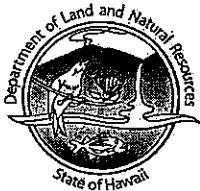


NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

Testimony of  
WILLIAM J. AILA, JR.  
Chairperson

Before the House Committees on  
WATER, LAND & OCEAN RESOURCES  
and  
ENERGY & ENVIRONMENTAL PROTECTION

Friday, March 2, 2012  
11:05 AM  
State Capitol, Conference Room 325

In consideration of  
HOUSE CONCURRENT RESOLUTION 38/HOUSE RESOLUTION 20  
OPPOSING THE PASSAGE OF RULE 064B-BA81 PROPOSED BY THE NATIONAL  
OCEANIC AND ATMOSPHERIC AGENCY

House Concurrent Resolution 38 and House Resolution 20 urge the Legislature, the Department of Land and Natural Resources (Department) and the Department of Business Economic Development and Tourism to unanimously oppose the National Ocean and Atmospheric Administration's (NOAA) proposed rule to designate monk seal critical habitat in the main Hawaiian Islands and to modify it within the Northwestern Hawaiian Islands. The Department offers the following comments.

The Department supports renewable energy development. It also supports the preservation of the endangered Hawaiian monk seal, although not consistently as is proposed in NOAA's draft rule. The Department has been talking with NOAA to revise its proposal and has submitted official comments to them during their review process. In two documents, the Department has suggested that NOAA take a focused view of its proposal to narrow its scope of designating critical habitat, and to focus on very critical areas necessary for the seal's survival and recovery, and to link critical habitat function to the goals identified in its recovery plan. The Department feels that this will achieve both NOAA and the State's goal of monk seal population recovery, and will allow for activities such as renewable energy projects, and also provide for co-habitation of Hawaii's people with the monk seal.

Relative to renewable energy projects, the Department disagreed with NOAA that renewable energy development be identified as a major category of impact to monk seal critical habitat. Renewable energy development is subject to state and federal natural resource agency oversight. Such projects would be subject to many opportunities to examine proposals, recommend

WILLIAM J. AILA, JR.  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI  
FIRST DEPUTY

WILLIAM M. TAM  
DEPUTY DIRECTOR - WATER

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

mitigation measures to protect the seal and to seek judicial review. Thus NOAA's effort to identify activities that impact critical habitat would create an unnecessary overlay of review and would not be a basis for requiring federal special management considerations. In summary, the Department finds it necessary to support a more focused designation of critical habitat for the monk seal but feels if adopted, that it is compatible with other needs of the State.

har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 10:47 PM  
**To:** WLOtestimony  
**Cc:** puna\_moku@hotmail.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Cheryl Lovell-Obatake  
Organization: AHA MOKU, Puna, Kaua'i  
E-mail: [puna\\_moku@hotmail.com](mailto:puna_moku@hotmail.com)  
Submitted on: 3/1/2012

Comments:  
Aloha e,

Has NOAA complied with Section 106? If not, why not?

Respectfully submitted,  
Cheryl Lovell-Obatake

**BIA-HAWAII**  
**BUILDING INDUSTRY ASSOCIATION**

**Testimony to House Committee on Water, Land, and Ocean Resources**

Friday, March 2, 2012

11:05 a.m.

Capitol Room 325

**RE: HCR 38/HR 20, Opposing the passage of Rule 064B-BA81 Proposed by the National Oceanic and Atmospheric Agency**

Good morning Chair Chang, Vice-Chair Har, and members of the Committee:

My name is Gladys Marrone of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, BIA-Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii.

BIA-Hawaii **supports** HCR 38/HR 20, which opposes the passage of rule 064B-BA81, as proposed by the National Oceanic and Atmospheric Agency (NOAA), which proposes to designate the shoreline and waters surrounding all of the main Hawaiian Islands as critical habitat for the Hawaiian monk seal.

These resolutions respond to NOAA's proposed rule that lacks data to determine the economic impact of this rule on clean energy initiatives in Hawaii. These resolutions will help ensure that the State of Hawaii is able to plan for and implement clean energy projects such as ocean thermal energy conversion, deep sea air conditioning, and wave energy programs, all of which will help our State become less dependent on petroleum for energy needs. NOAA's rule could stop the State's proposals to modernize our harbors, which is critical for our economic viability and sustainability.

For these reasons, BIA-Hawaii **supports** HCR 38/HR 20.

Thank you for the opportunity to share with you our views.



## CONSERVATION COUNCIL FOR HAWAII

Testimony Submitted to House Committee on Water, Land, and Ocean Resources and House Committee on Energy and Environmental Protection

Hearing: Friday, March 2, 2012 11:05 a.m.  
Conference Room 325

In Opposition to HCR 38 and HR 20 Opposing the passage of rule 064B-BA81  
Proposed by the National Oceanic and Atmospheric Agency

Aloha. The Conservation Council for Hawai'i is 62-year old, nonprofit, environmental organization dedicated to protecting native Hawaiian plants, animals, and ecosystems for future generations. Our 5,500 members and supporters include fishers, gatherers, Native Hawaiian practitioners, wildlife biologists, wildlife enthusiasts, government agency professionals, elected officials, community leaders, educators, and others.

CCH opposes HCR 38 and HR 20. We offer the following comments:

1. We support critical habitat designation in the main Hawaiian Islands because it will help protect the endangered Hawaiian monk seal and marine ecosystems and resources in the islands. Critical habitat is a tool for agencies, organizations, and individuals to help prevent the Hawaiian monk seal from going extinct.
2. The people of Hawai'i will benefit from critical habitat designation because it will help conserve marine species and habitats, fishing, gathering, customary practices, and ocean recreation, and in so doing, helps perpetuate local lifestyles and improve the economy. Think about it: If a project with a federal nexus destroys or adversely modifies critical habitat for the monk seal, it would also negatively impact areas that are important for ocean uses, local lifestyles, and the economy.
3. Critical habitat will not preclude the ocean uses unless such use destroys and adversely modifies the area. If anything, critical habitat may help us better protect the ocean by attracting increased funding for management and protection. For example, all else being equal, projects involving critical habitat would likely be a higher priority for funding and staff support. This is a good thing for the monk seal and the people.
4. Under the federal Endangered Species Act, critical habitat is defined as: (1) specific areas within the geographical area occupied by the species at the time of listing, if they contain physical or biological features essential to conservation, and those features may require special management considerations or protection; and (2) specific areas outside the geographical area occupied by the species if the agency determines that the area itself is essential for conservation.
5. The ESA prevents federal agencies from taking, funding, or approving actions that will destroy or adversely modify critical habitat. In the past, federal agencies and their allies have proposed some pretty outrageous and destructive projects in Hawai'i (e.g., proposed deep-draft harbor on Tern Island in the French Frigate Shoals, past bombing of Kaho'olawe, ongoing straffing of Ka'ula Islet). In our view, any tool that helps us better protect the ocean is a good thing. Critical habitat is part of the ESA, therefore, it makes sense to, at the very least, prohibit federal agency actions from destroying or adversely modifying habitat that is necessary for the survival of a species.



**Hawai'i's Voice for Wildlife – Ko Leo Hawai'i no na holoholona lohiu**

Telephone/Fax 808.593.0255 • email: [info@conservehi.org](mailto:info@conservehi.org) • web: [www@conservehi.org](http://www@conservehi.org)  
P.O. Box 2923 • Honolulu, HI 96802 • Office: 250 Ward Ave., Suite 220 • Honolulu, HI 96814

President: Hannah Springer \* Vice-President: Julie Leialoha \* Treasurer: Rick Barboza \* Secretary: Maka'ala Ka'aumoana  
Directors: Lida Pigott Burney \* Koalani Kaulukukui \* Robin Kaye  
Executive Director: Marjorie Ziegler

