside scientific evidence. Effective watershed and reef protection requires both. Indigenous observation systems (kilo) hold generations of insight into ecosystem change, seasonal cycles, and sustainable management. When paired with modern reef science, these knowledge systems strengthen decision making and long term resilience. There is no direct 'ōlelo



Hawai'i translation for "sustainability" because the concept is inseparable from cultural practice, it is about survival and the collective health of people and 'āina.

Coral reefs in Hawai'i are facing accelerating pressures from land based pollution, warming seas, sedimentation, and overuse. Without bold legal frameworks that recognize the intrinsic value of ecosystems, conservation efforts will continue to struggle against fragmented protections. SB3323 creates a structure that reflects the reality that reefs and watersheds are interconnected living systems whose survival is essential to Hawai'i's future.

Supporting this bill is consistent with the values of pono governance, stewardship, and respect for ancestral knowledge. It affirms that protecting ecosystems is not an optional environmental policy but a cultural and moral responsibility. For these reasons, the Coral Reef Alliance respectfully urges passage of SB3323.

Mahalo for the opportunity to testify,

Erica Perez
Sr. Program Manager and Head of Sanitation
Local Field Office:
1441 Kapiolani Blvd Suite 1114
POB 29802
Honolulu, Hawaii 96814-4406 US
P: 808.756.1786
[Coral Reef Alliance](http://CoralReefAlliance.org)

SB-3323

Submitted on: 2/8/2026 10:22:37 AM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Denise E Antolini	Testifying for Malama Pūpūkea-Waimea	Support	Written Testimony Only

Comments:

Aloha Chair AEN/WLA Chairs, Vice Chairs, Members,

Mālama Pūpūkea-Waimea is a Hawai‘i non-profit organization founded on the North Shore of O‘ahu in 2005. Our mission is “working to replenish and sustain the natural and cultural resources of the Pūpūkea and Waimea ahupua‘a for present and future generations through active community stewardship, education, and partnerships.”

For twenty-one years, we have focused our collaborative stewardship and education efforts on the Pūpūkea Marine Life Conservation District (MLCD), one of only three MLCDs on O‘ahu.

We support SB3323 as another important step toward better protecting our precious resources using the ahupua‘a-based rights and ecosystem management approach.

Mahalo,

Denise Antolini

President, MPW

SB-3323

Submitted on: 2/9/2026 2:43:14 PM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nedi McKnight	Testifying for Rights of Nature Hawai'i and Hawai'i Reef Rights	Support	Written Testimony Only

Comments:

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

My name is Nedi McKnight. I am an advocate with Rights of Nature Hawai'i and Hawai'i Reef Rights, and I am writing in support of SB3323, the Nā 'Āina no I'a Act.

Coral reefs are essential to life in Hawai'i. They protect our shorelines, support fisheries, and are a major reason people from around the world visit these islands. They are also central to our culture and to the health of our communities. Despite existing environmental laws, our reefs continue to be damaged, and many people feel there are limited ways to step in before harm becomes permanent.

SB3323 offers a practical, people-driven tool to help address that gap. It allows individuals to seek restoration and accountability on behalf of ecosystems when they are harmed, working alongside (not instead of) current environmental protections.

This bill reflects the understanding that land and ocean are connected from mauka to makai, and that caring for one means caring for the other. It aligns with long-held values in Hawai'i about stewardship and responsibility to place.

Protecting coral reefs is also about the future. If we want our keiki and mo'opuna to inherit healthy reefs, and if we want a tourism economy that depends on living reefs, not damaged ones, we need stronger ways to act now.

SB3323 gives Hawai'i a chance to lead by matching our laws with our values. I respectfully ask for your support.

Kind regards,

Nedi McKnight
Advocate, Rights of Nature Hawai'i
Hawai'i Reef Rights

SB-3323

Submitted on: 2/9/2026 3:38:46 PM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nancy Redfeather	Testifying for Ka Ohana O Na Pua	Support	Written Testimony Only

Comments:

Environmental laws started off with how beneficial nature would be to man, considering man to be the [“most precious”](#) among other things in the world. Under the Stockholm Conference of 1972, it was stated that “safeguarding the homo sapiens” is the primary objective of [environmental laws](#) without “much emphasis on the protection of other components of the environment.”

But in recent times, there has been a shift in the primary objective of environmental laws from considering man to be the most precious to nature being the most precious among other things. This shift from protecting nature for the benefit of men (anthropocentric) to protecting nature for the benefit of nature (eco-centric) is evident in several countries. I know of 6 countries that have bestowed such rights. Hawai'i is one of those precious ecosystems and we should do everything we can to protect it, for our kamaaina, our visitors, and all future generations who will live here. Mahalo

SB-3323

Submitted on: 2/9/2026 3:46:35 PM

Testimony for AEN on 2/11/2026 3:00:00 PM

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

Comments:

Aloha.Chair Gabbard, Chair Lee, and Members of the AEN and WLA Committees,

Mahalo for hearing this important bill, and for allowing us to testify in its support.

This, to me, is the most important definition of "environmental justice" that has been completely ignored for at least the last decade: This vehicle to provide justice for coral reef and watershed ecosystems that need the most protection, preservation, restoration, or remediation from human use, abuse, neglect, or destruction.

We need this conversation and this law in Hawaii, particularly since our natural resources continue to be the foundational attraction for the tourism industry that is so critical to our economy.

Please pass this bill to ensure our natural resources are finally respected enough to be elevated to the legal standing of being treated as person with a voice of their own to be conserved, protected, and restored in perpetuity.

With Aloha,

Lisa. Bishop, MS

Friemds of Hanauma Bay I President

SB-3323

Submitted on: 2/9/2026 4:06:21 PM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Isaac "Paka" Harp	Testifying for Makani Hou O Kaloko-Honokohau	Support	Written Testimony Only

Comments:

Aloha Chairs, Vice-Chairs, and Members of the AEN and WLA Committees,

Please support SB 3323 to provide a pathway for direct action by the people of Hawai'i in service of restoration and justice, and to assist in alleviating overburdened State agencies.

Mahalo!



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

My name is Maki Morinoue, and I am testifying on behalf of HULI PAC. HULI PAC is an organization whose mission is to endorse and support candidates and office holders of integrity who serve the 'āina and people of Hawai'i Island.

HULI PAC strongly supports SB3323, the Ecosystem Rights bill — the NĀ 'ĀINA NO LA (NANI) Act — which recognizes Hawai'i's watersheds and coral reef ecosystems as legal persons with inherent rights to exist, flourish, and naturally evolve. This bill establishes enforceable protections grounded in science, Native Hawaiian stewardship values, and the public trust doctrine.

Ecosystems Rights SB3323 is deeply aligned with the Hawai'i State Motto:

“Ua Mau ke Ea o ka 'Āina i ka Pono” — The life of the land is perpetuated in righteousness.

This measure gives practical legal meaning to that truth. It recognizes that the well-being of our land and waters is not symbolic — it is foundational to the survival, culture, and future of Hawai'i and its people.

Our State Constitution already affirms these responsibilities. Article XI establishes the State's duty to protect natural resources and uphold the public trust for present and future generations. SB3323 strengthens — not replaces — these obligations by creating additional, complementary enforcement tools and stewardship pathways, while explicitly preserving Native Hawaiian traditional and customary rights and established public trust doctrine.

This bill is important because:

- It recognizes **watersheds and coral reefs as rights-bearing entities**, reflecting both modern ecological science and Kanaka Maoli worldview.
- It affirms that ecosystem health is inseparable from community well-being and cultural practice.
- It enables **restorative and injunctive relief** when ecosystems are harmed — prioritizing repair, not just penalties.
- It supports **community and citizen enforcement**, while including safeguards against bad-faith actions.
- It requires **coordination with Native Hawaiian practitioners and stewardship organizations** and respects customary knowledge alongside scientific evidence.



- It confirms that ecosystem protection and the public trust doctrine are mutually reinforcing, not competing frameworks.

For too long, environmental protection has often been reactive and fragmented. SB3323 establishes a proactive, values-based legal framework that recognizes ecological systems as the living foundations of our islands—not merely resources to be managed after damage occurs.

By affirming ecosystem rights, this bill brings Hawai'i law into closer harmony with our cultural values, constitutional mandates, and moral responsibility to future generations.

Supporting SB3323 is an act of pono governance. It honors our constitution, our motto, and our kuleana to ensure that the life of the land — and the life it supports — is truly perpetuated.

Mahalo for the opportunity to testify in strong support.

Maki Morinoue
HULI PAC, Hawai'i Island

SB-3323

Submitted on: 2/9/2026 4:15:50 PM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jim Albertini	Testifying for Malu 'Aina Center for Non-violent Education & Action	Support	Written Testimony Only

Comments:

Testimony in support of SB3323

Feb. 9, 2026

Aloha Legislators,

Mahalo for introducing and supporting this important Bill. As an organic farmer in Ola'a on Moku O Keawe for 46 years, I'm a strong believer in restoring the ahupua'a system where the people take care of the land so the land takes care of the people. We need to restore balance which is underscored by the fact that Hawaii now imports 90% of the food it consumes. And remember we are the most isolated land mass in the world.

We need to protect Hawaii and the earth's eco systems for generations to come. Mahalo for your solidarity.

Jim Albertini, President of Malu 'Aina



To: The Senate Committee on Agriculture and Environment (AEN)
and
The Senate Committee on Water, Land, Culture and the Arts (WLA)
From: Sherry Pollack, 350Hawaii.org
Date: Wednesday, February 11, 2026, 3pm

In strong support of SB3323

Aloha Chairs Gabbard and Lee, Vice Chairs Richards and Inouye, and members of the AEN and WLA committees,

I am Co-Founder of the Hawaii chapter of 350.org, the largest international organization dedicated to fighting climate change. 350Hawaii.org is in **strong support of SB3323** that recognizes watersheds and coral reef ecosystems as legal persons with inherent and inalienable rights to exist, flourish, and naturally evolve. This measure establishes enforceable ecosystem rights grounded in public trust doctrine and Native Hawaiian customary stewardship, and authorizes citizen enforcement, restorative and injunctive remedies, civil penalties, and continuing duties of ecological repair, including for historic harms.

A great unraveling of Earth's living systems is happening. Climate change is happening now, we are causing it, and the longer we wait to act, the more we lose.

Despite the passage of thousands of environmental laws in recent decades, Nature continues to decline as a result of biodiversity loss, extraction, deforestation, air pollution, contamination of rivers and watersheds, and climate crisis. One of the major causes of Nature's decline is our legal system's treatment of Nature as human property, to be exploited for short-term profits. Our current laws offer limited protection for Nature, and only for the benefit of people and corporations. When these laws are applied, they permit resource extraction, waste discharge, habitat degradation, and species extinction at slower but continuing rates.

SB3323 establishes a proactive, values-based legal framework that recognizes ecological systems as the living foundations of our islands—not merely resources to be managed after damage occurs. We must shift environmental law from treating ecosystems as mere property to recognizing them as living entities with legal standing to exist, persist, and regenerate. This shift helps prevent ecocide, combat climate change, and protect biodiversity.

We strongly urge the Committee to **PASS** this critical measure.

Thank you for the opportunity testify.
Sherry Pollack
Co-Founder, 350Hawaii.org

SB-3323

Submitted on: 2/9/2026 7:29:51 PM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Susan B Roberts Emery	Testifying for Green Party of Hawai'i	Support	Written Testimony Only

Comments:

Aloha Chair Gabbard, Chair Lee, Vice Chair Richards, Vice Chair Inouye, and Honorable Members of Committee,

My name is Susan RobertsEmery, as Co Chair of the Green Party of Hawai'i, it is with great pleasure we offer our VERY STRONG Support for SB3323 ! This is the kind of Bill we consider a DREAM BILL! This bill will establish legal personhood for our watersheds and coral reefs across the Hawaiian Islands! I am tearing up just writing this testimony! I have witnessed New Zealand give legal personhood , in 2017 to the Whanganui River. That quest was 150 years in the making. Peru recently gave legal personhood to the Marañón River which flows nears one of the densest oil producing zones. This is a game changer for Hawai'i to protect the watersheds and our precious coral reefs. The Green Party recognizes we are nature, and nature is us. There is no separation between humans and our environment. We want to thank everyone who had a part in writing and bringing this Act forward. SB3323 is a game changer!

The Green Party of Hawai'i offers our FULL Support to SB3323! Please join with us in supporting SB3323!

Thank you for your consideration in these extraordinary times for this once in a lifetime opportunity. We are all connected.

Susan RobertsEmery

Green Party of Hawai'i

Paauilo

SB-3323

Submitted on: 2/10/2026 9:53:51 AM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Blake McNaughton	Testifying for Makahaloa Fishing Association	Support	Written Testimony Only

Comments:

Aloha Kākou,

Makahaloa Fishing Association supports SB3323, which recognizes watersheds and reefs as having the same rights as people. This view is in alignment with our recognition that our shorelines, rivers, and ocean are named kupuna and we have responsibility to care for those place. Makahaloa Fishing Association represents over 140 fishing families from Hilo Palikū. Our ‘ohana feed their families from our special places and in turn have cared for these places for generations. This bill will help to recognize that reciprocity and give us a pathway to object to some of the land use practices that most recently have dried up streams for the first time in community memory. Mahalo for consideration of this testimony.



**HAWAI'I
FOOD+
POLICY**

Honolulu, HI 96813
food@purplemaia.org

Date of Hearing: 11 February, 2026

To: Chair Mike Gabbard, Vice Chair Herbert M. Richards, III, and the Senate Committee on Agriculture and Environment, and Chair Chris Lee, Vice Chair Lorraine R. Inouye and the Senate Committee on Water, Land, Culture and the Arts

Subject: **SB 3323**, Relating to Ecosystem Rights

Aloha,

Hawai'i Food+ Policy submits testimony in strong support of SB 3323, which recognizes watersheds and coral reef ecosystems as legal persons with inherent and inalienable rights to exist, flourish, and naturally evolve and establishes enforceable ecosystem rights grounded in the public trust doctrine and Native Hawaiian customary stewardship.

Healthy ecosystems are foundational to resilient local food systems. Degradation of ecosystems threatens local food access and the ability of communities, including subsistence fishers and small food producers, to rely on natural resources. SB 3323 prioritizes ecological health before irreversible harm occurs—rather than relying solely on remediation after food-producing ecosystems have already been compromised. In this, SB 3323 aligns with Hawai'i's long-standing public trust responsibilities and Indigenous stewardship values of mālama 'āina.

