



Legislative Testimony

**HB 3176, RELATING TO ADMINISTRATIVE PENALTIES FOR DAMAGE
TO STONY CORAL AND LIVE ROCK**

House Water, Land, Ocean Resources & Hawaiian Affairs
February 4, 2008 8:30 a.m.
Room: 312

The Office of Hawaiian Affairs SUPPORTS HB 3176, which would add needed layers of protection for our coral reefs.

A 2006 National Survey of Fishing, Hunting and Wildlife-Associated Recreation by the U.S. Fish and Wildlife Service shows that wildlife watching is increasing in this State, and so too is the revenue we generate from it. In 2006, Hawai'i's wildlife was given an estimated value of \$402.3 million, and wildlife watching spending has almost increased 50 percent from 2001. Our coral reefs play a large and valuable part in this; for example, Hanauma Bay saw 1 million visitors in 2006.

However, the coral reefs in this State are under enormous strain from a variety of sources both locally and from abroad. Locally, the increase in wildlife-watching has put pressure on these sensitive areas as has poorly planned coastal development and the associated runoff from compromised watersheds. The recent sinking of a tour vessel in Molokini that damaged hundreds of meters of coral is a perfect example of what can happen in an overly-used and poorly managed Marine Life Conservation District.

Abroad, there is increasingly clear knowledge and recognition that climate change places our coral reefs amongst those environments most threatened by this phenomenon. An increase in sea surface temperatures, rising sea levels, and more frequent and severe storms are some of the effects of climate change that can negatively impact coral reefs. These negative impacts lead to declines in biodiversity, coastal protection and income from reef fisheries and tourism. The resulting economic loss can total billions of dollars for our State.

OHA sees that our State is reliant upon our threatened coral reefs for income and food; therefore, the protection of coral reefs should be a top priority for our policy makers. This bill takes us closer towards ensuring protection for a heavily used and stressed asset that we all need and enjoy.

OHA urges the Committees to SUPPORT HB 3176. Thank you for the opportunity to testify.

UNIVERSITY OF HAWAII AT MANOA
Environmental Center

A UNIT OF THE WATER RESOURCES RESEARCH CENTER

RL: 2154

HB 3176
RELATING TO ADMINISTRATIVE PENALTIES FOR DAMAGE TO STONY CORAL
AND LIVE ROCK.

House Committee on Water, Land, Ocean Resources & Hawaiian Affairs

Public Hearing – February 4 2008
8:30 a.m., State Capitol, Conference Room 312

By
Paul Jokiel, Hawaii Institute of Marine Biology
John Stimson, Zoology
Peter Rappa, Environmental Center

HB 3176 allow the Board of Land and Natural Resources (Board) to impose administrative penalties for damage to stony coral and live rock on a per square meter basis. Our statement on this measure does not represent an institutional position of the University of Hawaii.

We agree with the intent of this bill. The Department of Land and Natural Resources needs the authority to impose a fine for large scale reef damage. The fine of up to \$5000 per square meter is consistent with laws in other states and with the value of a reef. As it stands it is very difficult to protect reefs because of the lack of such a law. This law, if passed, would go a long way in helping to prevent a lot of damage to Hawaii's reef because it would cause developers, ship owners and polluters to be very careful with their actions. This law would also help set the penalty for violations like those that occurred at Pilaa reef on Kauai. Although the damage to the reef was well documented and the violator identified, it was hard to determine a reasonable penalty because the way the present law is written.

In addition to this law, we would like to see the Division of Aquatic Resources (DAR) deploy more mooring buoys near more reefs. This would prevent damage to corals and live rock and make the public aware that DAR cares about these matters. Publication of the policy about anchoring and the fines that can be assessed for damaging coral would be a good adjunct to this bill and we encourage DAR to advertise the policy widely. We have noted that there are many grooves in reefs and corresponding broken coral caused by boat collisions/groundings within Kaneohe Bay. We recommend that DAR mark some of the reefs behind the popular sandbar in Kaneohe Bay as off limits for anchoring to reduce the amount of damage that occurs there frequently.

Thank you for the opportunity to comment on this bill.

Testimony of The Nature Conservancy of Hawai'i
Supporting H.B. 3176 Relating to Administrative Penalties for
Damage to Stony Coral and Live Rock
House Committee on Water, Land, Ocean Resources & Hawaiian Affairs
Monday, February 4, 2008, 8:30AM, Room 312

The Nature Conservancy of Hawaii supports H.B. 3176 Relating to Administrative Penalties for Damage to Stony Coral and Live Rock.

There is widespread agreement amongst a variety of stakeholders that Hawaii's fragile environment is in need of improved enforcement and prosecution of violations of our State natural resource laws. Specifically identified is the need for:

- Natural resource laws that are complete, clear and enforceable;
- Enhanced personnel and resources for enforcement;
- Consistent and fair enforcement;
- Community awareness and engagement to enhance compliance;
- Adequate investigation, prosecution and penalties for violations;
- Appropriate opportunity for administrative enforcement; and
- Improved understanding and management of cases in the court system.

H.B. 3176 addresses two of these needs to have natural resource laws that are complete, clear and enforceable, and providing appropriate opportunities for administrative enforcement. Currently, the DLNR does not have an appropriate way to deal with violations that involve large areas of coral damage such as vessel groundings. This bill would provide the Department with an appropriate method to calculate areas of coral damage and apply an appropriate fine for such violations.

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