6. Federal agencies are mandated to conserve threatened and endangered species (i.e., recovery their populations to the point of being removed from the threatened and endangered species lists. necessary for the Hawaiian monk seal to recover. The State has a similar duty to conserve threatened and endangered species under state law.
7. The petition to designate critical habitat for the monk seal in the main Hawaiian Islands includes information that legally justifies such designation; critical habitat will be designated for some areas in the main island. However, the ESA requires an economic analysis with critical habitat designation, and areas may be excluded from critical habitat designation if the economic benefits of excluding an area from critical habitat outweigh the benefits of designation (provided exclusion of an area does not result in the extinction of a species). Those who are concerned about the impacts of critical habitat to energy projects and other actions affecting our ocean and beaches are encouraged to submit project and economic data to NOAA for consideration in the final critical habitat designation rule.
8. With or without critical habitat designation in the main Hawaiian Islands, monk seals will still occupy our waters and beaches, and prohibitions against taking of seals (harass, harm, kill, etc.) in state and federal laws will still apply. Actions with a federal nexus that may affect the seals will still undergo the federal consultation process. NOAA and the U.S. Fish and Wildlife Service will still impose conditions and mitigation measures for such projects to protect the monk seals and other listed species.
9. Critical habitat designation on the NWHI is not the cause of the declining monk seal population there. Such allegations are based on ignorance of the facts and illogic. Although critical habitat has been designated there, the monk seal population is still declining due to high pup-mortality, predation by sharks, mobbing by male seals, and other factors that are unrelated to critical habitat designation.
10. Similarly, critical habitat designation in the main Hawaiian Islands alone will not remove threats to the monk seal's survival, nor will it automatically recover the monk seal and bring it back from the brink of extinction. Recovery actions in the Northwestern Hawaiian Islands and main Hawaiian Island are still absolutely necessary to recover the seals.
11. By opposing critical habitat and directing fear and frustration on the monk seal rather than addressing the real and significant threats to our marine resources – overfishing, inadequate marine protected areas and no-take zones, invasive species, coral bleaching, ocean acidification, sea level rise, and ineffective enforcement of marine resource violations – we risk continued declines and degradation of our ocean resources and marine ecosystems. In some cases, opposition to critical habitat designation for the monk seal is misguided, based on misinformation. In other cases, the monk seal is being used as a scapegoat for declining fish stocks, threats to local lifestyles, an ailing economy, and anti-government sentiment. Opposing critical habitat does nothing to address these issues.

On a personal note, in all my years working many difficult wildlife issues in Hawai'i, I have never witnessed such hostility towards an animal, and I am deeply saddened and disturbed by it.

The Hawaiian monk seal population is declining rapidly and will likely go extinct if we do not take action to help it survive. It is a native Hawaiian species that has been on earth much longer than we have. The monk seal is part of our cultural and natural heritage, and the legacy we leave for our children and generations to come. Let us work together to protect this magnificent species, other ocean resources, and our marine environment.

Mahalo nui loa for the opportunity to testify. Please oppose HCR 38 and HR 20.

Sincerely,  
Marjorie Ziegler



**Environmental Caucus**  
of the Democratic Party of Hawai'i

**Testimony Submitted to House Committee on Water, Land, and Ocean Resources  
and House Committee on Energy and Environmental Protection**

**Friday, March 2, 11:05 a.m.**

**House Conference Room 325**

**HCR38 and HCR20**

**Position: Oppose**

To the Honorable Members of the House Committee on Water, Land, and Ocean Resources and the House Committee on Energy and Environmental Protection,

The Environmental Caucus of the Democratic Party of Hawai'i OPPOSES HCR38 and HR20.

Monk seal critical habitat designation would benefit all the people of Hawai'i. While designed to save a critically endangered and uniquely Hawaiian species from total extinction, monk seal critical habitat designation has the added benefit of federal protection from a variety of environmental impacts, that harm not only the monk seal, but the overall ecological health of our nearshore environment -- an environment that is vital to the sustainable fulfillment of the social, cultural, and economic needs of the people of Hawai'i.

Please do not let these red herring measures distract us from the real threats to Hawai'i's environment, and our way of life.

Mahalo nui loa for the opportunity to testify,

Wayne Tanaka  
O'ahu District 2 Delegate  
Environmental Caucus of the Democratic Party of Hawai'i



# FISHING TALES

with *Mike  
Sakamoto*

Testimony to the House Committees on Water, Land, and Ocean Resources  
Energy & Environmental Protection  
Friday, March 2, 2012

Testimony in support of HCR 38 / HR 20

To: The Honorable Ken Ito, Chair  
The Honorable Sharon Har, Vice-Chair  
The Honorable Denny Coffman, Chair  
The Honorable Derek Kawakami, Vice-Chair  
Members of the Committees

My name is Stefanie Sakamoto, and I am testifying on behalf of Fishing Tales with Mike Sakamoto, a company that was founded by my father in 1985, and the Mike Sakamoto Memorial Scholarship. In addition to producing a fishing show in Hawaii for 15 years, Mike Sakamoto was a tireless fishing advocate, whose philosophy was the preservation of fishing rights and ocean resources for future generations.

We are in support of HCR 38 & HR 20, which would oppose the federal measure to expand the monk seal critical habitat area into the main Hawaiian Islands. Expanding the critical habitat area could potentially shut down fishing and ocean recreation, and would severely harm Hawaii's seafood industry.

Thank you for the opportunity to testify.

Mahalo,

Stefanie Y. Sakamoto  
Chair, Mike Sakamoto Memorial Scholarship



har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 29, 2012 8:43 AM  
**To:** WLOtestimony  
**Cc:** octopus@maui.net  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Rene Umberger  
Organization: For the Fishes  
E-mail: [octopus@maui.net](mailto:octopus@maui.net)  
Submitted on: 2/29/2012

Comments:



HAROLD K.L. CASTLE  
FOUNDATION

March 1, 2012

**Support of Rule 064B-BA81 proposed by the National Oceanic and Atmospheric Agency  
for critical habitat designation under the federal Endangered Species Act for  
the endangered Hawaiian monk seal in the Main Hawaiian Islands**

To: Representative Jerry L. Chang, Chair & Members  
House Water, Land, and Ocean Resources Committee

Representative Denny Coffman, Chair & Members  
House Energy and Environmental Protection Committee

Aloha Chair Chang and Chair Coffman, and Members of the House Water, Land, and Ocean Resources Committee and House Energy and Environmental Protection Committee,

I feel a responsibility to convey the strong support within the community for our Hawaiian monk seals and the proposed critical habitat designation that will help protect them.

Among all scientists, managers, and ocean users—even those who may be opposed to this designation process—no one can argue that the Hawaiian monk seal population is declining rapidly and will likely go extinct if we do not take action to help it survive. Identifying and protecting critical habitat is a crucial step to ensuring their threatened existence *on this earth*.

Contrary to a small vocal minority that you may have heard from, critical habitat designation on the NWHI is **not** the cause of the declining monk seal population there, nor will critical habitat prevent all ocean uses. Moreover, the Hawaiian monk seal is **not** the reason for declining fish stocks, but a convenient scapegoat that helps to obfuscate the myriad of real threats facing our nearshore marine resources.

Please help us protect the Hawaiian monk seal as part of our cultural and natural heritage. As it is found only in the Hawaiian Islands, it is part of the legacy we leave for our children and generations to come.

Sincerely,

H. Mitchell D'Olier  
President and Chief Executive Officer

*Harold K.L. Castle Foundation  
1199 Auloa Road  
Kailua, HI 96734  
Ph: 808-263-8911 / Fax: 808-263-8919  
Email: mitch@castlefoundation.org*

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 29, 2012 7:31 AM  
**To:** WLOtestimony  
**Cc:** wheelerlucas@hotmail.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: Yes  
Submitted by: lucas wheeler  
Organization: hawaii concervation alliance  
E-mail: [wheelerlucas@hotmail.com](mailto:wheelerlucas@hotmail.com)  
Submitted on: 2/29/2012

### Comments:

I support critical habitat designation around the main Hawaiian islands because it will help protect the endangered Hawaiian monk seal.

The Hawaiian monk seal population is declining rapidly and will likely go extinct if we do not take action to help it survive.

The Hawaiian monk seal is part of our cultural and natural heritage. It is found only in the Hawaiian islands, and it is part of the legacy we leave for children and generations to come.

Critical habitat is a tool that can help agencies, organizations, and individuals who are working hard to prevent the Hawaiian monk seal from going extinct.

Critical habitat prevents federal agencies from taking, funding, or approving actions that will destroy or adversely modify critical habitat. If a federal action destroys or adversely modifies critical habitat, that action will probably also destroy marine ecosystems, fishing, gathering, and ocean recreation.

Critical habitat is defined under the federal Endangered Species Act as: (1) specific areas within the geographical area occupied by the species at the time of listing, if they contain physical or biological features essential to conservation, and those features may require special management considerations or protection; and (2) specific areas outside the geographical area occupied by the species if the agency determines that the area itself is essential for conservation.

Although critical habitat has been designated on the Northwestern Hawaiian Islands, the monk seal population is declining due to high pup-mortality and other factors that have nothing to do with critical habitat designation.

Critical habitat designation on the NWHI is not the cause of the declining monk seal population there.

Similarly, designation of critical habitat around the main Hawaiian islands will not automatically recover the seal and bring it back from the brink of extinction.