Finally, we affirm SB 3323's approach of collaboration between customary knowledge holders, scientists, and legal institutions. We also affirm SB 3323's caveat that no enforcement action shall be maintained against the exercise of Native Hawaiian traditional and customary rights and lawful subsistence.

Protecting 'āina and kai is inseparable from feeding our communities. By recognizing watersheds and coral reefs as rights-bearing entities, SB3323 will strengthen legal protections for the natural systems that underpin Hawai'i's local food system. We strongly urge the AEN/WLA Committees to pass SB 3323.

Mahalo,
Brandon Kinard & the Food+ Policy Team
#fixourfoodsystem

The Food+ Policy internship develops student advocates who learn work skills while increasing civic engagement to become emerging leaders. We focus on good food systems policy because we see the importance and potential of the food system in combating climate change and increasing the health, equity, and resiliency of Hawai'i communities.

In 2026, the cohort of interns are undergraduate and graduate students and young professionals working in the food system. They are a mix of traditional and nontraditional students, including parents and veterans, who have backgrounds in education, farming, public health, nutrition, and Hawaiian culture.



Environmental Caucus of The Democratic Party of Hawai'i

TESTIMONY IN STRONG SUPPORT OF SB3323 RELATING TO ECOSYSTEM RIGHTS

TO: Chair Mike Gabbard, Vice Chair Herbert M. “Tim” Richards III, and Members of the Senate Committee on Agriculture and Environment (AEN)

and

Chair Lorraine R. Inouye, Vice Chair Brandon J.C. Elefante, and Members of the Senate Committee on Water, Land, and Agriculture (WLA)

Hearing: Wednesday, February 11, 2026, at 3:00 PM Conference Room 224 & Videoconference

Aloha Chairs Gabbard and Inouye, Vice Chairs Richards and Elefante, and Members of the Committees,

The Environmental Caucus of the Democratic Party of Hawai'i strongly supports **SB3323**, which advances Hawai'i's constitutional public trust obligations and aligns with Native Hawaiian cultural and ecological values that recognize the inherent rights of natural systems.

Article XI, Sections 1 and 9 of the Hawai'i State Constitution establish that Hawai'i's natural resources are held in trust for the benefit of present and future generations. These provisions impose an affirmative duty on the State to protect, conserve, and maintain the integrity of public trust resources, including water, land, native species, and ecological systems.

Despite these constitutional mandates, agency-driven enforcement alone has often proven insufficient to prevent or remedy environmental harm. Regulatory processes can be slow, under-resourced, or constrained by competing priorities, leaving critical ecosystems vulnerable to degradation before meaningful action is taken.

SB3323 provides a necessary complementary pathway by granting legal standing to “ecosystem persons,” enabling residents to bring actions directly when public trust resources are threatened or damaged. This parallel enforcement mechanism strengthens accountability and ensures that ecological harm can be addressed even when agencies are unable or unwilling to act.

This approach is deeply consistent with Native Hawaiian worldviews in which 'āina, wai, kai, and native species are living relatives—entities with intrinsic value and deserving of care, respect, and restoration. Recognizing ecosystems as rights-bearing aligns with the cultural principle of kuleana, which affirms the responsibility of people to protect and restore the natural world.

SB3323 also supports climate resilience, which requires proactive protection of ecosystems that buffer communities from climate-driven hazards such as sea-level rise, flooding, coral bleaching, and extreme weather. Healthy ecosystems—wetlands, reefs, forests, streams—are essential climate infrastructure. When these systems are harmed, the impacts compound over time, increasing vulnerability for both people and the environment.

The bill further addresses cumulative impacts, a critical gap in Hawai'i's current regulatory framework. Many harms to ecosystems occur not through a single catastrophic event, but through repeated, incremental degradation that agencies often lack the tools or capacity to address. By empowering residents to act when cumulative harm becomes evident, SB3323 ensures that ecosystems are not sacrificed through slow, piecemeal decline.

Importantly, SB3323 advances environmental justice by giving frontline communities—who disproportionately bear the burden of pollution, contamination, and climate impacts—a meaningful legal tool to defend the ecosystems they rely on for cultural practice, subsistence, health, and identity. Communities closest to harm often have the least access to agency processes; this bill restores balance by ensuring that those most affected have a direct pathway to seek restoration and accountability.

By empowering communities to act in defense of ecosystems, SB3323 reinforces the State's constitutional duties, honors Native Hawaiian cultural values, strengthens climate resilience, addresses cumulative impacts, and advances environmental justice.

The Environmental Caucus urges passage of this measure to uphold Hawai'i's public trust responsibilities and safeguard the environment for present and future generations.

Mahalo for the opportunity to testify.

Alan Burdick, Co-Chair

Mike Ewall, Co-Chair

Melodie Aduja, Co-Chair Emerita, Environmental Caucus Democratic Party of Hawai'i



Hawai'i Wildlife Fund

Post Office Box 1801, Kealahou, Hawaii, HI 96750 &

Post Office Box 790637, Paia, Maui, HI 96779

Celebrating 30 years of protecting Hawaii's native wildlife through research, education and conservation.

10 February 2026

Senate Committees on Agriculture & the Environment (AEN) *and*
Water, Land, Culture & the Arts (WLA)
Hawai'i State Capitol
415 South Beretania Street
Honolulu, HI

RE: Testimony in support of SB3323 -- Ecosystem Rights for Watersheds and Coral Reefs

Aloha Chair, Vice Chair, and Committee Members of AEN/WLA,

Hawai'i Wildlife Fund strongly supports SB3323, the Nā 'Āina No I'a "NANI" Act.

Founded in 1996, Hawai'i Wildlife Fund (HWF) is a local nonprofit organization dedicated to conserving Hawai'i's native wildlife through research and education. For 30 years, we have protected native wildlife and restored coastal and nearshore ecosystems across the Hawaiian Archipelago through community engagement and education, environmental research, and conservation advocacy.

Our three decades of restoration work have taught us that current legal frameworks cannot protect Hawaii's ecosystems from the threats they face. Despite our best efforts and those of many partners, coral reefs and watersheds continue to degrade. SB3323 provides the enforceable legal mechanisms needed to reverse these trends.

Current environmental laws suffer from three failures that SB3323 directly addresses:

- ❖ Permitted harm is still harm. Activities that comply with permits still cause ecological damage. Section §-15(b) establishes that "compliance with other permits, standards, or regulations shall not constitute a defense to liability for harm to any ecosystem person."

This recognizes ecological reality: cumulative permitted impacts can destroy ecosystems just as surely as illegal activities.

- ❖ Enforcement comes too late. By the time violations are addressed, damage is often irreversible. Coral recruitment fails, aquifers are depleted, sediment smothers reefs. SB3323's mandatory injunction provision (§-2(a)) requires courts to "issue mandatory injunctions whenever a violation of an ecosystem person's rights is established, regardless of the availability of monetary or administrative remedies." This shifts focus from compensating damage to *preventing* it.
- ❖ Historic harms persist. Section §-9 establishes a continuing duty of repair for actions "originating before its effective date if the resulting injury, degradation, or loss continues to impair ecological integrity." Legacy pollution and altered hydrology continue damaging ecosystems regardless of when the initial harm occurred. This provision creates accountability for ongoing impacts.

SB3323's enforcement provisions are practical, necessary, and complementary to existing protections:

Citizen enforcement (§-4) allows communities to act when agency resources are insufficient. After 30 years of conservation work, we know that local communities see problems first and respond fastest. Distributed enforcement complements agency oversight.

Science-backed claims (§-1, §-4) ensure rigor by requiring "credible evidence, including peer-reviewed research, governmental resource data, or expert testimony" while recognizing both scientific and traditional ecological knowledge as valid evidence.

Mandatory restoration (§-4) requires courts to order "ecological restoration sufficient to return the ecosystem person to its ecological baseline" or "the best scientifically achievable functional condition." This creates accountability for actual ecosystem recovery, not just financial penalties.

Safeguards prevent abuse while maintaining access. The 60-day notice requirement (§-8(b)), consultation with Native Hawaiian practitioners (§-6(c)), dismissal provisions for bad-faith actions (§-8(e)), and protection for lawful cultural practices (§-8(d)) ensure this tool is used responsibly.

Section §-5 clarifies that SB3323 is "cumulative of and complementary to the public trust doctrine" and "shall not be construed to supplant, replace, or diminish the public trust." The bill

creates additional enforcement pathways when agency action is insufficient—it does not replace existing protections.

Recognizing coral reefs and watersheds as "ecosystem persons" (§-2) with rights to "exist, flourish, and naturally evolve" aligns legal recognition with biological reality. These are not collections of resources but integrated living systems with self-regulating processes, adaptive capacity, and functional integrity. The bill operationalizes these rights through "measurable ecological conditions such as maintaining or increasing live coral cover, avoiding activities that impair recruitment or resilience, and ensuring conditions that allow natural recovery processes."

After three decades of work across Hawai'i, we have seen firsthand what happens to our native ecosystems (watersheds and reefs) when legal protections are insufficient: we lose irreplaceable flora, fauna and habitats. SB3323 provides the enforceable framework needed to protect what remains and restore what has been damaged.

We strongly urge passage of SB3323 onto the next committee (JDC).

Mahalo nui for the opportunity to testify.

Sincerely,



Megan Lamson Leatherman, M. Sc.
HWF President & Hawai'i Program Director
megan@wildhawaii.org | (c) 808-217-5777



Hannah Bernard, HWF Co-founder & Exec. Director
hannah@wildhawaii.org | (c) 808-280-8124

SB-3323

Submitted on: 2/10/2026 3:50:51 PM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michelle Pieper	Testifying for Hanai Kaiaulu	Support	Written Testimony Only

Comments:

Aloha Chair and Committee Members,

My name is Michelle Pieper, and I am an educator with 26 years of service to the Wai‘anae Coast community. I submit this testimony in strong support of SB3323, as it upholds the ‘ike of our kūpuna and affirms Hawai‘i’s kuleana to protect coral reefs as living relatives—rather than treating them as mere resources.

Our ancestors teach us, “He ali‘i ka ‘āina, he kauā ke kanaka.” The land is the chief; we are its servants. Within this worldview, the ocean is not separate from the land—it is an extension of it. Coral reefs are foundational to this living system. They protect our shorelines, feed our people, sustain fisheries, and uphold cultural practices passed down through generations. When reefs are harmed, the balance of our entire ahupua‘a—from mauka to makai—is disrupted.

SB3323 follows important legal breakthroughs that recognize nature as a rights-bearing entity. The restoration of the Klamath River in the continental United States, following the largest dam removal project in history, demonstrates how law can be used to correct long-standing ecological harm and restore life to a river system central to Indigenous communities. Internationally, the recognition of the Whanganui River (Aotearoa/New Zealand) under the principles of the Treaty of Waitangi marked a major shift in legal thinking—acknowledging the river as a living ancestor with its own rights, voice, and guardians. These precedents show that legal systems can evolve to better reflect Indigenous knowledge and long-term stewardship.

Similarly, SB3323 provides Hawai‘i with a necessary and values-aligned legal tool by recognizing the rights of coral reefs. It allows the State to take action on behalf of reefs and to hold parties accountable when harm occurs, reinforcing Hawai‘i’s public trust obligation to care for natural systems for present and future generations.

As an educator, I work daily with youth who will inherit the consequences of today’s decisions. Supporting SB3323 is an act of responsibility, leadership, and aloha ‘āina—one that ensures our coral reefs, and the life and culture they sustain, have a future.

I respectfully urge you to support SB3323.

Mahalo for the opportunity to submit testimony.

Opposed to SB 3323

By Ron Tubbs B.S.N.D. UHM

Hawaii's most renewable resource is its oceans. Its most valuable resource is its oceans.

This bill will destroy sustainable fisheries and allow devious lawyers to close them permanently!

We have ignored the value and sustainability of ocean resources and overregulated sustainable fisheries to support unsustainable Tourism. With over 80% of our goods imported at extremely high carbon-footprint costs and very few exports, this policy is unsustainable.

Seafood fisheries are in great decline! Fishers no longer go out due to overregulation and management. Please read about the decline in food fisheries in West Hawaii.

From the Findings and Recommendations of the Effectiveness of the West Hawaii Regional Fishery Management Area (WHRFMA), Link: Dar_hrs188-2025.pdf
<https://share.google/Oe2n82gYYINtg0KY1>

Pro-tourist groups would like nothing more than to increase our economy's dependence on them and for them to own the oceans to be seen and not used, but that is anti-ecology thinking.

Sustainable use of renewable resources is key to Hawaii's ecological future. Anti-fishing policies must be implemented to have any chance of reducing the carbon footprint and meeting Hawaii's zero-carbon footprint goals.

Thousands of DAR fish counts summarized in the "Findings and Recommendations of the Effectiveness of the West Hawaii Regional Fishery Management Area (WHRFMA)" have shown low impacts and sustainable take, even at high numbers.

No declines in fishery populations during aquarium fisheries activities in West Hawaii from 1999 to 2017, when the fishery was closed to do an environmental review. Please do not overburden sustainable high-value fisheries.

From the Findings and Recommendations of the Effectiveness of the West Hawaii Regional Fishery Management Area (WHRFMA), Link: Dar_hrs188-2025.pdf
<https://share.google/Oe2n82gYYINtg0KY1> and

DC114 | Hawaii 2020 | Rpt; Findings and Recommendations of ... <https://trackbill.com/bill/hawaii-senate-other-114-rpt-...>

See summary below of the most current fish populations, which are made up of the highest fished aquarium fish, showing no decline in populations after the fishery closed. In addition, look at the graphs. During the fishery collections, the highest fish populations were shown. If the fishery were not sustainable, there would have been a decline.

Ctenochaetus Strigosus Kole Tangs, Zebrasoma flavescens Yellow Tangs are among the most populous fish. See the findings in the chart below.

Hawaii DC114 2020 Rpt; *Findings and Recommendations of Effectiveness of the West Hawaii Regional Fishery Management Area (WHRFMA) Report*; DLNR.

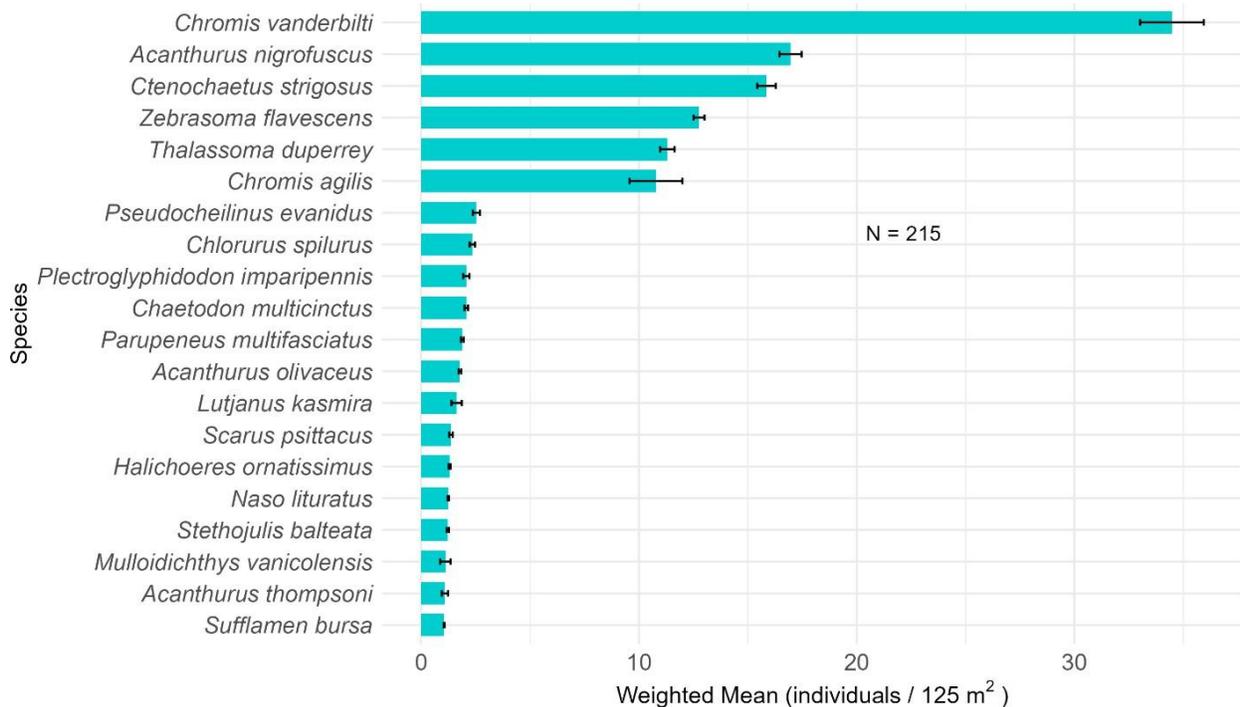


Figure 20. The 20 most abundant reef fish species recorded during 2022-2023 FAHU surveys. Mean density per transect (125 m²) weighted by stratum weights with error bars to show weighted standard error for the sample size of 215 surveys across nine strata. Scientific names were used to distinguish species with overlapping Hawaiian names. Translations can be found in Appendix table A-1.

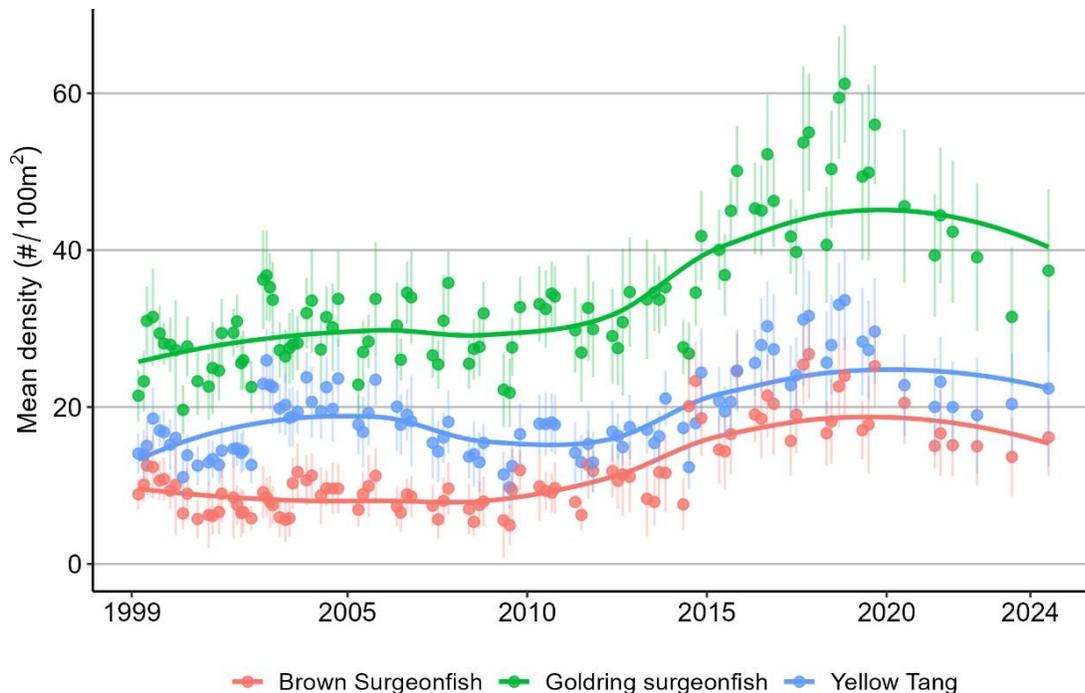


Figure 23. Mean density of select small surgeonfishes in WHAP surveys. Points represent mean density across 25 WHAP sites for each survey round per species. Error bars represent standard deviation to depict the level of variability between sites. Recruit sized individuals are removed from these data for ma'i'i'i (red), kole (green), and lau'ipala (blue).

While these events create "feast or famine" conditions for species like salmon, they are part of a natural cycle that governs population dynamics. However, extreme events, now more frequent with climate change, can lead to dramatic, temporary collapses in certain fisheries. [Embedded NOAA link.](#)

Here is one review and the best example, based on the fisheries' most popular fish and the fish populations' resilience to the fishery.

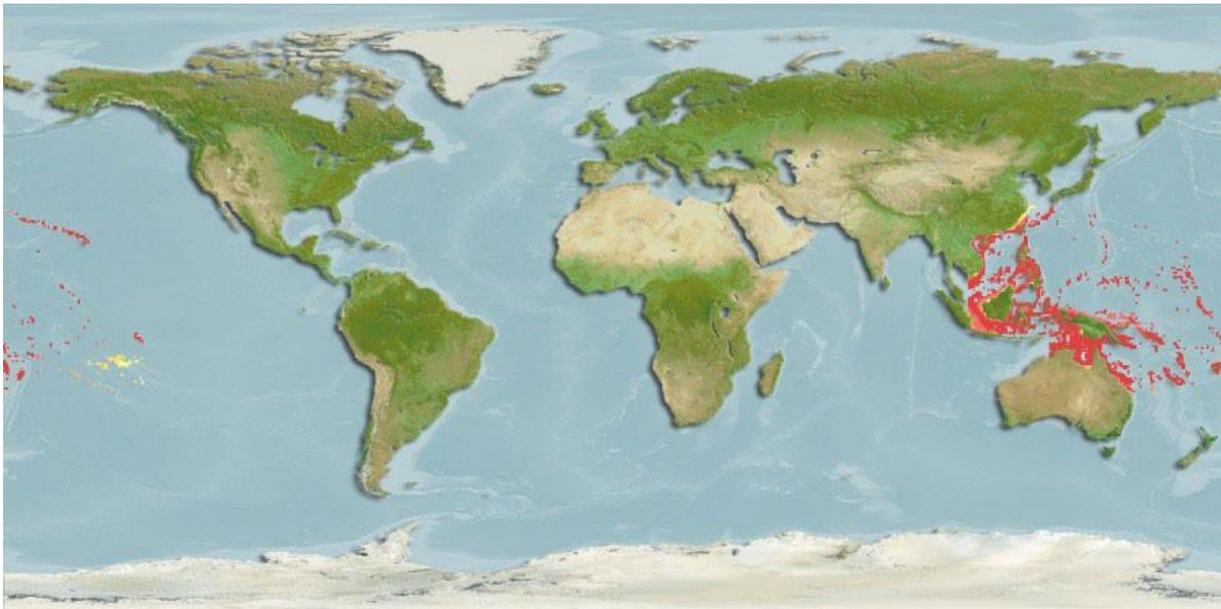
Yellow Tang (*Zebrasoma flavescens*)

Ecology

The Yellow Tang is one of the most popular aquarium species, growing to 8 inches in length, oval in shape, and laterally compressed. It has a small mouth and eyes set high on its head. Adults are bright yellow and have modified scales along the base of the tail, which can be exposed when the fish flexes its tail. These modified scales or spines are used for

defense from predators and competition for feeding areas. At night, the yellow color darkens, and a white band appears along the lateral line (University of Hawai'i 2016).

The Yellow Tang is the only solid yellow fish common throughout Hawai'i. This species is found in subtropical waters and is rare on the western extremes of its range. Flexible comb-like teeth are used to pick algae and seaweed that grow along the reefs. Young Yellow Tang are associated with finger coral (*Porites compressa*), which is abundant in the coastal waters of the island of Hawai'i, but less so on O'ahu (Dr. Bruce Carlson, pers. comm.). They spend a large amount of time feeding and aggressively protecting prime feeding territories (University of Hawai'i 2016). Yellow Tang are found from shallow surge zones to a depth of 130 feet. They occur in the Pacific Ocean: Ryukyu, Mariana, Marshall, Marcus, Wake, and the Hawaiian Islands. (Froese and Pauly 2020).
Fish Base



AquaMaps



Computer Generated Native Distribution Map for *Zebrasoma flavescens* (Yellow tang), with modelled year 2050 native range map based on IPCC RCP8.5 emissions scenario

Currently known distribution: Pacific Ocean: Ryukyu, Mariana, Marshall, Marcus, Wake and Hawaiian islands. Has been reported off the coast of Florida in the Western Central Atlantic (Ref. 51238).

Froese, R. and D. Pauly. Editors.
2024. FishBase. World Wide Web electronic
publication. www.fishbase.org. (02/2024)

Yellow tangs are not endemic to Hawaii with distribution Pacific Ocean: Ryukyu, Mariana, Marshall, Marcus, Wake and Hawaiian Islands. Has been reported off the coast of Florida in the Western Central Atlantic. They are normally 0 to 150 feet deep but have been reported in depths as deep as 265 feet. (Fish Base) The depth of yellow tangs can also protect populations from environmental effects. Deep Refuge Theory

The International Union for Conservation of Nature (IUCN) (<https://www.iucnredlist.org/>). The cumulative review concluded that Yellow tangs are a species of “**least concern**” for management, environmental factors, and vulnerability to fishing.

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (<https://cites.org/eng/disc/species.php>), CITES, does not list Yellow tangs in the red endangered species list.

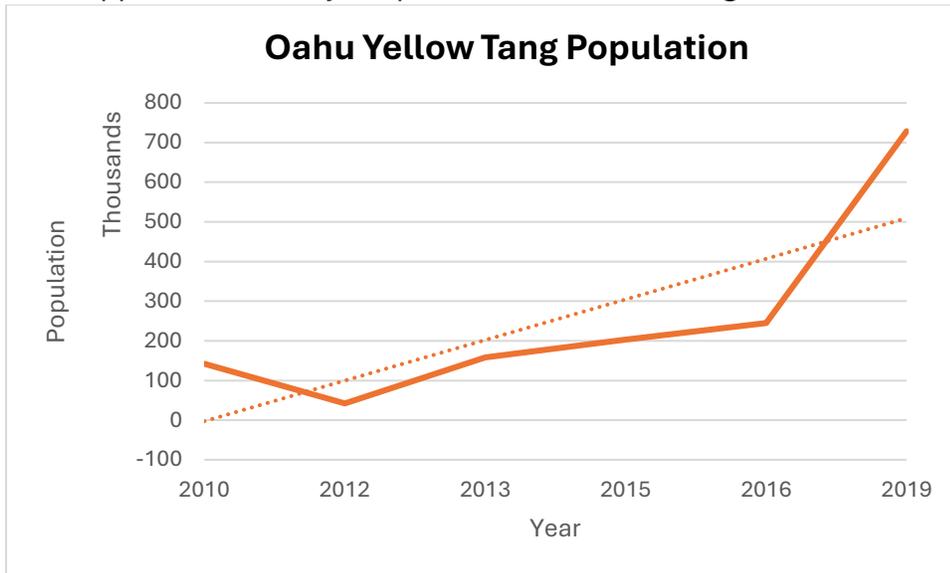
The Hawaii State Wildlife Action Plan (SWAP) does not list yellow tangs as a species of concern for further monitoring. Key factors considered for inclusion are individual species information, distribution, abundance, location, and key habitat, threats like fishing pressure and pollution, to produce conservation actions, monitoring, and identifying research priorities. In most cases IUCN Red List status is not considered (Hawai'i Department of Land and Natural Resources. 2015. Hawai'i's State Wildlife Action Plan. Prepared by H. T. Harvey and Associates, Honolulu, Hawai'i. <http://www.state.hi.us/dlnr/dofaw/swap/>)

Fish counts from 1999 to 2017 show an increase in fish counts according to the 2020 West Hawaii report to the Legislature, Overall Yellow Tang abundance in the 30'-60' depth range over the entire West Hawai'i coast is estimated to have increased by over 3.4 million fish from 1999/2000 to 2017/2018 (150% increase) to a current population of about 5.7 million fish within this depth range alone.