Critical habitat will prevent federal agency actions from destroying or adversely modifying those areas.

Critical habitat is part of the federal Endangered Species Act; it makes sense that federal agencies cannot destroy or adversely modify the habitat necessary for the Hawaiian monk seal to recover.

Areas can be excluded from critical habitat if the economic benefit of excluding such areas outweigh the benefits unless excluding such areas may result in the extinction of the species.

Let us work together to protect this magnificent species.

We urge everyone to help recover the monk seal instead of blaming seals for declining fish stocks (not true) and alleging that critical habitat will prevent all ocean uses (not true).

Someday, we may all realize the value of critical habitat, not only for the seals, but for everyone who uses and enjoys the marine environment.

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 5:46 AM  
**To:** WLOtestimony  
**Cc:** vera.cober@gmail.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Vera Cober  
Organization: HMSRTO  
E-mail: [vera.cober@gmail.com](mailto:vera.cober@gmail.com)  
Submitted on: 3/1/2012

### Comments:

I support critical habitat designation around the main Hawaiian islands because it will help protect the endangered Hawaiian monk seal.  
The Hawaiian monk seal population is declining rapidly and will likely go extinct if we do not take action to help it survive.  
The Hawaiian monk seal is part of our cultural and natural heritage. It is found only in the Hawaiian islands, and it is part of the legacy we leave for children and generations to come. Critical habitat is a tool that can help agencies, organizations, and individuals who are working hard to prevent the Hawaiian monk seal from going extinct.  
Critical habitat prevents federal agencies from taking, funding, or approving actions that will destroy or adversely modify critical habitat. If a federal action destroys or adversely modifies critical habitat, that action will probably also destroy marine ecosystems, fishing, gathering, and ocean recreation.  
Critical habitat is defined under the federal Endangered Species Act as: (1) specific areas within the geographical area occupied by the species at the time of listing, if they contain physical or biological features essential to conservation, and those features may require special management considerations or protection; and (2) specific areas outside the geographical area occupied by the species if the agency determines that the area itself is essential for conservation.  
Although critical habitat has been designated on the Northwestern Hawaiian Islands, the monk seal population is declining due to high pup-mortality and other factors that have nothing to do with critical habitat designation.  
Critical habitat designation on the NWHI is not the cause of the declining monk seal population there.  
Similarly, designation of critical habitat around the main Hawaiian islands will not automatically recover the seal and bring it back from the brink of extinction.  
Critical habitat will prevent federal agency actions from destroying or adversely modifying those areas.  
Critical habitat is part of the federal Endangered Species Act; it makes sense that federal agencies cannot destroy or adversely modify the habitat necessary for the Hawaiian monk seal to recover.  
Areas can be excluded from critical habitat if the economic benefit of excluding such areas outweigh the benefits unless excluding such areas may result in the extinction of the species.  
Let us work together to protect this magnificent species.  
We urge everyone to help recover the monk seal instead of blaming seals for declining fish stocks (not true) and alleging that critical habitat will prevent all ocean uses (not true).

Someday, we may all realize the value of critical habitat, not only for the seals, but for everyone who uses and enjoys the marine environment.

har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 10:21 AM  
**To:** WLOtestimony  
**Cc:** tony@pop-hawaii.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Tony Costa  
Organization: Hawaii Nearshore Fishermen  
E-mail: [tony@pop-hawaii.com](mailto:tony@pop-hawaii.com)  
Submitted on: 3/1/2012

Comments:  
Hawaii Nearshore Fishermen support HCR38



**THE HUMANE SOCIETY**  
OF THE UNITED STATES

TO: Committees on Water, Land and Ocean Resources and Energy and Environment

Friday, March 2, 11:05am, Rm 325

**RE: OPPOSITION TO HR20/HCR38: TO OPPOSE THE PASSAGE OF RULE 064B-BA81 PROPOSED BY THE NATIONAL OCEANIC AND ATMOSPHERIC AGENCY, RELATING TO MONK SEAL CRITICAL HABITAT**

Dear Honorable Chairs Chang and Coffman and Committee Members:

On behalf of our more than 50,000 members and supporters in Hawaii, we urge you to oppose Resolutions HR 20 and HCR 38; contesting NOAA's National Marine Fisheries Service (NMFS) proposed revision of critical habitat for critically endangered Hawaiian monk seals.

The NMFS is proposing to revise the current critical habitat for the Hawaiian monk seal by extending the current designation in the Northwestern Hawaiian Islands (NWHI) out to the 500-meter depth contour, including Sand Island at Midway Islands; and by designating six new areas in the main Hawaiian Islands (MHI). Much has been learned about this species and its habitat needs since critical habitat was established in 1988. We believe a revision is long overdue.

Studies have shown that the designation of critical habitat—in particular critical habitat that encompasses sufficient area to meet a species survival needs—can dramatically improve the chances of a species' survival. Few species need to improve their chances of survival more than do Hawaiian monk seals.

The future of this species is in doubt. According to the most recent NMFS stock assessment, the NWHI subpopulations are 68% lower as of 2008 than they were in 1958. From 1999 to 2008, the estimate of abundance declined at approximately 4.5 percent per year. Populations established in the MHI have increased at 5.6 percent per year. The survival rate for pups born in the MHI is close to 80 percent, and this helps compensate for the close to 80 percent mortality rate of pups born in the NWHI; yet the species continues to decline. The designation of critical habitat cannot guarantee recovery; however, to increase the species' chances of survival, it is vital to protect the monk seals' food resources, breeding and nursery areas and to protect areas into which they can expand for these purposes. The proposed changes to critical habitat would do just that.

Designation of appropriate critical habitat would protect these new areas from potentially destructive activities or degradation of the coastal and ocean areas on which monk seals depend. But protecting these new areas for monk seals would also ensure quality marine habitat for the rich fish life that also depends on these same areas. Monk seals do not threaten marine resources. In countless situations around the world, declines in fisheries are virtually always a result of disruption of their habitat and inadequate management of fishery resources. Designation of critical habitat helps call attention to the need for wise management.



Designation of critical habitat benefits a variety of marine life yet seldom interferes with compatible human uses. For example, the designation of critical habitat for critically endangered North Pacific right whales has not altered fishing or plans for oil and gas development nor has the designation of critical habitat for the declining and endangered stock of beluga whales in Cook Inlet Alaska stopped harbor improvements, fisheries, tourism or oil and gas development. In most cases, where an activity poses jeopardy to the existence of the species, conditions can be imposed to allow the activity while minimizing adverse impacts. Designating critical habitat promises to help marine resources without being an impediment to wise human use of those resources. In fact it is the very beauty of the ocean and its rich diversity of marine life—including Hawaiian monk seals—that is the engine of the Hawaiian economy, drawing visitors to the Islands to see animals that are seldom if ever seen in other places.

It is worth remembering that a number of areas of critical habitat are already designated. However, our understanding of the species and its needs has advanced since the 1980s when this habitat was protected. We now know that we need to protect additional areas to help provide for the recovery of this species that is unique to the Hawaiian Islands.

In 2008, monk seals were designated the state mammal of Hawaii. At that time, the press reported that, as former Lieutenant Governor James 'Duke' Aiona signed the bill into law he stated: "I'm just hoping that this will re-energize all of us, the citizens here in Hawaii as well as people around the world, to become better stewards of our monk seal population and [its] repopulation." Protecting crucial habitat for the species is critical to that stewardship. In addition, in 2010, the state strengthened penalties against the killing or taking of a monk seal. Furthermore, and tragically, four monk seals have been intentionally killed in violation of both state and federal law. Many organizations, including The HSUS, offered a reward totaling \$30,000 to bring the still unknown perpetrators to justice. Passage of this resolution is contrary to the protections in place for this imperiled species and sends a dangerous message that their continued protection is not warranted.