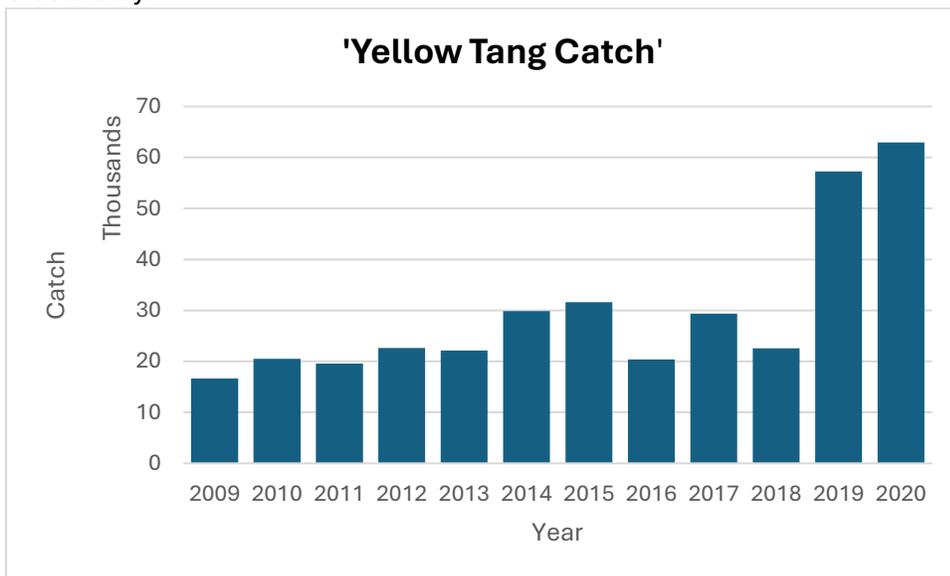
Oahu saw a similar increase, see below data tables. Indeed, at a number of locations around the state, 2014 recruitment has been termed 'biblical' (Talbot 2014). At the most southerly WHAP survey site (Manukā, Ka'u District), the number of Yellow Tang recruits in July 2014 was 390% higher than on any other previous survey at the site over the last 20 years.

Oahu Yellow Tang, ***Zebrasoma flavescens***, **DAR** Catch Report Data for the Aquarium Fishery between 2009 to 2020, comparison to Fish Populations 2010 to 2019 done by **PIFSC**, Pacific Islands Fisheries Science Center (PIFSC). One would expect to see an inverse relationship in these charts if the fishery were not sustainable. The Oahu Aquarium

Fishery's most targeted species, Yellow Tangs, from 2009 to 2020, has the following data that supports the fishery despite increased take being done at a sustainable level.



2010 to 2019 done by PIFSC, Pacific Islands Fisheries Science Center (PIFSC)
 Yellow Tangs *Zebrasoma flavescens* 2010-2019 Oahu Population Hard Bottom
 0-98 ft only.



DAR Catch Report Stats Yellow Tangs *Zebrasoma flavescens* 2009-2020

Catchability of yellow tangs I considered medium, with most fish in an area available to avoid capture. There is no bycatch, and under- or oversized illegal-sized fish are released unharmed if captured. Small mesh nets do not entangle fish but block their paths long enough to be caught with hand nets. Entanglement of fish or gill nets is highly avoided because any damage to the fish results in unsellable fish. Fish become net-wise quickly,

and fishermen must move to new locations after two net sets. Fish regularly avoid nets passing on either side or going under them in coral or rocky areas. Fish can easily outswim divers who travel at most 1.726 mph while fish can swim up to 67 mph. With the aid of underwater scooters, a diver may be able to reach speeds of 3 mph. But most divers do not use underwater scooters. Divers also employ fishery management techniques to enhance their catch by avoiding certain areas for 6 months or more. Fish return to their fishing grounds quickly and also repopulate quickly.

In 2015, laws enacted utilizing Oahu Fisher's and DAR scientist reviews placed further restrictions on Yellow Tangs with a lengthy rules package. These were done to address any future environmental effects and increased fishing pressure even though the fishery was considered stable at the time.

Net lengths were reduced to 30 feet in length and 6 feet in height. That reduces potential catch greatly. In addition, size limits for catch were imposed. No yellow tang less than 1.5 inches in length can be taken, and no yellow tang more than 5 inches in length can be taken. The total daily catch was also limited to 100 yellow tangs per day by law, which are still in effect. (BLNR rules package Oahu 2015)

Yellow Tang are broadcast spawners. Many broadcast spawners migrate to the edge of the reef drop off to spawn at dusk or dawn (Thresher 1984). Males and females simultaneously release eggs and sperm into the water column, where the eggs are fertilized before floating to the surface until they hatch 20-30 hours later (Thresher 1984).). Over time, the larvae develop the ability to adjust their depth and eventually become strong swimmers (reviewed in Christe et al. 2010).

Successful larvae dispersal data shows the main deeper depth habitat of larvae to be 100m, below PIFSC-ESD (2020) data depth count range of 30 m, and the larvae can travel from one end of the Main Hawaiian Islands to the other in 45 days. (Wren, Johanna LK. *Reef fish connectivity in the Hawaiian archipelago: A biophysical modeling approach*. University of Hawai'i at Manoa, 2016.)

Christe et al. (2010) conducted a novel parentage analysis that matched post-settlement juveniles with their parents. This study demonstrated that larval yellow tangs disperse from 15 to 184 km from the place they were spawned (Christe et al. 2010). Over longer (evolutionary) time scales, yellow tang populations show signs of genetic connectivity across thousands of kilometers of ocean (Eble et al. 2009).

However, survival of recruits increases in areas with suitable habitat and few adult fish (i.e., reduced competition) (Claisse et al. 2009b), suggesting that high fecundity and

robust source populations (such as in marine protected areas [MPAs]) could restock areas that had been depleted due to overfishing

Tissot and Hallacher (2003) did not find widespread coral or habitat damage associated with this fishery. Fishing with poison and other destructive fishing methods is illegal in Hawaii and these practices are not commonly employed (Walsh et al. 2004).

Because they are key to the aquafarm fishery, Yellow Tangs DNA Dispersal, and Biodiversity Journal Genetic population connectivity has been studied extensively in the Hawaiian Archipelago.

Despite decades of research, factors that drive population patterns and connectivity in the ocean are still hotly debated and largely unknown. With a changing climate and an ever-increasing anthropogenic strain, protecting our oceans for future generations is vital. Coral reefs are some of the most productive ecosystems on earth, and in order to protect them we need to gain a deeper understanding of the biological and physical dynamics that govern species distributions and survival.

Connectivity patterns in the Main Hawaiian Islands are not explained by the physical oceanographic environment, rather, biological and anthropogenic factors are likely important for dispersal. The biophysical model identified distinct breaks in the archipelago where larval exchange is limited, and I was able to describe the directionality and relative size of dispersal between the MHI and the NWHI. Understanding larval exchange between the MHI and NWHI is important because the MHI are heavily fished while the NWHI are protected as part of one of the largest marine protected areas in the world, Papahānaumokuākea Marine National Monument.

These periodic long distance dispersal events may contribute to the exchange of genes between distant populations, and allowing greater genetic diversity and potentially building resilience towards changing environments.

<https://www.proquest.com/openview/3b37a5eabdbcd58f342db462d01c61f4/1?pq-origsite=gscholar&cbl=18750>

Wren, Johanna LK. *Reef fish connectivity in the Hawaiian archipelago: A biophysical modeling approach*. University of Hawai'i at Manoa, 2016.

Yellow tangs have a lower reproductive fecundity at 1.14 million larvae per pair per year, estimated to be lower than other tangs. Still, that is an impressive number despite a less than one percent larvae survival rate to the adult breeding stage. (E.S.Munday, BN Tissot)

Yellow tangs produce 44 to 24,000 eggs per spawn two days in a row, mainly around the full moon. An estimate of annual fecundity (mean \pm s.e. $1,055,628 \pm 120,596$ eggs) was also generated using a simple model of the lunar variability in egg production. Females greater than 20mm in length are estimated to produce one million 55 thousand eggs per year, similar to the reported 1.14 million reported in a different study. Yellow tangs as small as 2.6 inches 65mm have reproductive organs and oocytes in their ovaries.

Schemmel, Eva. "Size at maturity for yellow tang (*Zebrasoma flavescens*) from the Oahu, HI, aquarium fishery." *Environmental Biology of Fishes* 104.9 (2021): 1139-1147.

So with 12 full moons two days of spawning per full moon = 24 spawn days x 24,000 = 576,000 and 44,000 x 24 = 1,056,000 larvae per female per year. Females are the rate-limiting sex as males produce more sperm than females produce oocytes.

So per pair per year, depending on reproductive size, yellow tangs produce 576,000 to 1 million 66 thousand eggs per spawn per pair per year.

Multiply the total range by times the number of estimated yellow tangs, 728,777 each on Oahu for the 0- 98 foot survey range alone. To get potential renewal populations, we can now estimate renewal based on a low average of 1 % survival to the adult breeding stage.

So on Oahu alone, 414 billion 550 million new yellow tang fry <98ft times 1% survival adult stage per year, divided by two for one male and one female pair results in an estimated 4 billion 145 million potential new adult stage yellow tangs on Oahu reefs every year. The estimate does not include a reduced amount for size fecundity or increased populations for depths greater than 98 feet. However, it also does not account for the much greater populations that we know exist and extend deeper than 98 feet, so these figures are very conservative.

With a conservative maximum sustainable yield of 25%, catch equals 1 billion 36 million sustainable catches, with a current 2024 value of \$ 169.00 per tank-raised yellow tang.

That would mean a potential income of \$175 billion in highly renewable, sustainably caught fish for yellow tangs alone.

Bushnell, M. E., J. T. Claisse, and C. W. Laidley. "Lunar and seasonal patterns in fecundity of an indeterminate, multiple-spawning surgeonfish, the yellow tang *Zebrasoma flavescens*." *Journal of Fish Biology* 76.6 (2010): 1343-1361.

Yellow tangs reach sexual maturity at 4–6 years old and can live for at least 41 years (J.T. Claisse, unpublished data). Individuals that reach adulthood have the potential to be

reproductively active for decades.

Male yellow tangs grow quicker than females, which ensures female egg fertilization. The aquarium fishery is a juvenile fishery that does not remove the highly reproductive breeders, instead leaving them on the reefs to quickly repopulate.

Earlier studies (2004 Tissot) regarding fishery impacts and population decreases, and it was disproved over time. The 2003, 2004 (**Tissot and Hallacher 2003**) West Hawaii studies were just a snapshot in time; impact of fishery less than 2004 study implied. Populations vary depending on various ecosystem variations and fish count dates. West Hawaii Alone reported from 1999/2000 to 2017/2018 (150% increase) to a current population of about 5.7 million fish within the 30-98 foot depth range alone. After recruitment, counts will be higher than before recruitment. 2014 and 2015 warming events in the Pacific saw a biblical increase in fish population when, more than likely, a greater than 1% occurred to the adult breeding stage. Oahu reported these same fish population increases, as also reported in the West Hawaii 2020 report to the Legislature.

Thornhill, Daniel J. "Ecological impacts and practices of the coral reef wildlife trade." *Defenders of Wildlife* 187 (2012): 137-141.

Froese and Pauly (2023) indicate that Yellow Tang populations have high resilience, with a population doubling time of less than 15 months.

(Table Error! No text of specified style in document.-10).

PIFSC-ESD (2020) data indicate that the 2019 island of O'ahu population of Yellow Tang at the 0–98-foot depth in hardbottom habitats was approximately 728,777 individuals. Furthermore, they are found to inhabit depths of 2 to 46 meters, 6 ft-150 ft (Froese and Pauly 2023), and therefore the actual population may be higher since PIFSC-ESD surveys are limited to 30 meters in depth. The species is listed as 'Least Concern' by the IUCN (Mcllwein et al. 2012a; Table Error! No text of specified style in document.-10).

Mismatch analyses indicate the oldest contemporary populations are in the Hawaiian Archipelago (ca. 318000 yr) with younger populations in the West Pacific (91000 to 175000 yr). Estimates of yellow tang historical demography contradict expectations of Hawaii as a population sink and instead indicate asymmetrical gene flow, with Hawaii exporting rather than importing yellow tang larvae.

Yellow tangs originated in the Western Pacific and migrated to Hawaii. Many considered endemic species have their origins elsewhere than Hawaii and rode in on currents from

areas like those from Okinawa, which is 4820 miles away from Hawaii. Once reaching Hawaii, they continued to spread long distances using broadcast breeding. Early DNA studies linked Maui as an original destination hotspot for these larval Hawaii Imports, which has greatly expanded from the young 1.3 million-year-old Maui to the 3 to 4 million-year-old Oahu and the 500,000-year-old Big Island. A recent article by Reef Builders discusses the fact that Yellow tangs are also found in the Calayan Islands, 5,325 miles away from Hawaii. This validates other information showing distribution to and from very distant distances.

<https://reefbuilders.com/2024/09/30/rvs-finds-yellow-tangs-noble-anthias-and-more-at-calayan-island-philippines/#:~:text=But%20with%20the%20Hawaii%20fishery,in%20the%20far%20North%20Philippines.>

Eble, J. A., Toonen, R. J., Sorenson, L., Basch, L. V., Papastamatiou, Y. P., & Bowen, B. W. (2011). Escaping paradise: larval export from Hawaii in an Indo-Pacific reef fish, the yellow tang *Zebrasoma flavescens*. *Marine Ecology Progress Series*, 428, 245-258.

Williams, I. D., et al. "Impacts of a Hawaiian marine protected area network on the abundance and fishery sustainability of the yellow tang, *Zebrasoma flavescens*." *Biological Conservation* 142.5 (2009): 1066- 1073.

Claisse, Jeremy T., et al. "Habitat-and sex-specific life history patterns of yellow tang *Zebrasoma flavescens* in Hawaii, USA." *Marine Ecology Progress Series* 389 (2009): 245-255.

Claisse, Jeremy T., et al. "Habitat-and sex-specific life history patterns of yellow tang *Zebrasoma flavescens* in Hawaii, USA." *Marine Ecology Progress Series* 389 (2009): 245-255.

Cultural Significance

The Yellow Tang, called *lāʻī pala* or *lauʻī pala* in Hawaiʻi, although small, was considered a delicacy and also involved in healing rituals.

A much higher value is obtained by using the fish for aquarium purposes. Each yellow tang is currently valued at \$169.00 in retail.

Findings and Recommendations of Effectiveness of the West ...

[Department of Land and Natural Resources - Hawaii \(.gov\)](https://dlnr.hawaii.gov/2024/12/ar_hrs188-2025)
https://dlnr.hawaii.gov/2024/12/ar_hrs188-2025

Dec 4, 2024 — This report, which covers the period between 2020 - 2024, is submitted in compliance with Act. 306, Session Laws of *Hawai'i* (SLH) 1998, ...

[Findings and Recommendations of Effectiveness of the West ...](#)

[Department of Land and Natural Resources \(.gov\)](#)

https://dlnr.hawaii.gov/2020/05/ar_hrs188_2020

In December 2013, the *West Hawai'i Regional Fishery Management Area* (WHRFMA) Hawai'i. Administrative Rule (HAR) was amended to include a ban on SCUBA ...

107 pages

SB-3323

Submitted on: 2/9/2026 12:04:37 PM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kim Coke	Individual	Oppose	Remotely Via Zoom

Comments:

Please oppose this bill

SB-3323

Submitted on: 2/9/2026 1:35:11 PM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
James T Lovell	Individual	Oppose	Remotely Via Zoom

Comments:

Please vote no on this Bill. The current rules making process the is occuring now is already working on these issues. The Aquarium Industry has been closed for over eiths years now and so there is no reason for this Bill. Please let the rule making process play out and not circumvent it with this bill. Please vote no.

Thank You!

SB3323 – Joint Hearing February 11, 2026

Agriculture and Environment Committee (AEN)

Water, Land, Culture, and Arts Committee (WLA)

Aloha Chairs, Vice Chairs, and Members of the Committees,

My name is **Jeff McKnight** and I humbly offer testimony in **strong support** of SB3323.

At its heart, this measure reflects a truth long understood in Hawai‘i: the health of the ‘āina and the waters is inseparable from the health of the people. Our watersheds and coral reefs are not merely natural resources to be managed — they are living systems that feed, protect, and sustain our communities, culture, and future generations.

SB3323 gives meaningful legal recognition to this understanding by affirming that these ecosystems possess the right to exist, flourish, and naturally evolve. In doing so, the bill brings cultural ‘ike and modern ecological science into alignment with Hawai‘i’s constitutional responsibility to protect natural resources and uphold the public trust for

This legislation is also necessary because existing legal frameworks have too often failed to prevent ecological loss.

Environmental harm can occur even when activities technically comply with permits, enforcement frequently arrives only after damage becomes irreversible, and historic injuries to ecosystems continue to impair ecological integrity today.

SB3323 responds directly to these realities by prioritizing prevention, restoration, and a continuing duty of repair.

Importantly, this measure does not replace Hawai‘i’s constitutional protections — it strengthens them.

By providing clear pathways for restoration, accountability, and community stewardship while preserving Native Hawaiian traditional and customary rights, SB3323 deepens the State’s ability to fulfill its public trust obligations.

The bill also advances climate resilience, addresses cumulative environmental harm, and supports environmental justice by empowering communities—especially those most directly affected—to protect the ecosystems essential to their cultural practice, health, and survival.

This approach reflects the enduring principles of **mālama ‘āina, pono governance, and intergenerational kuleana**.

Rather than waiting for irreversible damage, SB3323 centers healing, restoration, and long-term ecological resilience, ensuring that stewardship is proactive and grounded in both law and culture.

At a time of accelerating environmental pressure, passing SB3323 is not only consistent with Hawai‘i’s deepest values and highest legal obligations — it is necessary to ensure that the life of the land, and the life it sustains, endures for those who will follow us.

For these reasons, I respectfully urge the Committees to **pass SB3323**.

Mahalo nui loa for your leadership and for the opportunity to provide testimony in strong support.

With respect,
Jeff McKnight
Honokaa, HI

SB-3323

Submitted on: 2/10/2026 1:21:04 PM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Britt Gondolfi	Individual	Support	Remotely Via Zoom

Comments:

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

My name is Brittany Gondolfi, and I serve as a Rights of Nature Project Coordinator with Bioneers, where we support youth and communities advocating for Rights of Nature laws in their own communities. I learned of this bill through Laura Acasio and youth organizers from Mālama ‘Āina Compostables, and I respectfully submit this written testimony in strong support of legislation recognizing the rights of coral reef ecosystems.

My support for this bill is informed by extensive research into Rights of Nature laws in the United States and internationally, as well as direct work with communities seeking legal tools that meaningfully protect ecosystems. Recognizing legal rights—or legal personhood—for coral reef systems is not symbolic. It is a pragmatic legal approach that strengthens the State of Hawai‘i’s authority to protect, defend, and restore coral reefs through its existing legal frameworks.

One of the most persistent challenges in environmental law is standing—determining who has the legal authority to bring claims on behalf of harmed ecosystems. Rights of Nature frameworks directly address this challenge by recognizing ecosystems as rights-bearing entities whose interests can be represented in court. By recognizing the rights of coral reefs, Hawai‘i would clarify and strengthen the State’s ability to litigate proactively on behalf of these vital ecosystems, rather than relying solely on reactive or piecemeal regulatory enforcement after damage has already occurred.

Rights of Nature is not a novel or untested legal concept. It is rooted in longstanding Indigenous legal principles that understand land, water, and living systems as having inherent value and rights, rather than being treated solely as property or resources for extraction. Indigenous governance systems in Hawai‘i recognized reciprocal responsibilities between people and the natural world long before Western legal systems were imposed. This legislation reflects a return to legal principles that are deeply aligned with Hawai‘i’s cultural and ethical foundations.

Hawai‘i’s existing legal framework further supports this approach. The Public Trust Doctrine embedded in Hawai‘i law recognizes that natural resources are held in trust by the State for the benefit of present and future generations. Recognizing the rights of coral reef ecosystems is a logical and consistent extension of this doctrine. It clarifies the State’s affirmative obligation to

protect the integrity, health, and ecological function of coral reefs as living systems, not merely to manage their decline.

This bill also presents Hawai‘i with an opportunity to lead nationally. While many states struggle with fragmented or inadequate environmental protections, Hawai‘i has the legal and cultural foundation to model how states can strengthen their authority to defend ecosystems through enforceable legal rights. By adopting this legislation, Hawai‘i can demonstrate how state governments can respond meaningfully to ecological crises while honoring Indigenous values and public trust obligations.

At its core, this legislation affirms a fundamental principle: coral reefs have the right to exist, regenerate, and thrive. The scientific evidence regarding the threats to Hawai‘i’s coral reefs is well established. The question before the Legislature is whether the State will fully exercise its lawmaking authority to honor and protect those rights for the benefit of current and future generations.

For these reasons, I respectfully urge your support for this bill.

Mahalo for the opportunity to submit written testimony.

Written Testimony in Support of S.B. 3323

Aloha Chairs, Vice Chairs, and Committee Members:

This testimony supports S.B. 3323 proposing to reinforce the State's constitutional obligation to protect watersheds and coral reef ecosystems held in the public trust, as reflected in Article XI of the Hawai'i State Constitution and longstanding Hawai'i Supreme Court precedent recognizing affirmative fiduciary duties to prevent ecological impairment.

S.B. 3323 provides a legally coherent framework for a citizen pathway to enforcing and upholding those duties by recognizing watersheds and coral reefs as rights-bearing ecosystem persons. This recognition does not create new environmental values; it operationalizes existing constitutional mandates by ensuring that ecosystems whose degradation is measurable, cumulative, and often irreversible may be represented, restored and protected by citizens when ecosystem collapse occurs.

The evidentiary record before the Legislature demonstrates that regulatory compliance alone has not prevented persistent harm to coral reef systems from cumulative stressors, including permit noncompliance, pollution loading, habitat degradation, and disease dynamics that emerge after ecosystem harm.

Where regulatory schemes allow ecological loss to occur so long as it is procedurally authorized, the public trust is weakened in practice, even if preserved in theory.

By establishing enforceable ecosystem rights grounded in science-backed claims and recognized customary knowledge, S.B. 3323 aligns environmental governance with ecological reality. Coral reefs and watersheds function as integrated living systems. Injury to one propagates harm throughout the whole of our shared living systems. Legal recognition of the citizen role in that dynamic allows citizens, communities and courts to act proportionally, restoratively, and preventively rather than reactively.

Importantly, S.B. 3323 does not diminish Native Hawaiian traditional and customary rights, agency authority, or the public trust doctrine. It expressly reinforces them. The bill preserves cogovernance, requires good faith consultation, and ensures that enforcement advances mālama 'āina rather than substituting adversarial process for stewardship.

At a time when Hawai'i's watersheds and reefs face accelerating decline from climate change, land-based pollution, and biological stress, the question before the Legislature is whether the State will

continue to rely on fragmented and unevenly applied enforcement mechanisms that address harm only after it becomes severe, or whether it will adopt a framework that allows ecosystems to be protected as the living trust resources they are.

S.B. 3323 answers that question responsibly and lawfully.

In closing, as the primary author of this bill who assigned "Auntie Nani" Verdel Berg of Kipahulu, Maui, as the namesake for the legislation, I'd like to share a few words about this amazing Hawaiian woman, who passed into spirit in 2013.

Auntie Nani was an amazing person, and still is in spirit. She was the ancestral heiress to the ahupuaa of PuaaLuu in Kipahulu, which was known to be a destination for priests who used to travel in old times to East Maui from across the island to obtain actual holy water that was used in spiritual ceremonies.

Auntie Nani was in body, as she remains in spirit, a true healer.

Nani was known for being a truly formidable person with a heart of gold who would hold space for everyone. Her Kipahulu lineage paired with her down to earth spirit made her a truly unique living bridge between the aina and the people of our modern world.

Anyone who knew Auntie Nani knew she was special, unlike anyone else, a person grounded in an uninterrupted lineage of healers, while being just about the most grounded and truly kind person you will ever meet.

If there is anyone I have ever met whose spirit can carry the mantle of this bill, it is Auntie Nani.

I appreciate the idea of everyone planning activities relating to watershed and reef ecosystems, from boardrooms, to situation rooms, to government offices, to consider, "have we asked Nani?"

I also believe it is necessary and overdue to create a new thread of ecosystem enforcement that can be exercised by the people.

Enforcement agencies alone have not succeeded in preventing ecosystem collapse. This bill would empower the citizenry to create positive change for ecosystem restoration and protection, even when all the existing mechanisms have failed.

This bill creates a system-level redundancy in ecosystem enforcement, which can be used when the

nominal regulatory systems fail to restore and protect ecosystems.

This is a good bill, and the public is happy to hear about new mechanisms to support ecosystem health in a time when the current systems are not sufficient to restore and protect the watersheds and reefs that are loved — and in many cases, grieved — by so many.

In closing, I'm including a planting of Auntie Nani by David Mena, which I believe captures what everyone who knew Nani knows. She was, and still is, a healer, at a time when healing is desperately needed by so many, including our living ecosystems.

Respectfully submitted,

Travis Liggett



SB-3323

Submitted on: 2/9/2026 7:48:14 PM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Laurence Akiyama	Individual	Oppose	Written Testimony Only

Comments:

I am writing in opposition to SB3323, Relating to Ecosystem Rights.

If passed into law, this legislation would permanently impair virtually all present and future development in Hawaii. No one would be able to build or renovate anything beyond a single, small parcel without endless litigation. Law-abiding homeowners, condo associations, and owners of retail, flex, and industrial properties would be subject to lawsuits by activists for someone in the past having dared to build in the watersheds that make up most of the state, or near a coast, or both. The language creating a private right of action would be wielded early and often by a handful of activists to halt every housing and civil infrastructure improvement project. The flood control projects feeding the Ala Wai Canal, OHA's attempts to build housing near the Kaka`ako waterfront, the City's search for an alternative to the Waimanalo Gulch dump, housing developments on the Ewa and Waipio plains, and the current Skyline project would immediately come under attack through groundless lawsuits.

Watersheds and coral reefs are not persons and it is nonsensical to establish them as such. How we live with, in, and alongside nature is subject to the rule of law and democratic processes. There are more than enough environmental laws and regulations in place today at the City/County, State, and Federal levels to address the concerns of the legislation's sponsor. I urge rejection of SB3323.

SB-3323

Submitted on: 2/7/2026 11:25:21 AM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Philip Fernandez	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose SB3323.

This bill is extreme and unnecessary. By passing this bill, the state agencies will not be able to rationally manage resources. Resources have been well managed and this bill should not be passed.

SB-3323

Submitted on: 2/9/2026 3:33:57 PM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cynthia Punihaole Kennedy	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Committee Members,

My name is Cynthia Punihaole Kennedy, and I strongly support SB3323.

I have spent years working with our coral reefs and watersheds, witnessing their beauty and fragility. These are not just ecosystems—they are living ancestors that feed, protect, and sustain our communities. When they suffer, we suffer.

This bill gives our reefs and watersheds **a voice** and legal standing to thrive. It aligns with what our kūpuna have always taught us: we are part of these systems, not separate from them. SB3323 ensures we act with responsibility and care, not just short-term fixes.

Please pass SB3323 and honor Hawai‘i’s commitment to mālama ‘āina for future generations.

Mahalo nui loa,
Cynthia Punihaole Kennedy

Kalaloa, North Kona Hawaii Island

SB-3323

Submitted on: 2/9/2026 6:21:40 PM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
James McCay	Individual	Support	Written Testimony Only

Comments:

What an amazing opportunity to live what Hawaii should have been a leader in globally. Please let's not wait and let's ensure the protection of what all the tourists come here to see and experience.

Mahalo and malama pono,

James McCay

SB-3323

Submitted on: 2/8/2026 11:13:53 PM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Andrea Nandoskar	Individual	Support	Written Testimony Only

Comments:

Strongly support!



Restore the Commons

Wednesday, February 11, 2026, 3:00 pm

Senate Committees on Agriculture and Environment and on Water, Land, Culture and the Arts
SENATE BILL 3323 – RELATING TO ECOSYSTEM RIGHTS

Position: Strong Support

Me ke Aloha, Chairs Gabbard and Lee, Vice-Chairs Richards and Inouye, and Members of the Committees on Agriculture and Environment and on Water, Land, Culture and the Arts:

SB3323 Recognizes watersheds and coral reef ecosystems as legal persons with inherent and inalienable rights to exist, flourish, and naturally evolve. It establishes enforceable ecosystem rights grounded in public trust doctrine and Native Hawaiian customary stewardship, and authorizes citizen enforcement, restorative and injunctive remedies, civil penalties, and continuing duties of ecological repair.

This bill is a natural extension of property rights long enjoyed by private owners, enabling protection of essential and productive qualities of land or sea by those benefiting from the public trust. It only makes sense that all beneficiaries of productive lands be empowered to protect essential values thereof. The shameful exploitation and ruination of public lands by negligent or predatory private property owners -- a two-tiered caste system of property rights -- must end. Private parties are not entitled to privileged treatment under the law. In American jurisprudence, all citizens are equally subject to the law and entitled to its equal protection.