We respectfully urge your opposition to HR 20 and HCR 38.

har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 2:50 PM  
**To:** WLOtestimony  
**Cc:** kahea-alliance@hawaii.rr.com  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: Yes  
Submitted by: KAHEA: The Hawaiian-Environmental Alliance  
Organization: KAHEA: The Hawaiian-Environmental Alliance  
E-mail: [kahea-alliance@hawaii.rr.com](mailto:kahea-alliance@hawaii.rr.com)  
Submitted on: 3/1/2012

Comments:

**har2-Samantha**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 12:38 PM  
**To:** WLOtestimony  
**Cc:** soshiro17@hawaii.rr.com  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Basil Oshiro  
Organization: Maui Cooperative Fishing Association  
E-mail: [soshiro17@hawaii.rr.com](mailto:soshiro17@hawaii.rr.com)  
Submitted on: 3/1/2012

**Comments:**

MCFA supports HR20 OPPOSING THE PASSAGE OF RULE 064B-BA81. Negative impacts to our Culture, Traditions, generational knowledge, economy, our fishing industry and the problem with interactions w/the MS. Please consider the people of Hawaii and how we live on our tiny islands, our Culture, Traditions and generation knowledge. mahalo bko MCFA P.O, Box 3090 Kah., Hi., 96733

har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 11:33 AM  
**To:** WLOtestimony  
**Cc:** mattmayfield63@yahoo.com  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Matt Mayfield  
Organization: South shore poundaz casting club  
E-mail: [mattmayfield63@yahoo.com](mailto:mattmayfield63@yahoo.com)  
Submitted on: 3/1/2012

Comments:

We believe The introduction of seals to the main Hawaiian islands will decimate our already dwindling near shore ecosystem. These seals can also be aggressive toward people. Inaditon the seals are prone to getting tangled in line or nets. In short our group believe the seals should not be introduced. Aloha and mahalo for taking the time to read this .

har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 5:54 PM  
**To:** WLOtestimony  
**Cc:** ansen808@yahoo.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: ansen akita  
Organization: Individual  
E-mail: [ansen808@yahoo.com](mailto:ansen808@yahoo.com)  
Submitted on: 3/1/2012

**Comments:**

please don't ruin my and many other's tradition, fishing in hawaii is hard enough as it is without this. thanks

**har2-Samantha**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 5:57 PM  
**To:** WLOtestimony  
**Cc:** ansen808@yahoo.com  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: ansen akita  
Organization: Individual  
E-mail: [ansen808@yahoo.com](mailto:ansen808@yahoo.com)  
Submitted on: 3/1/2012

**Comments:**

if you bring more seals to the main islands we will lose more than gain.

**har2-Samantha**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 29, 2012 9:44 AM  
**To:** WLOtestimony  
**Cc:** bamayer@gmail.com  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Barb Mayer  
Organization: Individual  
E-mail: [bamayer@gmail.com](mailto:bamayer@gmail.com)  
Submitted on: 2/29/2012

**Comments:**

I OPPOSE HR 20 and HCR 38  
...because I support critical habitat designation around the main Hawaiian islands because it will help protect the endangered Hawaiian monk seal.

**har2-Samantha**

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**From:** elisabeth.bechmann@kstp.at  
**Sent:** Wednesday, February 29, 2012 9:27 AM  
**To:** WLOtestimony  
**Subject:** Stop resolution to undermine monk seal protections

I want to let the Hawaii State Legislature know I support habitat protections for monk seals. I strongly oppose Hawaii resolutions, HR 20 and HCR 38, that aim to undermine critical habitat for the endangered seals. Monk seals are in grave danger of extinction and this legislation is hostile to their recovery.

Sincerely,

Dr. Elisabeth Bechmann, Austria



## har2-Samantha

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**From:** Bianca Isaki [bisaki@gmail.com]  
**Sent:** Wednesday, February 29, 2012 9:06 AM  
**To:** WLOtestimony  
**Subject:** HR 20 and HCR 38

To whom it may concern,

I am writing to strongly oppose Hawaii resolutions, HR 20 and HCR 38, because these bills aim to undermine critical habitat for the endangered seals.

Monk seals are in grave danger of extinction and this legislation is hostile to their recovery.

Aloha,

Bianca Isaki, Ph.D.  
William S. Richardson School of Law, J.D. 2013  
The University of Hawai'i at Manoa  
2515 Dole Street  
Honolulu, HI 96822-2350  
mobile 808.927.5606

## har2-Samantha

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**From:** suzanne hammer [suzannehammer@mac.com]  
**Sent:** Wednesday, February 29, 2012 9:32 AM  
**To:** WLOtestimony  
**Cc:** F DeWolfe Miller; Deborah Wallace; Lucille James; Noel J Kent; John Johnson; Alma; Judith's gmail; ANA MARIA PULPON SEGURA; Marianne Broz Wassel; Bonnie McMullen; Natalie Mahoney; Maureen,alan Price; Pam Eliashof; KNOCK45@aol.com  
**Subject:** HR20 and HRC 38 OPPOSED

I OPPOSE these two bills which undermine monk seal protection.  
Mahalo Suzanne hammer  
Sent from my iPad

**har2-Samantha**

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**From:** Anita Wintner [anitabanana@hawaiiantel.net]  
**Sent:** Wednesday, February 29, 2012 9:09 AM  
**To:** WLOtestimony  
**Subject:** Oppose HR20 and HCR 38

I oppose HR 20 and HCR 38. I live in Kihei, Maui. Anita Wintner

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 29, 2012 8:42 AM  
**To:** WLOtestimony  
**Cc:** mh@interpac.net  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Cory Harden  
Organization: Individual  
E-mail: [mh@interpac.net](mailto:mh@interpac.net)  
Submitted on: 2/29/2012

### Comments:

Please support critical habitat designation around the main Hawaiian islands to protect the endangered Hawaiian monk seal. It is part of Hawai'i's unique cultural and natural heritage. It will probably go extinct if we don't act. Critical habitat can help those who are working hard to save our seal.

Critical habitat at Papahānaumokuākea is not the cause of the declining monk seal population there. The decline is from high pup mortality and other factors. And monk seals are not the cause of declining fish stocks.

Critical habitat does not stop all ocean uses. Critical habitat only affects federal agency actions. It is possible to keep areas out of critical habitat if the economic impact is too great (unless that would send target species into extinction.)

Actions that destroy or adversely affect critical habitat are likely to also affect marine ecosystems, fishing, gathering, and ocean recreation. Critical habitat benefits not only target species, but the whole environment.

**har2-Samantha**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 28, 2012 11:26 PM  
**To:** WLOtestimony  
**Cc:** maguinger@hawaii.rr.com  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Mary A. Guinger  
Organization: Individual  
E-mail: [maguinger@hawaii.rr.com](mailto:maguinger@hawaii.rr.com)  
Submitted on: 2/28/2012

**Comments:**

I support Critical Habitat for sea animals.  
Yes we need alternative energy. Hawaii has a lot of choices of alternative energy.  
Hawaii needs a healthy fertile ocean to prosper.  
The ocean is our home and we need to protect it for the seals as well as ourselves.

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 29, 2012 5:09 AM  
**To:** WLOtestimony  
**Cc:** osako@wave.hicv.net  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Warren Osako  
Organization: Individual  
E-mail: [osako@wave.hicv.net](mailto:osako@wave.hicv.net)  
Submitted on: 2/29/2012

**Comments:**

I oppose expanding the monk seal sanctuary into the main Hawaiian Islands.

**har2-Samantha**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 29, 2012 6:33 AM  
**To:** WLOtestimony  
**Cc:** Kendall.wong@gmail.com  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Kendall Wong  
Organization: Individual  
E-mail: [Kendall.wong@gmail.com](mailto:Kendall.wong@gmail.com)  
Submitted on: 2/29/2012

Comments:

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 29, 2012 7:27 AM  
**To:** WLOtestimony  
**Cc:** wheelerlucas@hotmail.com  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: Yes  
Submitted by: lucas wheeler  
Organization: Individual  
E-mail: [wheelerlucas@hotmail.com](mailto:wheelerlucas@hotmail.com)  
Submitted on: 2/29/2012

### Comments:

I support critical habitat designation around the main Hawaiian islands because it will help protect the endangered Hawaiian monk seal.

The Hawaiian monk seal population is declining rapidly and will likely go extinct if we do not take action to help it survive.

The Hawaiian monk seal is part of our cultural and natural heritage. It is found only in the Hawaiian islands, and it is part of the legacy we leave for children and generations to come.

Critical habitat is a tool that can help agencies, organizations, and individuals who are working hard to prevent the Hawaiian monk seal from going extinct.

Critical habitat prevents federal agencies from taking, funding, or approving actions that will destroy or adversely modify critical habitat. If a federal action destroys or adversely modifies critical habitat, that action will probably also destroy marine ecosystems, fishing, gathering, and ocean recreation.

Critical habitat is defined under the federal Endangered Species Act as: (1) specific areas within the geographical area occupied by the species at the time of listing, if they contain physical or biological features essential to conservation, and those features may require special management considerations or protection; and (2) specific areas outside the geographical area occupied by the species if the agency determines that the area itself is essential for conservation.

Although critical habitat has been designated on the Northwestern Hawaiian Islands, the monk seal population is declining due to high pup-mortality and other factors that have nothing to do with critical habitat designation.

Critical habitat designation on the NWHI is not the cause of the declining monk seal population there.

Similarly, designation of critical habitat around the main Hawaiian islands will not automatically recover the seal and bring it back from the brink of extinction.

Critical habitat will prevent federal agency actions from destroying or adversely modifying those areas.

Critical habitat is part of the federal Endangered Species Act; it makes sense that federal agencies cannot destroy or adversely modify the habitat necessary for the Hawaiian monk seal to recover.

Areas can be excluded from critical habitat if the economic benefit of excluding such areas outweigh the benefits unless excluding such areas may result in the extinction of the species.

Let us work together to protect this magnificent species.



We urge everyone to help recover the monk seal instead of blaming seals for declining fish stocks (not true) and alleging that critical habitat will prevent all ocean uses (not true).

Someday, we may all realize the value of critical habitat, not only for the seals, but for everyone who uses and enjoys the marine environment.

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 29, 2012 7:27 AM  
**To:** WLOtestimony  
**Cc:** beverlyzigmond@juno.com  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: beverly zigmond  
Organization: Individual  
E-mail: [beverlyzigmond@juno.com](mailto:beverlyzigmond@juno.com)  
Submitted on: 2/29/2012

### Comments:

I STRONGLY OPPOSE HCR 38 and HR 20

- I support critical habitat designation around the main Hawaiian islands because it will help protect the endangered Hawaiian monk seal.
- The Hawaiian monk seal population is declining rapidly and will likely go extinct if we do not take action to help it survive.
- The Hawaiian monk seal is part of our cultural and natural heritage. It is found only in the Hawaiian islands, and it is part of the legacy we leave for children and generations to come.
- Critical habitat is a tool that can help agencies, organizations, and individuals who are working hard to prevent the Hawaiian monk seal from going extinct.
- Critical habitat prevents federal agencies from taking, funding, or approving actions that will destroy or adversely modify critical habitat. If a federal action destroys or adversely modifies critical habitat, that action will probably also destroy marine ecosystems, fishing, gathering, and ocean recreation.
- Critical habitat is defined under the federal Endangered Species Act as: (1) specific areas within the geographical area occupied by the species at the time of listing, if they contain physical or biological features essential to conservation, and those features may require special management considerations or protection; and (2) specific areas outside the geographical area occupied by the species if the agency determines that the area itself is essential for conservation.
- Although critical habitat has been designated on the Northwestern Hawaiian Islands, the monk seal population is declining due to high pup-mortality and other factors that have nothing to do with critical habitat designation.
- Critical habitat designation on the NWHI is not the cause of the declining monk seal population there.
- Similarly, designation of critical habitat around the main Hawaiian islands will not automatically recover the seal and bring it back from the brink of extinction.
- Critical habitat will prevent federal agency actions from destroying or adversely modifying those areas.
- Critical habitat is part of the federal Endangered Species Act; it makes sense that federal agencies cannot destroy or adversely modify the habitat necessary for the Hawaiian monk seal to recover.

Beverly Zigmond  
Lana'i City

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 29, 2012 7:39 AM  
**To:** WLOtestimony  
**Cc:** shawdm@alum.urmc.rochester.edu  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Michael Shaw  
Organization: Individual  
E-mail: [shawdm@alum.urmc.rochester.edu](mailto:shawdm@alum.urmc.rochester.edu)  
Submitted on: 2/29/2012

Comments:  
I oppose this shortsighted resolution.

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 29, 2012 7:52 AM  
**To:** WLOtestimony  
**Cc:** s.kennedy2009@yahoo.com  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Sandra Kennedy  
Organization: Individual  
E-mail: [s.kennedy2009@yahoo.com](mailto:s.kennedy2009@yahoo.com)  
Submitted on: 2/29/2012

### Comments:

I support critical habitat designation around the main Hawaiian islands because it will help protect the endangered Hawaiian monk seal.

The Hawaiian monk seal population is declining rapidly and will likely go extinct if we do not take action to help it survive.

The Hawaiian monk seal is part of our cultural and natural heritage. It is found only in the Hawaiian islands, and it is part of the legacy we leave for children and generations to come.

Critical habitat is a tool that can help agencies, organizations, and individuals who are working hard to prevent the Hawaiian monk seal from going extinct.

Critical habitat prevents federal agencies from taking, funding, or approving actions that will destroy or adversely modify critical habitat. If a federal action destroys or adversely modifies critical habitat, that action will probably also destroy marine ecosystems, fishing, gathering, and ocean recreation.

Critical habitat is defined under the federal Endangered Species Act as: (1) specific areas within the geographical area occupied by the species at the time of listing, if they contain physical or biological features essential to conservation, and those features may require special management considerations or protection; and (2) specific areas outside the geographical area occupied by the species if the agency determines that the area itself is essential for conservation.

Although critical habitat has been designated on the Northwestern Hawaiian Islands, the monk seal population is declining due to high pup-mortality and other factors that have nothing to do with critical habitat designation.

Critical habitat designation on the NWHI is not the cause of the declining monk seal population there.

Similarly, designation of critical habitat around the main Hawaiian islands will not automatically recover the seal and bring it back from the brink of extinction.

Critical habitat will prevent federal agency actions from destroying or adversely modifying those areas.

Critical habitat is part of the federal Endangered Species Act; it makes sense that federal agencies cannot destroy or adversely modify the habitat necessary for the Hawaiian monk seal to recover.

Areas can be excluded from critical habitat if the economic benefit of excluding such areas outweigh the benefits unless excluding such areas may result in the extinction of the species.

Let us work together to protect this magnificent species.

We urge everyone to help recover the monk seal instead of blaming seals for declining fish stocks (not true) and alleging that critical habitat will prevent all ocean uses (not true).

Someday, we may all realize the value of critical habitat, not only for the seals, but for everyone who uses and enjoys the marine environment.

har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 29, 2012 8:24 AM  
**To:** WLOtestimony  
**Cc:** chai.blairstahn@gmail.com  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Chai Blair-Stahn  
Organization:  
E-mail: [chai.blairstahn@gmail.com](mailto:chai.blairstahn@gmail.com)  
Submitted on: 2/29/2012

Comments:

Please do not oppose NOAA's Rule 064B-BA81 which could impact critical habitat areas for Hawaii's monks seal. These creatures are found nowhere else in the world and we should be protecting them.

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 29, 2012 8:39 AM  
**To:** WLOtestimony  
**Cc:** rshibuya289@gmail.com  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Rona Shibuya  
Organization: Individual  
E-mail: [rshibuya289@gmail.com](mailto:rshibuya289@gmail.com)  
Submitted on: 2/29/2012

### Comments:

Strongly Oppose HR 20

- 1) I support critical habitat designation around the main Hawaiian islands because it will help protect the endangered Hawaiian monk seal.
- 2) The Hawaiian monk seal population is declining rapidly and will likely go extinct if we do not take action to help it survive.
- 3) The Hawaiian monk seal is part of our cultural and natural heritage. It is found only in the Hawaiian islands, and it is part of the legacy we leave for children and generations to come.
- 4) Critical habitat is a tool that can help agencies, organizations, and individuals who are working hard to prevent the Hawaiian monk seal from going extinct.
- 5) Critical habitat prevents federal agencies from taking, funding, or approving actions that will destroy or adversely modify critical habitat. If a federal action destroys or adversely modifies critical habitat, that action will probably also destroy marine ecosystems, fishing, gathering, and ocean recreation.
- 6) Critical habitat is defined under the federal Endangered Species Act as: (1) specific areas within the geographical area occupied by the species at the time of listing, if they contain physical or biological features essential to conservation, and those features may require special management considerations or protection; and (2) specific areas outside the geographical area occupied by the species if the agency determines that the area itself is essential for conservation.
- 7) Although critical habitat has been designated on the Northwestern Hawaiian Islands, the monk seal population is declining due to high pup-mortality and other factors that have nothing to do with critical habitat designation.
- 8) Critical habitat designation on the NWHI is not the cause of the declining monk seal population there.
- 9) Similarly, designation of critical habitat around the main Hawaiian islands will not automatically recover the seal and bring it back from the brink of extinction.
- 10) Critical habitat will prevent federal agency actions from destroying or adversely modifying those areas.
- 11) Critical habitat is part of the federal Endangered Species Act; it makes sense that federal agencies cannot destroy or adversely modify the habitat necessary for the Hawaiian monk seal to recover.
- 12) Areas can be excluded from critical habitat if the economic benefit of excluding such areas outweigh the benefits unless excluding such areas may result in the extinction of the species.
- 13) Let us work together to protect this magnificent species.