Ecosystem rights are a natural extension of traditional law, are increasingly accepted by several nations, and are a completely appropriate check on destructive private property rights. The planet is experiencing the consequence of prejudicial private property rights, in the despoliation of habitat essential to human health and welfare. The poisoning of land, air, and water create massive negative health and monetary consequences for governments faced with the degradation of public health, and these have collectively produced the 6th Mass Extinction and Climate Change, which threaten all human life. It is overdue to enact proper safeguards well known by indigenous peoples of the entire planet. So-called "civilized" people are being called to a sane stewardship of their own habitat, in the wake of producing a cesspool of degradation.

Examples abound of corrective measures that preserve options of human survival, despite opposition from the privileged few. Hawaii has long been a leader, thanks to its indigenous culture, in understanding these more advanced rules of behavior, and this bill is a logical outgrowth of our better wisdom.

Mahalo for the opportunity to address this issue,

/s/ Charley Ice, Hoa'āina, Waimalu, O'ahu;

retired Hydrologist, Commission on Water Resource Management (25 years) and Planner at DHHL (10 years);

former Chair of O'ahu Democratic Party Region 5 ('Aiea-Pearl City);

**Building the new normal with People and Land: Food Security Health Care Public Banking
Regenerating Soils Cutting Waste Eliminating GHG emissions**

SB-3323

Submitted on: 2/8/2026 11:58:58 PM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kristie Duarte	Individual	Support	Written Testimony Only

Comments:

I support this bill

SB-3323

Submitted on: 2/9/2026 8:16:37 AM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bret Mossman	Individual	Support	Written Testimony Only

Comments:

I am in strong support for this bill. Similar measures in Aorearoa, Washington State, and California have resulted in positive impacts all around. This is a smart step for Hawai'i to take to moving back towards traditional management and restoring the rights of 'Āina.

SB-3323

Submitted on: 2/9/2026 8:26:31 AM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Robert Douglas	Individual	Support	Written Testimony Only

Comments:

I strongly support SB3323.

Our coral reefs and its entire associated ecosystem have been attacked with impunity for centuries mostly for the extractive financial benefit of a few people.

Its health is directly tied to the kama'aina health, waters safe to swim in, to sustainability harvest food, to maintain an eco friendly lifestyle and tourism.

Our knowledge of this ecosystem is vastly incomplete and the potential for losing indigenous life forms is enormous. The impact on human health has been enormous and continues on a daily basis.

1. Antiviral compounds

- Sulfated polysaccharides (from red & brown seaweeds) block viruses from attaching to human cells
- Shown activity against HIV, herpes, influenza, and coronaviruses
- These inspired antiviral gels, sprays, and drug candidates

Impact: New strategies for virus prevention, not just treatment.

2. Cancer-fighting molecules

- Seaweeds produce fucoidan, laminarin, and phlorotannins
- These compounds:
- Trigger cancer cell death (apoptosis)
- Reduce tumor growth
- Enhance immune response

Impact: Basis for adjunct cancer therapies and ongoing drug trials.

3. Blood thinners & anti-clot drugs

- Fucoidan behaves similarly to heparin (a major anticoagulant)
- Lower bleeding risk than traditional blood thinners

Impact: Safer treatments for heart disease, stroke, and thrombosis.

4. Gut health & metabolic medicine

- Seaweed fibers act as powerful prebiotics
- Improve insulin sensitivity and reduce inflammation

Impact: Treatments for diabetes, obesity, and autoimmune disorders.

5. Agar & alginate (medical workhorses)

- Extracted from red and brown seaweeds
- Used in:
- Drug capsules
- Wound dressings
- Tissue scaffolds
- Microbiology labs (agar plates!)

Powerful anticancer drugs

- Soft corals produce terpenoids and alkaloids
- Some halt cancer cell division entirely

Example:

Trabectedin, a marine-derived cancer drug, originated from reef organisms.

Impact: New classes of chemotherapy drugs.

6. Painkillers stronger than morphine

- Cone snails (reef dwellers) produce neurotoxins
- Led to ziconotide, a painkiller:
- 1,000× stronger than morphine
- Non-addictive

Impact: Breakthrough treatment for chronic pain without opioid risks.

7. Antibiotic alternatives

- Corals live with dense microbial communities
- They evolved novel antimicrobial compounds to survive

Impact: New hope against antibiotic-resistant superbugs.

8. Bone grafts & regenerative medicine

- Coral skeletons are made of calcium carbonate
- Structurally similar to human bone

Used for:

- Bone grafts
- Dental implants
- Tissue engineering

Impact: Faster bone regeneration with fewer rejections.

9. Anti-inflammatory & immune drugs

- Coral compounds regulate immune responses
- Being explored for:
- Arthritis
- Asthma
- Multiple sclerosis

Why This Matters (Big Picture)

- Over 50% of modern medicines are derived from natural products
- Oceans cover 70% of Earth, yet <5% is medically explored
- Coral reef loss = lost cures we never discovered

Translation: Protecting reefs and seaweed forests isn't just environmental—it's medical survival.

SB-3323

Submitted on: 2/9/2026 9:13:34 AM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jane Taylor	Individual	Support	Written Testimony Only

Comments:

I am in favor of considering the legal personhood of ecosystems and reefs. We need to stop thinking of them as "resources" and consider them more as foundational neighbors.

SB-3323

Submitted on: 2/9/2026 10:32:53 AM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Beth Anderson	Individual	Support	Written Testimony Only

Comments:

I strongly support SB 3323 because it recognizes and supports the importance of Native Hawaiian cultural stewardship and the spiritual basis and connection related to that investment and commitment to taking care of the ‘āina, along with protections for all of our watersheds and coral reef systems. It is gratifying and exciting to see this type of legislation to finally be introduced in Hawai‘i. It is long overdue.

We know other countries have granted rights to sacred rivers and other natural features to exist as legal persons with all of the rights that entails. In New Zealand, these rights were given to the Whanganui River in 2017. With this legislation the Whanganui River was recognized as a living entity, meaning that if it is damaged, contaminated, or harmed in any way, it would result in the same damage and legal ramifications as if the damage had occurred to the tribe and any of its members who are the protectors of this river.

The Hawai‘i legislation goes even further by encompassing all of our watersheds and coral reef ecosystems and giving them inherent and inalienable rights to exist, flourish, and naturally evolve. These protections are critically important, especially now as we see environmental protections being destroyed by our current federal government administration and the assaults on our ecosystems.

I strongly support the the establishment of enforceable ecosystem rights grounded in public trust doctrine and Native Hawaiian customary stewardship that authorizes citizen enforcement, restorative and injunctive remedies, civil penalties, and continuing duties of ecological repair, including for historic harms, and provides for open representation, community consultation, co-governance, and supremacy over conflicting laws.

I am a founding member of Hui Kawainui Maunawili, an organization formed in order to work to protect the precious lands, watersheds and forests of Maunawili and Kawainui and purchase lands there threatened by development and transfer those lands to Native Hawaiian stewardship organizations in order to restore, steward and protect them in perpetuity. Streams and watersheds are now being restored and kalo is in the ground in areas that were once slated for development. Lo‘i kalo along the Maunawili Trail are being restored as well as native forest in Kawainui by members of our Hui.

This legislation supports everything we have worked for and will continue ro work for, so I strongly support SB 3323.

Mahalo for introducing this important bill,

Beth Anderson

Kailua

SB-3323

Submitted on: 2/9/2026 10:56:45 AM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lindsay Roth	Individual	Support	Written Testimony Only

Comments:

I strongly support SB3323 to recognize and protect the rights of coral reefs in Hawai‘i. Coral reefs are not only living ecosystems—they are foundational to our islands’ culture, food security, coastal protection, and economy. Granting reefs legal standing acknowledges what science and Indigenous wisdom have long shown: when reefs are harmed, communities are harmed too. This bill creates a proactive, values-based framework to protect these vital ecosystems before damage becomes irreversible. In the face of climate change, pollution, and overuse, SB3323 is a necessary and visionary step toward mālama ‘āina and long-term resilience for Hawai‘i.

SB-3323

Submitted on: 2/9/2026 11:05:58 AM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Susan Bambara	Individual	Support	Written Testimony Only

Comments:

Please support SB3323. If corporations are now considered to have the same rights as people, then surely LIVING ECOSYSTEMS have even MORE right to be invested with rights and protections.

There is no Plan(et) B!!! Wake up and support Mother EARTH and her ecosystems. All our lives actually do depend on it!

SB-3323

Submitted on: 2/9/2026 11:00:50 AM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jackie Keefe	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Gabbard & Lee, Vice Chairs Richards & Inouye, and Members of the Committees,

My name is Jackie Keefe, and I am testifying **in strong support of SB3323**.

This legislation reflects a simple but profound truth: Hawai‘i’s watersheds and coral reefs are not resources to be exploited, but living systems upon which all life in these islands depends. Recognizing ecosystem rights aligns our laws with what Native Hawaiian knowledge, environmental science, and lived experience have long made clear—that the health of people and the health of ‘āina and kai are inseparable.

Current environmental protections too often treat harm as acceptable so long as it is permitted. This bill shifts that framework by affirming that ecosystems themselves have an inherent right to exist, flourish, and recover—and that those rights are enforceable. That shift is essential if we are serious about preventing irreversible damage rather than responding after the fact.

As climate impacts intensify, Hawai‘i’s coral reefs and watersheds are already under immense stress from pollution, overuse, and development decisions that prioritize short-term gain over long-term stewardship. This bill strengthens accountability, centers restoration, and ensures that decision-making is guided by both science and recognized customary knowledge.

Importantly, the NANI Act complements—not replaces—the public trust doctrine and Native Hawaiian rights. It provides additional tools for communities to uphold their kuleana to care for place, while guarding against bad-faith or retaliatory use.

This is a values bill. It affirms that Hawai‘i chooses responsibility over extraction, care over convenience, and justice for future generations over continued degradation.

I urge you to pass this bill.

Mahalo for your consideration,

Jackie Keefe, Lahaina

SB-3323

Submitted on: 2/9/2026 12:31:06 PM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Hilary Smith	Individual	Support	Written Testimony Only

Comments:

I am a snorkeler and scuba diver living on the Hamakua coast. Protecting Hawaii's coral ecosystems is extremely important to me. These ecosystems have a right to exist--not just for humans to enjoy them, but for their own sake. With the course we are on now, coral reefs won't be around for future generations--will we really allow that to happen? Let's pass this bill and give these ecosystems the protections they deserve.

SB-3323

Submitted on: 2/9/2026 1:36:04 PM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

Support SB3323

Dana Keawe

SB-3323

Submitted on: 2/9/2026 1:43:45 PM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marina Karides	Individual	Support	Written Testimony Only

Comments:

SB3323 offers Hawai‘i a chance to affirm what many here have long known: our ecosystems are living beings worthy of protection, respect, and a voice. It builds on Hawai‘i’s strong environmental and public trust laws, aligns with the ahupua‘a system and ‘ike kupuna, and provides a pathway to stand up for coral reefs and watersheds that sustain us all.

SB-3323

Submitted on: 2/9/2026 1:51:51 PM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Stacey Alapai	Individual	Support	Written Testimony Only

Comments:

Aloha,

Please SUPPORT SB3323 and the legal personhood of watersheds and coral reef ecosystems. This strengthens our collective committment to protect our public trust resources.

If a corporation can be a "person", then we should absolutely apply that same personhood to the ecosystems we rely on to survive.

Mahalo,

Stacey Alapai, Maui

SB-3323

Submitted on: 2/9/2026 3:13:29 PM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
fred hofer	Individual	Support	Written Testimony Only

Comments:

I, Fred Hofer,

Strongly support this measure

With all due respect;

Fred Hofer

96720

SB-3323

Submitted on: 2/9/2026 6:12:01 PM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marta Barreras	Individual	Support	Written Testimony Only

Comments:

Support SB3323

Support the rights of nature

SB-3323

Submitted on: 2/9/2026 5:41:24 PM

Testimony for AEN on 2/11/2026 3:00:00 PM

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

Comments:

STRONGLY SUPPORT!

SB-3323

Submitted on: 2/10/2026 2:00:50 AM

Testimony for AEN on 2/11/2026 3:00:00 PM

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

Comments:

I, Johnnie-Mae L. Perry Support

3323 SB RELATING TO ECOSYSTEM RIGHTS.

SB-3323

Submitted on: 2/10/2026 2:38:38 AM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Robert Culbertson	Individual	Support	Written Testimony Only

Comments:

Aloha Senators!

Ecosystems Rights (SB3323) is deeply aligned with the Hawai‘i State Motto:
“Ua Mau ke Ea o ka ‘Āina i ka Pono” — *The life of the land is perpetuated in
righteousness.*

This measure gives practical legal meaning to that truth. It recognizes that the well-being of
our land and waters is not symbolic — it is foundational to the survival, culture, and future of
Hawai‘i
and its people.

Our State Constitution already affirms these responsibilities BUT the fulfillment within
government policies and practices often falls short or is frustrated.

This bill begins to fix this problem by vesting more authority and responsibility with citizens -
where it belongs!

Thank you!

R A Culbertson

Honokaa, HI

SB-3323

Submitted on: 2/10/2026 7:29:56 AM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Edward Johnston	Individual	Support	Written Testimony Only

Comments:

This is a brilliant, forward thinking Bill which clearly should become law. We must keep our streams/watersheds, estuaries, flowing and healthy. We must limit or eliminate water diversions which are not sustainable.

SB-3323

Submitted on: 2/10/2026 9:54:33 AM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Conall K. Ravenscraft	Individual	Support	Written Testimony Only

Comments:

Ano ai ke aloha Chair and members of the Senate Committee

Please let the following serve as testimony for myself, **Conall Kahaka'ioikamalie Ravenscraft**, resident and generational lineal descendant of Kealakekua, Hawaii.

I am speaking in **STRONG SUPPORT for SB3323**, which recognizes watersheds and coral reef ecosystems as legal persons with inherent and inalienable rights to exist, flourish, and naturally evolve.

SB3323's intent serves the protection and preservation of our valuable ecological resources in a manner aligned with traditional ecological knowledge and ancestral wisdom. The provisions herein support the customary and traditional practices exercised by Native Hawaiians for subsistence, cultural, and religious purposes, which further align with adaptive and transformative efforts to protect and cultivate cultural, historical, and environmental resources by our communities.

I would like to thank this committee for hearing this measure, and voice my strong support for HB2218. I further urge the passage and recommendation of this measure.