14) We urge everyone to help recover the monk seal instead of blaming seals for declining fish stocks (not true) and alleging that critical habitat will prevent all ocean uses (not true).

15) Someday, we may all realize the value of critical habitat, not only for the seals, but for everyone who uses and enjoys the marine environment.



har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 28, 2012 7:17 PM  
**To:** WLOtestimony  
**Cc:** neilkanemoto@gmail.com  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: neil kanemoto  
Organization: Individual  
E-mail: [neilkanemoto@gmail.com](mailto:neilkanemoto@gmail.com)  
Submitted on: 2/28/2012

Comments:

Aloha Committee Members:

I apologize for not being able to upload a file but I am currently out of town with limited internet/computer access and need to make this quick before I lose access.

Please accept my testimony in support of HR20. The Hawaiian Monk Seal is already protected by the same state and federal laws that have protected the humpback whale and green sea turtle for years. Both species made full recoveries WITHOUT the establishment of a critical habitat designation. NOAA's proposed critical habitat designation is thus not only unnecessary, but a violation of President Obama's Executive Order issued in January 2011 where he declared there are to be no redundancies in government. This critical habitat designation proposal which is meant to protect monk seals who are already protected by multiple state and federal agencies is not only a redundancy, but waste of taxpayers money under current dire economic conditions.

Thank you for hearing my testimony in support of HR20.

Best regards

Neil Kanemoto  
1128 ala napunani #1604  
Honolulu HI 96818

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 28, 2012 7:43 PM  
**To:** WLOtestimony  
**Cc:** octochic@clearwire.net  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: M Benedict  
Organization: Individual  
E-mail: [octochic@clearwire.net](mailto:octochic@clearwire.net)  
Submitted on: 2/28/2012

### Comments:

I support critical habitat designation around the main Hawaiian islands because it will help protect the endangered Hawaiian monk seal. The Hawaiian monk seal population is declining rapidly and will likely go extinct if we do not take action to help it survive. The Hawaiian monk seal is part of our cultural and natural heritage. It is found only in the Hawaiian islands, and it is part of the legacy we leave for children and generations to come. Critical habitat is a tool that can help agencies, organizations, and individuals who are working hard to prevent the Hawaiian monk seal from going extinct. Although critical habitat has been designated on the Northwestern Hawaiian Islands, the monk seal population is declining due to high pup-mortality and other factors that have nothing to do with critical habitat designation. Critical habitat designation on the NWHI is not the cause of the declining monk seal population there. Similarly, designation of critical habitat around the main Hawaiian islands will not automatically recover the seal and bring it back from the brink of extinction. Critical habitat will prevent federal agency actions from destroying or adversely modifying those areas. Critical habitat is part of the federal Endangered Species Act; it makes sense that federal agencies cannot destroy or adversely modify the habitat necessary for the Hawaiian monk seal to recover. We need to help recover the monk seal instead of blaming seals for declining fish stocks (not true) and alleging that critical habitat will prevent all ocean uses (not true).

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 28, 2012 9:26 PM  
**To:** WLOtestimony  
**Cc:** alohaxtc@hawaii.rr.com  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Harvey Arkin  
Organization: Individual  
E-mail: [alohaxtc@hawaii.rr.com](mailto:alohaxtc@hawaii.rr.com)  
Submitted on: 2/28/2012

### Comments:

- I support critical habitat designation around the main Hawaiian islands because it will help protect the endangered Hawaiian monk seal.
- The Hawaiian monk seal population is declining rapidly and will likely go extinct if we do not take action to help it survive.
- The Hawaiian monk seal is part of our cultural and natural heritage. It is found only in the Hawaiian islands, and it is part of the legacy we leave for children and generations to come.
- Critical habitat is a tool that can help agencies, organizations, and individuals who are working hard to prevent the Hawaiian monk seal from going extinct.
- Critical habitat prevents federal agencies from taking, funding, or approving actions that will destroy or adversely modify critical habitat. If a federal action destroys or adversely modifies critical habitat, that action will probably also destroy marine ecosystems, fishing, gathering, and ocean recreation.
- Critical habitat is defined under the federal Endangered Species Act as: (1) specific areas within the geographical area occupied by the species at the time of listing, if they contain physical or biological features essential to conservation, and those features may require special management considerations or protection; and (2) specific areas outside the geographical area occupied by the species if the agency determines that the area itself is essential for conservation.
- Although critical habitat has been designated on the Northwestern Hawaiian Islands, the monk seal population is declining due to high pup-mortality and other factors that have nothing to do with critical habitat designation.
- Critical habitat designation on the NWHI is not the cause of the declining monk seal population there.
- Similarly, designation of critical habitat around the main Hawaiian islands will not automatically recover the seal and bring it back from the brink of extinction.
- Critical habitat will prevent federal agency actions from destroying or adversely modifying those areas.
- Critical habitat is part of the federal Endangered Species Act; it makes sense that federal agencies cannot destroy or adversely modify the habitat necessary for the Hawaiian monk seal to recover.
- Areas can be excluded from critical habitat if the economic benefit of excluding such areas outweigh the benefits unless excluding such areas may result in the extinction of the species.
- Let us work together to protect this magnificent species.

- We urge everyone to help recover the monk seal instead of blaming seals for declining fish stocks (not true) and alleging that critical habitat will prevent all ocean uses (not true).
- Someday, we may all realize the value of critical habitat, not only for the seals, but for everyone who uses and enjoys the marine environment.

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 28, 2012 10:39 PM  
**To:** WLOtestimony  
**Cc:** woolwahine@gmail.com  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Dana Jones  
Organization: Individual  
E-mail: [woolwahine@gmail.com](mailto:woolwahine@gmail.com)  
Submitted on: 2/28/2012

**Comments:**

DO support the Hawaiian Monk Seal critical habitat. We have to save the seals, the same way that people have saved other endangered species.

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 28, 2012 6:08 PM  
**To:** WLOtestimony  
**Cc:** jfp@igc.org  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM  
**Attachments:** TestimonyHR20.doc

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Jay Penniman  
Organization: Individual  
E-mail: [jfp@igc.org](mailto:jfp@igc.org)  
Submitted on: 2/28/2012

Comments:

I support critical habitat designation around the main Hawaiian Islands because it will help protect the endangered Hawaiian monk seal.

I oppose state resolutions HR 20 and HCR 38, both of which oppose proposed critical habitat designation by NOAA under the federal Endangered Species Act for the endangered Hawaiian monk seal on the main Hawaiian Islands. Critical habitat prevents federal agencies from taking, funding, or approving actions that will destroy or adversely modify critical habitat. If a federal action destroys or adversely modifies critical habitat, that action will probably also destroy marine ecosystems, fishing, gathering, and ocean recreation.

har2-Samantha

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**From:** Miyoko Sakashita [miyokosak@hotmail.com]  
**Sent:** Wednesday, February 29, 2012 7:40 AM  
**To:** WLOtestimony  
**Subject:** Strongly oppose HCR 38 and HR 20

I strongly oppose HCR 38 and HR 20.

Hawaiian monk seals are extremely important to Hawaii's natural heritage. Monk seal habitat needs to be protected on the Main Hawaiian Islands to ensure their conservation and recovery. Critical habitat requires consultations to ensure that federal actions do not jeopardize the monk seal or destroy its essential habitat. Critical habitat does not limit access or close beaches. The decline of monk seals in the NWHI has nothing to do with habitat designations, rather it is due to starvation, predation, changing ocean conditions, and other factors. Indeed, animals with critical habitat are twice as likely to be in recovery than those without it.

Hawaiian monk seals need our support and critical habitat designation. HCR 38 and HR 20 are misguided and misrepresent the impact of critical habitat designation.



har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 28, 2012 1:56 PM  
**To:** WLOtestimony  
**Cc:** rnvfishing@gmail.com  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Roy N. Morioka  
Organization: Individual  
E-mail: [rnvfishing@gmail.com](mailto:rnvfishing@gmail.com)  
Submitted on: 2/28/2012

**Comments:**

The Hawaiian Monk Seals are provided sufficient protections under both the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) and further duplication of management bureaucracy is unwarranted and unnecessary.

**har2-Samantha**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 28, 2012 5:06 PM  
**To:** WLOtestimony  
**Cc:** lundief@gmail.com  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Lundie Fleming  
Organization: Individual  
E-mail: [lundief@gmail.com](mailto:lundief@gmail.com)  
Submitted on: 2/28/2012

**Comments:**

I strongly support this resolution. I've had enough of the Federal Government's ridiculous overreach into the State of Hawaii. NOAA is out of control. Sweeping laws like the one proposed, backed up by junk science, or in many cases no science, with little thought for the long term impacts on the people of Hawaii have got to stop.

har2-Samantha

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**From:** Daniela Tucci [tucci.daniela@yahoo.it]  
**Sent:** Wednesday, February 29, 2012 9:26 AM  
**To:** WLOtestimony  
**Subject:** important

we can not afford the extinction of the monk seals because nature has its laws .. if we continue not to give it weight, we will be victims .. think carefully and ethically ..

Daniela Tucci - Italy.

har2-Samantha

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**From:** Carlos Milà [carlosmila@yahoo.com]  
**Sent:** Wednesday, February 29, 2012 9:50 AM  
**To:** WLOtestimony  
**Subject:** save the monk seals in hawaii.

government of hawaii :

with all respect for you, i send my message in favor of the monk seals, please save the monk seals in hawaii.

my petition is from mexico city because i'm an ecologist and artist and i believe in the animal rights for all the world. thank you very much for your time and attention.

kindly regards:

carlos pascual mejia / carlos mila - [carlosmila@yahoo.com](mailto:carlosmila@yahoo.com)

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 29, 2012 9:49 AM  
**To:** WLOtestimony  
**Cc:** sskswinney@yahoo.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM  
**Attachments:** Testimony HCR38 & HR20.doc

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Shirley Swinney  
Organization: Individual  
E-mail: [sskswinney@yahoo.com](mailto:sskswinney@yahoo.com)  
Submitted on: 2/29/2012

Comments:

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 29, 2012 8:43 AM  
**To:** WLOtestimony  
**Cc:** mh@interpac.net  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Cory Harden  
Organization: Individual  
E-mail: [mh@interpac.net](mailto:mh@interpac.net)  
Submitted on: 2/29/2012

### Comments:

Please support critical habitat designation around the main Hawaiian islands to protect the endangered Hawaiian monk seal. It is part of Hawai'i's unique cultural and natural heritage. It will probably go extinct if we don't act. Critical habitat can help those who are working hard to save our seal.

Critical habitat at Papahānaumokuākea is not the cause of the declining monk seal population there. The decline is from high pup mortality and other factors. And monk seals are not the cause of declining fish stocks.

Critical habitat does not stop all ocean uses. Critical habitat only affects federal agency actions. It is possible to keep areas out of critical habitat if the economic impact is too great (unless that would send target species into extinction.)

Actions that destroy or adversely affect critical habitat are likely to also affect marine ecosystems, fishing, gathering, and ocean recreation. Critical habitat benefits not only target species, but the whole environment.

har2-Samantha

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**From:** Linda Lyerly [llyerly7@gmail.com]  
**Sent:** Wednesday, February 29, 2012 7:47 AM  
**To:** WLOtestimony  
**Subject:** testimony March 2 HCR38/HCR20

Dear Sirs:

Please oppose the passing of this rule 064B-BA81 that would take away federally mandated habitat protection for our endangered monk seal.

We have so little of our ocean protected for wildlife. Only about 10% of our big game fish are left world wide according to environmental sources (NRDC, O.C., Surfrider and many others).

We must be bold and remain strong in the face of economic pressures to dismantle the very little protection that is in place.

Please do not pass this measure. It will help the survival not only of our beloved monk seal but improve the life & health of our ocean as a whole.

Thank you so much for your time & consideration.

Respectively submitted,

Linda Lyerly  
202 Wahi'oli Way  
Lahaina, Maui

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 29, 2012 7:53 AM  
**To:** WLOtestimony  
**Cc:** s.kennedy2009@yahoo.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Sandra Kennedy  
Organization: Individual  
E-mail: [s.kennedy2009@yahoo.com](mailto:s.kennedy2009@yahoo.com)  
Submitted on: 2/29/2012

### Comments:

I support critical habitat designation around the main Hawaiian islands because it will help protect the endangered Hawaiian monk seal.

The Hawaiian monk seal population is declining rapidly and will likely go extinct if we do not take action to help it survive.

The Hawaiian monk seal is part of our cultural and natural heritage. It is found only in the Hawaiian islands, and it is part of the legacy we leave for children and generations to come.

Critical habitat is a tool that can help agencies, organizations, and individuals who are working hard to prevent the Hawaiian monk seal from going extinct.

Critical habitat prevents federal agencies from taking, funding, or approving actions that will destroy or adversely modify critical habitat. If a federal action destroys or adversely modifies critical habitat, that action will probably also destroy marine ecosystems, fishing, gathering, and ocean recreation.

Critical habitat is defined under the federal Endangered Species Act as: (1) specific areas within the geographical area occupied by the species at the time of listing, if they contain physical or biological features essential to conservation, and those features may require special management considerations or protection; and (2) specific areas outside the geographical area occupied by the species if the agency determines that the area itself is essential for conservation.

Although critical habitat has been designated on the Northwestern Hawaiian Islands, the monk seal population is declining due to high pup-mortality and other factors that have nothing to do with critical habitat designation.

Critical habitat designation on the NWHI is not the cause of the declining monk seal population there.

Similarly, designation of critical habitat around the main Hawaiian islands will not automatically recover the seal and bring it back from the brink of extinction.

Critical habitat will prevent federal agency actions from destroying or adversely modifying those areas.

Critical habitat is part of the federal Endangered Species Act; it makes sense that federal agencies cannot destroy or adversely modify the habitat necessary for the Hawaiian monk seal to recover.

Areas can be excluded from critical habitat if the economic benefit of excluding such areas outweigh the benefits unless excluding such areas may result in the extinction of the species.

Let us work together to protect this magnificent species.



We urge everyone to help recover the monk seal instead of blaming seals for declining fish stocks (not true) and alleging that critical habitat will prevent all ocean uses (not true).

Someday, we may all realize the value of critical habitat, not only for the seals, but for everyone who uses and enjoys the marine environment.

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 29, 2012 8:07 AM  
**To:** WLOtestimony  
**Cc:** lauramo@hawaii.edu  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Laura Mo  
Organization: Individual  
E-mail: [lauramo@hawaii.edu](mailto:lauramo@hawaii.edu)  
Submitted on: 2/29/2012

### Comments:

I support critical habitat designation around the main Hawaiian islands because it will help protect the endangered Hawaiian monk seal. The Hawaiian monk seal is part of our cultural and natural heritage. It is found only in the Hawaiian islands, and it is part of the legacy we leave for children and generations to come.

Someday, we may all realize the value of critical habitat, not only for the seals, but for everyone who uses and enjoys the marine environment.

har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 28, 2012 9:59 PM  
**To:** WLOtestimony  
**Cc:** sseal@iname.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Rebekah G Seal LaPlante  
Organization: Individual  
E-mail: [sseal@iname.com](mailto:sseal@iname.com)  
Submitted on: 2/28/2012

Comments:

Help save the Hawaiian Seals! Critical habitat designation on the NWHI is not the cause of the declining monk seal population there.

Similarly, designation of critical habitat around the main Hawaiian islands will not automatically recover the seal and bring it back from the brink of extinction.

Critical habitat will prevent federal agency actions from destroying or adversely modifying those areas.

Critical habitat is part of the federal Endangered Species Act; it makes sense that federal agencies cannot destroy or adversely modify the habitat necessary for the Hawaiian monk seal to recover.

Areas can be excluded from critical habitat if the economic benefit of excluding such areas outweigh the benefits unless excluding such areas may result in the extinction of the species.

Let us work together to protect this magnificent species.

We urge everyone to help recover the monk seal instead of blaming seals for declining fish stocks (not true) and alleging that critical habitat will prevent all ocean uses (not true). Someday, we may all realize the value of critical habitat, not only for the seals, but for everyone who uses and enjoys the marine environment.

To: Rep. Jerry L. Chang, Chair, Committee on Water, Land and Ocean Resources  
Rep. Denny Coffman, Chair, Committee on Energy and Environmental Protection

HCR 38 and HR 20 Critical Habitat for Monk Seals

I am a landscape architect/ planner. I recommend amending the resolution to call for preparing a monk seal critical habitat plan around the main islands which takes into consideration the territory needed for other important uses such as clean energy initiatives like wave energy generation. Since our shorelines and near-shore areas have so many different users, human and animal, and different kinds of uses, we need to do plans and set up rules that will help promote peaceful co-existence and sharing of the shore area resources.

It was a great shock to see reports that 2 of the monk seals who died recently on the Molokai shore were intentionally killed by a fishermen because they were competing with local fishermen for fish. It doesn't have to be this way. The monk seals need some main island "real estate" in order to improve their chances of survival; no food stamps or IHS for them.