Me ke aloha haahaa. Nou no ka pono,

Conall Kahaka'ioikamalie Ravenscraft

SB-3323

Submitted on: 2/10/2026 10:44:51 AM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
J. Kehau Lucas	Individual	Support	Written Testimony Only

Comments:

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

Mahalo for the opportunity to testify in strong support of SB 3323. This bill is not symbolic—it is scientifically necessary, economically rational, and culturally aligned with Hawai‘i’s values. Recognizing watersheds and coral reefs as legal persons is a pragmatic legal tool to protect the ecological systems that make life in Hawai‘i possible.

1. Hawai‘i’s Watersheds Are in Active Decline—and the Data Is Unambiguous

Freshwater security is already at risk

- The State of Hawai‘i’s own “Water Resource Protection Plan” identifies **over-pumping, invasive species, and climate-driven drought** as critical threats to groundwater recharge.
- Since 1950, Hawai‘i has experienced a **22% decline in average rainfall**, with some regions seeing drops of **up to 70%**.
- The U.S. Geological Survey reports that **nearly every major aquifer in Hawai‘i is experiencing reduced recharge**, and several are approaching sustainable yield limits.

Native forests—the backbone of watershed health—are collapsing

- Native forests capture **up to 50% more water** than invasive-dominated forests.
- Rapid ‘ōhi‘a death has killed **over 1 million ‘ōhi‘a trees**, undermining the hydrological function of entire watersheds.
- Invasive ungulates (pigs, goats, deer) destroy forest understory, reducing infiltration and increasing erosion, which directly harms coral reefs.

Without legal standing, watersheds cannot defend themselves against the cumulative harms that degrade their ability to produce freshwater—Hawai‘i’s most essential resource.

2. Coral Reefs Are in Crisis, and Hawai‘i Is Losing Them Faster Than We Can Restore Them

Coral reefs are collapsing globally—and Hawai‘i is no exception

- The 2014–2015 marine heatwave caused **up to 50% coral mortality** in some Hawaiian reefs.
- NOAA projects that **annual bleaching events will occur by the 2030s**, meaning corals will not have recovery time between heat stress events.
- Sedimentation from watershed degradation smothers reefs; in some areas, sediment loads have increased **tenfold** due to land-use changes.

Reefs are not just ecological treasures—they are economic infrastructure

- Hawai‘i’s reefs provide **\$836 million per year** in flood protection value by dissipating wave energy.
- They support **over \$1.2 billion annually** in tourism revenue.
- They sustain nearshore fisheries that feed local families and perpetuate cultural practices.

Losing reefs is not an environmental issue—it is an economic and cultural emergency.

3. Legal Personhood Is a Proven, Effective Framework

SB 3323 is not unprecedented. Around the world, legal personhood has been used to protect ecosystems that are essential to human survival:

- **New Zealand** recognized the Whanganui River and Te Urewera forest as legal persons, resulting in stronger protections and reduced litigation costs.
- **Colombia’s Atrato River** was granted legal rights, leading to enforceable cleanup and restoration mandates.
- **India** recognized the Ganges and Yamuna rivers as legal persons (later modified), demonstrating global momentum toward rights-based environmental governance.

Legal personhood does not give ecosystems “human rights”—it gives them **standing**, so that harms can be addressed before they become irreversible.

4. Hawai‘i’s Cultural and Legal Foundations Already Support This Approach

- Native Hawaiian worldview recognizes **wai (freshwater)** and **ko‘a (coral)** as living entities with intrinsic value and agency.
- The Hawai‘i State Constitution (Article XI) mandates the protection of natural resources for present and future generations.
- Hawai‘i courts have repeatedly affirmed the **public trust doctrine**, which treats water as a resource that must be protected, not exploited.

SB 3323 simply provides the legal mechanism to enforce values and obligations that Hawai‘i already recognizes.

5. The Cost of Inaction Is Far Higher Than the Cost of Protection

If Hawai‘i loses its reefs and watersheds:

- Freshwater scarcity will increase, raising costs for households and agriculture.
- Coastal flooding will worsen—reefs reduce **97% of wave energy** during storms.
- Tourism revenue will decline as beaches erode and marine life disappears.
- Cultural practices tied to healthy ecosystems will be irreparably harmed.

Legal personhood is a preventative measure that reduces long-term economic and ecological risk.

Conclusion

SB 3323 is not radical—it is responsible governance grounded in science, economics, and cultural respect. Watersheds and coral reefs are not optional amenities; they are life-support systems. Giving them legal standing is the most effective way to ensure they can continue to sustain Hawai‘i’s people, economy, and culture for generations to come.

I urge you to pass SB 3323.

Mahalo for your consideration.

Aloha ‘āina,
J Kēhau Lucas

SB-3323

Submitted on: 2/10/2026 8:57:05 AM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Regina Gregory	Individual	Support	Written Testimony Only

Comments:

support

SB-3323

Submitted on: 2/10/2026 2:50:40 PM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Khiara Kaleiwahea	Testifying for Youth Board Member of Hanai Kaiaulu	Support	Written Testimony Only

Comments:

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

My name is Khiara Kaleiwahea, and I am not only a youth from Nanakuli but also a Youth Board Member of Hanai Kaiaulu. I am submitting testimony in support of SB3323 because I believe coral reefs are living systems that deserve protection and respect, not just regulation after they are already harmed.

Growing up in Hawai‘i, the ocean has always been part of my life. Coral reefs protect our shorelines, support marine life, and connect us to our culture and history. When reefs are damaged, it affects everything, from food systems to future generations' ability to care for this place.

SB3323 matters because it gives the State of Hawai‘i stronger tools to protect coral reefs before the damage becomes irreversible. Recognizing the rights of coral reefs reflects Indigenous values that teach us we have responsibilities to the land and ocean, not just benefits from them. This bill aligns with Hawai‘i's public trust responsibility to care for natural resources for the people and for the future.

As a young person, I want to know that my State is taking real action to protect the ecosystems I will inherit. SB3323 is a step toward honoring coral reefs as living beings and ensuring they can survive and thrive for generations to come.

I respectfully request that you support SB3323.

Mahalo for your time and consideration.

SB-3323

Submitted on: 2/10/2026 12:00:23 PM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gina Kim	Individual	Support	Written Testimony Only

Comments:

Thank you for the opportunity to testify strongly in support of SB3323.

As a high school freshman who only arrived in Hawai‘i last August, this bill is deeply personal to me because I have viewed environmental issues from two very different perspectives: first as a tourist, and now as a local student committed to climate advocacy, and how this bill would make broad and powerful changes.

In that sense, I would like to support this bill in two main aspects: in the field of tourism—how the impression of Hawaii and actions of tourists would change, and in local environmental protection—how this would empower vulnerable ecosystems and activists in support.

When I first visited Hawaii at thirteen, I was fascinated by the beaches, hiking trails, and skies. Like many visitors, I saw Hawai‘i as simply paradise. Yet, barely did I dive in how urgently reef-safe sunscreen is encouraged, how profound Indigenous knowledge is, and how deeply people here care for their environment. Now, when family friends visit me on what they call their “paradise trip,” many remain unaware of these environmental pressures, let alone the rich culture that links people and nature that sustains this place.

Currently, as I frankly once did, many tourists fail to consider the environmental impact of their presence or what makes the islands unique. Yet, what I do remember from my trip was that sea turtles cannot be approached by law, or that invasive species are strictly prohibited, which left me with the impression that the state indeed cares about its biodiversity. Realistically, tourists often may not take the time or effort to learn deeply about the place, but they do act according to official laws and statements. Passing a bill not only enforces immediate action, but it also communicates the underlying beliefs and priorities of the state to the wider community in Hawaii as well as to tourists. Proclaiming that nature has intrinsic rights in this state reinforces the identity of Hawaii as a leader in climate policies and an avid supporter for the environment.

Since arriving in Hawai‘i, I have volunteered at local lo‘is and on the ‘āina. Throughout these months, I have been inspired not only by the good work the people do, but by the underlying belief that all elements of nature—from the water that begins in the mountains to the reefs and the surrounding community—are interconnected. What touched me was the worldview that caring for the environment is not separate from caring for people, but that it is the same responsibility.

Although I am still relatively new, what truly distinguishes this place to me is the living connection between land, people, and Indigenous roots that continue to guide stewardship today. Hawai‘i does not treat these values as mere history, but as something to be practiced and sustained. As a foreigner from Korea, I can confidently say many of these values simply do not exist or are not as widespread and acknowledged in other parts of the world.

In many environmental organizations I have seen or been part of, the reasoning for protecting nature is often around respecting its intrinsic value and honoring Indigenous stewardship. While I truly look up to them and these values are often widely acknowledged, I have also noticed that without legal recognition, they often remain symbolic with less real impact.

What gives these values real force is law. SB3323 moves Indigenous principles of stewardship from acknowledgment into enforceable responsibility. By recognizing ecosystems as legal persons with standing, this bill provides protection that is actionable and grounded.

Current environmental laws often aim to “mitigate” or allow what is considered “reasonable” harm, based on the idea that nature must be balanced with economic development, infrastructure, or industry. Even well-intentioned protections tend to treat nature as a resource to be managed, rather than as a living system with inherent value and the right to exist and flourish. On the other hand, this bill acknowledges nature to hold inalienable rights and intrinsic value, which gives incomparable strength for the tangible protection of coral reefs and other ecosystems.

If corporations—legal entities created to support economies and livelihoods—are granted rights under the law, then ecosystems, which sustain all life and make those economies possible in the first place, deserve legal recognition as well.

Thank you truly for your consideration for the well-being of Hawai‘i’s land, waters, and communities. I respectfully urge the Committee to pass this bill.

Sincerely,

Gina Kim

Honolulu

SB-3323

Submitted on: 2/10/2026 12:01:30 PM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kim Wassel Hardy	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

My name is Kima Wassel Hardy. I am an urban agroecologist, local business owner, and a steward of community-based food systems in Hawai‘i. I respectfully submit testimony in strong support of SB3323.

Watersheds and coral reefs are living systems essential to Hawai‘i’s survival. They provide drinking water, food, shoreline protection, and cultural continuity. SB3323 recognizes this reality by affirming their inherent rights to exist, flourish, and naturally evolve.

Grounding ecosystem rights in the public trust doctrine and Native Hawaiian customary stewardship is both legally sound and culturally rooted. This bill aligns modern law with long-standing practices of mālama ‘āina and intergenerational responsibility.

SB3323 ensures these rights are enforceable, not symbolic. Citizen enforcement, restorative and injunctive remedies, and ongoing duties of ecological repair—including for historic harms—create real accountability for cumulative damage. Community consultation, open representation, and co-governance ensure decisions are informed by those closest to place.

In an island state facing climate change and ecological decline, allowing conflicting laws to override ecosystem health puts public safety and food security at risk. SB3323 rightly prioritizes the protection of life-support systems.

This bill is practical, necessary, and forward-looking. I urge your support of SB3323.

Mahalo for your consideration.

SB-3323

Submitted on: 2/10/2026 12:08:56 PM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Madison Masek	Individual	Support	Written Testimony Only

Comments:

Healthy ecosystems provide healthy people. Protect nature so we as humans can survive.

SB-3323

Submitted on: 2/10/2026 3:26:02 PM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alesha Makuakane	Individual	Support	Written Testimony Only

Comments:

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

My name is **Ulu Makuakane**, and I am from Ka`u, Hawai`i. I am submitting testimony in support of SB3323 because I believe coral reefs are living systems that deserve protection and respect, not just regulation after they are already harmed.

Growing up in Hawai`i, the ocean has always been part of my life. Coral reefs protect our shorelines, support marine life, and connect us to our culture and history. When reefs are damaged, it affects everything, from food systems to future generations' ability to care for this place.

SB3323 matters because it gives the State of Hawai`i stronger tools to protect coral reefs before the damage becomes irreversible. Recognizing the rights of coral reefs reflects Indigenous values that teach us we have responsibilities to the land and ocean, not just benefits from them. This bill aligns with Hawai`i's public trust responsibility to care for natural resources for the people and for the future.

As a Native Hawaiian, a mother and a contributing community member, I want to know that my State is taking real action to protect the ecosystems I will inherit. SB3323 is a step toward honoring coral reefs as living beings and ensuring they can survive and thrive for generations to come.

I respectfully request that you support SB3323.

Mahalo for your time and consideration.

Written Testimony for S.B. NO. 3323 dated 10 February 2026

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

I am Elsa Kalanikauleleiaiwi Dedman, from Ka'ū, Moku o Keawe testifying as a Kanaka Maoli with 8 generations living at Punalu'u Black Sand Beach. Our grass roots remain deep. We practice our traditional culture daily inclusive of Mālama 'Āina and Kai. It is Law, Policy, and our Kingdom Rights that remains in existence. We live and thrive respecting and honoring our ancestors and 'Iwi Kūpuna. Our indigenous recognition aligns with indigenous perspective that treats all life as interconnected providing a legal structure that respects the intrinsic value of Nature.

Our Ecosystems as property should be recognized as Living Entities with Legal Rights to EXIST, PERSIST and REGENERATE. This means prioritizing our Ecosystems health over Utilitarian Exploitation. We are currently faced with climate change and grappling with long-term effects of colonization plus devastation from wild fires, droughts and flooding becoming a common occurrence. Without urgent action, our sacred culture, endangered species, and habitats will be no more as I have witness during my life time. The Colonial methods of agriculture and water management continue to pollute waterways and place many species at risk of extinction.

Therefore, I stand strong to support S.B.3323, our Ecosystem Rights Bill, the NĀ 'ĀINA NO LA (NANI) Act, We should recognize and acknowledge the protection of watersheds, coral reef and marine life ecosystems as legal personhoods as the Kai is Alive with inherent rights to exist, flourish and naturally evolve.

Further, this bill establishes enforceable protections grounded in science evidence, Kanaka Maoli stewardship values, and the public trust doctrine, constitutional mandate (Article XI, Section1).

Mahalo nui loa for your time and consideration of this critical step in Preservation and Rejuvenation of our Ecosystems.

Respectfully submitted,
Elsa Kalanikauleleiaiwi Dedman
P.O. Box 230
Naalehu, Hawaii 96772
Phone: 832-230-7673

SB-3323

Submitted on: 2/10/2026 4:49:52 PM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nicole Mikes	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Committee Members,

My name is Nicole Mikes, and I am from Nanakuli, Oahu, currently residing in **Makakilo, Oahu**. I support SB3323 because it strengthens Hawai'i's responsibility to protect coral reefs as living systems, not just resources.

Coral reefs are the foundation of Hawai'i's marine ecosystems and play a major role in protecting our shorelines, supporting fisheries, and sustaining cultural practices. Despite their importance, coral reefs continue to be harmed, and existing laws have not been enough to stop their decline.

SB3323 provides a new and necessary legal tool by recognizing the rights of coral reefs. These laws allow the State to take action on behalf of reefs and hold parties accountable when harm occurs. This approach is consistent with Indigenous values and Hawai'i's public trust obligation to care for natural resources for present and future generations.

Youth will inherit the outcomes of today's decisions. Supporting SB3323 is a way for Hawai'i to lead with responsibility and ensure that coral reefs have a future.

I urge you to support SB3323

SB-3323

Submitted on: 2/10/2026 4:54:36 PM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jeremiah Magallones	Individual	Support	Written Testimony Only

Comments:

Aloha Members of the Committee,

My name is Jeremiah Magallones, and I am a youth from Hawaii. I am writing in support of SB3323 because coral reefs are essential to Hawai'i's future, and current laws are insufficient to protect them.

I have grown up learning about the importance of coral reefs — how they protect our islands, provide habitat for marine life, and support local communities. At the same time, I have also learned how quickly reefs are being damaged by pollution, development, and climate change. It is frustrating to see this happening while knowing that stronger action is possible.

SB3323 recognizes coral reefs as living systems with rights, which allows the State of Hawai'i to act on their behalf.

This approach makes sense to me because reefs cannot speak for themselves, yet they are critical to the health of our islands. This bill also reflects Indigenous values and the ahupua'a system, which teaches balance and responsibility between people and nature.

As a young person, I will live with the consequences of the decisions made today. Passing SB3323 shows a commitment to protecting coral reefs not just for now, but for future generations.

Please pass this bill.

- student lead Hanai Kaiaulu

Mahalo.

SB-3323

Submitted on: 2/10/2026 7:06:34 PM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Keara Kilaklua-Aguiar	Individual	Support	Written Testimony Only

Comments:

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

My name is **Keara Kilaklua-Aguiar**, and I am a youth from **Oahu apart of Hanai Kaiulu**. I am submitting testimony in support of SB3323 because I believe coral reefs are living systems that deserve protection and respect, not just regulation after they are already harmed.

Growing up in Hawai‘i, the ocean has always been part of my life. Coral reefs protect our shorelines, support marine life, and connect us to our culture and history. When reefs are damaged, it affects everything, from food systems to future generations' ability to care for this place.

SB3323 matters because it gives the State of Hawai‘i stronger tools to protect coral reefs before the damage becomes irreversible. Recognizing the rights of coral reefs reflects Indigenous values that teach us we have responsibilities to the land and ocean, not just benefits from them. This bill aligns with Hawai‘i's public trust responsibility to care for natural resources for the people and for the future.

As a young person, I want to know that my State is taking real action to protect the ecosystems I will inherit. SB3323 is a step toward honoring coral reefs as living beings and ensuring they can survive and thrive for generations to come.

I respectfully request that you support SB3323.

Mahalo for your time and consideration.

SB-3323

Submitted on: 2/10/2026 7:07:09 PM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jachelle Lucia Araiza	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Committee Members,

My name is Jachelle Araiza and I am a graduate student from Mililani

I support SB3323 because it strengthens Hawai'i's responsibility to protect coral reefs as living systems, not just resources.

Coral reefs are the foundation of Hawaii's marine ecosystems and play a major role in protecting our shorelines, supporting fisheries, and sustaining cultural practices. Despite their importance, coral reefs continue to be harmed, and existing laws have not been enough to stop their decline.

SB3323 provides a new and necessary legal tool by recognizing the rights of coral reefs. These laws allow the State to take action on behalf of reefs and hold parties accountable when harm occurs. This approach is consistent with Indigenous values and Hawai'i's public trust obligation to care for natural resources.

Youth will inherit the outcomes of today's decisions. Supporting SB3323 is a way for Hawaii to lead with responsibility and ensure that coral reefs have a future.

I urge you to support SB3323.

Mahalo for the opportunity to submit testimony.

SB-3323

Submitted on: 2/10/2026 7:54:45 PM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Katerina Gaines	Individual	Support	Written Testimony Only

Comments:

Hi thank you for taking the time to read my testimony. Please vote in support of SB3323. Coral reefs around the world are estimated to be at a 90% loss by 2050 unless we take urgent action to protect them. Supporting this bill means supporting Hawaiian peoples right to protect their land and waters. Coral reefs are a keystone species vital to supporting the life of fish that we humans also need to live. Protecting coral reefs means protecting us. Recognizing coral reefs as legal persons will allow them to be protected from harm and recognize their value on a systemic level granting them the legal protection they desperately need. Please vote in support of SB3323.

SB-3323

Submitted on: 2/10/2026 8:39:31 PM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
TERI SAVAIINAEA	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Gabbard and Members of the Committee,

My name is Teri Kia Savaiinaea, and I strongly support SB3323.

As a mother and Wai‘anae Coast community advocate, I know how vital our coral reefs and watersheds are. Our reefs protect our shorelines, sustain fisheries, support local livelihoods, and preserve our cultural practices. When reefs decline, our communities suffer.

Despite existing laws, our ecosystems continue to face serious threats from pollution, runoff, and climate change. This bill strengthens accountability by recognizing coral reefs and watersheds as living systems deserving meaningful protection.

Our keiki deserve thriving reefs and sustainable resources for generations to come.

I respectfully urge you to pass SB3323.

Mahalo for the opportunity to testify.

Teri Kia Savaiinaea

Wai'anae resident

SB-3323

Submitted on: 2/11/2026 9:44:46 AM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Isabella Zizi	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Committee Members,

I am Isabella Zizi, my people are from the Northern Cheyenne in Montana, Arikara in North Dakota and Mvskoke Creek from Oklahoma. I am the Indigenous Community Organizer with an Indigenous and women led organization called Movement Rights. Our focus aligns human law with the natural law in the Rights of Nature movement that is seen as one of the fastest growing environmental movements around the globe. I support SB3323 because it strengthens Hawai'i's responsibility to protect coral reefs as living systems, and recognizes the original instructions of the Hawai'i people.

Just how there are land stewards, there are water stewards. Coral reefs are the foundation of Hawai'i's marine ecosystems and play a major role in protecting our shorelines, supporting fisheries, and sustaining cultural practices. Despite their importance, coral reefs continue to be harmed, and existing laws have not been enough to stop their decline.

SB3323 provides a new and necessary legal tool by recognizing the rights of coral reefs. These laws allow the State to take action on behalf of reefs and hold parties accountable when harm occurs. This approach is consistent with Indigenous values and Hawai'i's public trust obligation to care for the life sources for present and future generations.

Supporting SB3323 is a way for Hawai'i to lead with responsibility and ensure that coral reefs have a future.

Mahalo and Mvto for the opportunity to submit testimony.

Isabella Zizi

SB-3323

Submitted on: 2/10/2026 10:47:15 PM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kinsley McEachern	Individual	Support	Written Testimony Only

Comments:

Aloha Honorable committe,

I am writing today as a conservation biologist for the state of Hawai'i and someone who is in full support of SB 3323 which recognizes watersheds and coral reef ecosystems as legal persons with inherent and inalienable rights to exist, flourish, and naturally evolve. This bill is long overdue as it establishes enforceable ecosystem rights grounded in public trust doctrine and Native Hawaiian customary stewardship. Furthermore, I am in full support that it authorizes citizen enforcement, restorative and injunctive remedies, civil penalties, and continuing duties of ecological repair, including for historic harms. This bill will provide the healing and governance to native Hawaiians who are the stewards of this 'aina and kai and precious ecosystems. I am in support that this bill provides for open representation, community consultation, co-governance, and supremacy over conflicting laws. This legislation is necessary to protect the critically endangered species plants and animals who are indigenous to this place and deserve the upmost protections and rights in order to prevent any more harm after many decades of harm from colonial and imperialism . The native ecosystems and species of Hawai'i deserve to heal and thrive and flourish in the way they were always intended to.

Please pass forward this bill. With legislation like this conservation actions and management intended to conserve, restore and preserve indigenous Hawai'i will have more weight and significance and impact.

Mahalo nui loa,

Kinsley McEachern

SB-3323

Submitted on: 2/11/2026 12:56:53 AM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Majik Wood	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Committee Members,

My name is Majik Wood, I am a youth of the Hilo community. I **support SB3323** because it strengthens Hawaii's responsibility to **protect** coral reefs as **living** systems and not just resources.

Coral reefs are the **foundation** of Hawaii's Marine ecosystems and play a major role in protecting our shorelines, supporting fisheries and sustaining cultural practices.

Despite their importance, coral reefs continue to be *harmed* and existing laws have *not* been *enough* to stop their decline.

SB3323 provides a new and necessary legal tool by recognizing the rights of coral reefs. These laws allow the state to *take action* on behalf of the reefs and hold parties **accountable** when harm occurs.

This approach is consistent with Indigenous values and Hawaii's public trust obligation to *care* for natural resources.

Youth will *inherit* the outcomes of today's decisions. **Supporting SB3323** is away for Hawaii to lead with **responsibility** and ensure that coral reefs have a **future**.

I urge you to support **SB3323**.

Mahalo for the opportunity to submit a testimony.

SB-3323

Submitted on: 2/11/2026 7:10:02 AM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lokela	Individual	Support	Written Testimony Only

Comments:

My name is Lōkela Cagampang, and I am a senior at Kanu o Ka ‘Āina NCPCS, and a resident of Waikoloa. As a member of a newer generation in Hawai‘i, I believe that it is important to advocate and support the personhood of ecosystems and their ability to sustain life. As a student, I believe the most important education comes from being involved with the ‘āina. I’ve had the opportunity to participate in reef work along the west coast of Hawai‘i and it helped widen my perspective on my personal beliefs in culture. Nature has a beautiful way of teaching us core values, strengthening our mind, body, and spirit. If we as people continue to desecrate and ruin our ecosystems, what will we have to learn from? Hawai‘i, as a state, a culture, an identity, and a lāhui, we should be more capable of using our surroundings as resources and focusing on the importance of restoring and maintaining our ecosystems, rather than creating more areas to capitalize on.

As someone who has grown up around the beach and has developed a connection with the kai, it is disheartening to see the increase of tourist disrespect. Standing on coral, ignoring kapu areas, and the overuse of beaches are all behaviors that will bear long-term consequences for reefs, food systems, and the communities that live in Hawai‘i. It becomes more discouraging as time goes on, and more and more tourists arrive without the proper knowledge and harm native coral, fish, and other wildlife. I have seen beaches transform from wondrous habitats to decimated areas with no life. When I was 6 years old, I went to the beach with my grandparents a lot, and I would snorkel to look at all the different vibrant colors of corals, fish, and other life I could find. As I got into middle school, I noticed that there were noticeably fewer fish and sea urchins in the area, and the coral was losing its color. Now that almost 12 years have passed, I now notice the dull colors that engulf the area that once was a lively, thriving reef. I think that the reef ecosystems having rights and those rights being taught to us at a young age would be essential. This way, people could be accountable for their actions, and the reef could be better protected.

With the current state of Hawai‘i, it is imperative that as generations go on, there are opportunities for youth to perpetuate cultural practices and fulfill the responsibilities of our kūpuna. This will also provide the proper resources in preserving traditional knowledge but also adapting it to modern challenges. Not only will this develop people with a deeper understanding, connection, they will ultimately gain an appreciation for our environment. As someone heading into adulthood, it is crucial that we empower future generations to advocate for themselves with sustainability and resilience in their communities.

In conclusion, I am in full agreement with this act, as it is essential to the proper perpetuation of Hawaiian history, cultural practices, and our responsibility to the ‘āina. Recognizing ecosystems as a legal person with the rights to sustain life reinforces the values that Hawai‘i is built upon. As Hawai‘i continues to face the increasing pressures from tourism, it is critical that we shift priorities towards restoration, education, and accountability. The NANI Act creates space for future generations to learn from the ‘āina, to uphold the practices passed down from our ancestors.

As a member of the younger generation preparing to enter adulthood, I believe it is our kuleana to advocate for policies that center on sustainability, resilience, and respect for our environment. This act represents a step toward a future where Hawai‘i is guided by stewardship rather than exploitation, and where our ‘āina and kai are protected so they may continue to teach, sustain, and provide for generations to come.

SB-3323

Submitted on: 2/11/2026 7:23:24 AM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Diane Ware	Individual	Support	Written Testimony Only

Comments:

Dear Chair Ihara and committee members,

I strongly support this bill and its intention to honor and protect'aina and Kai.

The land is the chief and we are here to serve the the best use of our resources that can't speak for itself.

Mahalo for this opportunity to comment,

Diane Ware Volcano HI 96785-0698

SB-3323

Submitted on: 2/11/2026 8:19:22 AM

Testimony for AEN on 2/11/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gayle Carda	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Committee Members,

We are Gayle and Scott Carda, and are passionate Ocean advocates and global citizens. We support and applaud SB3323 because it strengthens Hawai'i's responsibility to protect coral reefs as living systems, not just resources.

We live in Oregon, but love the islands and try to return every year. We always follow the principle "leave things better than you found them" by making as little trace as possible from our visits, and contributing to causes that support life on the islands.

But the islands, and its coral reef ecosystems, urgently need more help. Coral reefs are the foundation of Hawai'i's marine ecosystems and play a major role in protecting shorelines, supporting fisheries, and sustaining cultural practices. Despite their importance, coral reefs continue to be harmed, and existing laws have not been enough to stop their decline.

SB3323 provides a new and necessary legal tool by recognizing the rights of coral reefs. These laws allow the State to take action on behalf of reefs and hold parties accountable when harm occurs. This approach is consistent with Indigenous values and Hawai'i's public trust obligation to care for natural resources for present and future generations.

Please know that those beyond the islands applaud Hawai'i's leadership in presenting a legal path to recognize the intrinsic value and inherent rights of coral reef ecosystems that support all life.

Youth will inherit the outcomes of today's decisions. Supporting SB3323 is a way for Hawai'i to lead with responsibility and ensure that coral reefs have a future.

We urge you to support SB3323.

Mahalo for the opportunity to submit testimony.

Gayle and Scott Carda