Janet Gillmar/ ASLA  
3035 La-I Road  
Honolulu, HI 96816

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 29, 2012 4:00 PM  
**To:** WLOtestimony  
**Cc:** TORI@WILDDOLPHIN.ORG  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Victoria Dawn Cullins  
Organization: Individual  
E-mail: [TORI@WILDDOLPHIN.ORG](mailto:TORI@WILDDOLPHIN.ORG)  
Submitted on: 2/29/2012

**Comments:**

Strongly oppose - •We urge everyone to help recover the monk seal instead of blaming seals for declining fish stocks (not true) and alleging that critical habitat will prevent all ocean uses (not true). Someday, we may all realize the value of critical habitat, not only for the seals, but for everyone who uses and enjoys the marine environment.

**har2-Samantha**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 29, 2012 4:09 PM  
**To:** WLOtestimony  
**Cc:** WildSide@SailHawaii.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Tori Cullins  
Organization: Individual  
E-mail: [WildSide@SailHawaii.com](mailto:WildSide@SailHawaii.com)  
Submitted on: 2/29/2012

Comments:  
Strongly oppose

**har2-Samantha**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 28, 2012 5:56 PM  
**To:** WLOtestimony  
**Cc:** evernw@aol.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Evern Williams  
Organization: Individual  
E-mail: [evernw@aol.com](mailto:evernw@aol.com)  
Submitted on: 2/28/2012

Comments:

I support critical habitat designation around the main Hawaiian Islands because it will help protect the endangered Hawaiian monk seal.

The Hawaiian monk seal population is declining rapidly and will likely go extinct if we do not take action to help it survive. Although I am not a native Hawaiian, I have been here long enough to appreciate their importance as a part of Hawaii's cultural and natural heritage. They are found only in the Hawaiian Islands, and are a part of the legacy we leave for children and generations to come.

Critical habitat is a tool that can help agencies, organizations, and individuals who are working hard to prevent the Hawaiian monk seal from going extinct. Critical habitat prevents federal agencies from taking, funding, or approving actions that will destroy or adversely modify critical habitat. If a federal action destroys or adversely modifies critical habitat, that action will probably also destroy marine ecosystems, fishing, gathering, and ocean recreation.

Critical habitat is defined under the federal Endangered Species Act as: (1) specific areas within the geographical area occupied by the species at the time of listing, if they contain physical or biological features essential to conservation, and those features may require special management considerations or protection; and (2) specific areas outside the geographical area occupied by the species if the agency determines that the area itself is essential for conservation.

Although critical habitat has been designated on the Northwestern Hawaiian Islands, the monk seal population is declining due to high pup-mortality and other factors that have nothing to do with critical habitat designation.

Critical habitat designation on the NWHI is not the cause of the declining monk seal population there.

Similarly, designation of critical habitat around the main Hawaiian Islands will not automatically recover the seal and bring it back from the brink of extinction. Critical habitat will prevent federal agency actions from destroying or adversely modifying those areas. Critical habitat is part of the federal Endangered Species Act; it makes sense that federal agencies cannot destroy or adversely modify the habitat necessary for the Hawaiian monk seal to recover.

Areas can be excluded from critical habitat if the economic benefit of excluding such areas outweighs the benefits unless excluding such areas may result in the extinction of the species.

Let us work together to protect this magnificent species.

Someday, we may all realize the value of critical habitat, not only for the seals, but for everyone who uses and enjoys the marine environment. Please oppose HCR 38 and HR 20.

Thank you very much for reading.

Sincerely,

Penn Pantumsinchai



har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 29, 2012 1:54 PM  
**To:** WLOtestimony  
**Cc:** holter@maui.net  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Lance Holter  
Organization: Individual  
E-mail: [holter@maui.net](mailto:holter@maui.net)  
Submitted on: 2/29/2012

**Comments:**

I oppose HCR38 that opposes establishing Critical Habitat for the Hawaiian Monk Seal in Hawaiian waters.

**har2-Samantha**

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**From:** John S. Johnson [jsj@amagata.com]  
**Sent:** Wednesday, February 29, 2012 2:14 PM  
**To:** WLOtestimony  
**Subject:** HR20 and HRC 38

I oppose these two bills and wish to see them killed. There is misinformation on critical habitat designation being disseminated and legislating based on misunderstanding is not a prudent idea.

--John Johnson

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 29, 2012 2:27 PM  
**To:** WLOtestimony  
**Cc:** fmi@hilo.net  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Jim Patterson  
Organization: Individual  
E-mail: [fmi@hilo.net](mailto:fmi@hilo.net)  
Submitted on: 2/29/2012

### Comments:

Sirs:

The proposed creation of "critical habitat" for monk seals in the Main Hawaiian Islands is ridiculous. Start closing beaches, boat ramps, etc. because a seal shows up and you will see some unhappy ocean resource users (who are also an indigenous species). Check out San Francisco bay where sea lions are closing down docks and sinking vessels because it is breaking a federal law to shoo them away.., even off of your own boat!

Leave them to the Northwest Islands. If they come down to the MHI, people will naturally give them a little space and respect. But please don't force on us another bureaucratic law exhibiting no common sense.

har2-Samantha

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**From:** Barbara Davidson [davidson18@verizon.net]  
**Sent:** Wednesday, February 29, 2012 3:03 PM  
**To:** WLOtestimony  
**Subject:** monk seals

Please do not loose these important animals forever they are part of our environment thank you

**har2-Samantha**

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**From:** Ruth Serra [sharsal55@yahoo.com]  
**Sent:** Wednesday, February 29, 2012 3:24 PM  
**To:** WLOtestimony

To Whom It May Concern,

I strongly oppose Hawaii resolutions, HR 20 and HCR 38, that aim to undermine critical habitat for the endangered seals.

Please do the right thing.

Thank you for your time

Ruth

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 29, 2012 12:12 PM  
**To:** WLOtestimony  
**Cc:** cpgroup@aloha.net  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: cheryl corbiell  
Organization: Individual  
E-mail: [cpgroup@aloha.net](mailto:cpgroup@aloha.net)  
Submitted on: 2/29/2012

### Comments:

I support critical habitat designation around the main Hawaiian islands because it will help protect the endangered Hawaiian monk seal.

The Hawaiian monk seal population is declining rapidly and will likely go extinct if we do not take action to help it survive.

The Hawaiian monk seal is part of our cultural and natural heritage. It is found only in the Hawaiian islands, and it is part of the legacy we leave for children and generations to come. Critical habitat is a tool that can help agencies, organizations, and individuals who are working hard to prevent the Hawaiian monk seal from going extinct.

Critical habitat prevents federal agencies from taking, funding, or approving actions that will destroy or adversely modify critical habitat. If a federal action destroys or adversely modifies critical habitat, that action will probably also destroy marine ecosystems, fishing, gathering, and ocean recreation.

Critical habitat is defined under the federal Endangered Species Act as: (1) specific areas within the geographical area occupied by the species at the time of listing, if they contain physical or biological features essential to conservation, and those features may require special management considerations or protection; and (2) specific areas outside the geographical area occupied by the species if the agency determines that the area itself is essential for conservation.

Although critical habitat has been designated on the Northwestern Hawaiian Islands, the monk seal population is declining due to high pup-mortality and other factors that have nothing to do with critical habitat designation.

Critical habitat designation on the NWHI is not the cause of the declining monk seal population there.

Similarly, designation of critical habitat around the main Hawaiian islands will not automatically recover the seal and bring it back from the brink of extinction.

Critical habitat will prevent federal agency actions from destroying or adversely modifying those areas.

Critical habitat is part of the federal Endangered Species Act; it makes sense that federal agencies cannot destroy or adversely modify the habitat necessary for the Hawaiian monk seal to recover.

Areas can be excluded from critical habitat if the economic benefit of excluding such areas outweigh the benefits unless excluding such areas may result in the extinction of the species.

Let us work together to protect this magnificent species.

We urge everyone to help recover the monk seal instead of blaming seals for declining fish stocks (not true) and alleging that critical habitat will prevent all ocean uses (not true).

Someday, we may all realize the value of critical habitat, not only for the seals, but for everyone who uses and enjoys the marine environment.

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 29, 2012 11:55 AM  
**To:** WLOtestimony  
**Cc:** lbasch@hawaii.edu  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Larry Basch  
Organization: Individual  
E-mail: [lbasch@hawaii.edu](mailto:lbasch@hawaii.edu)  
Submitted on: 2/29/2012

Comments:  
Oppose her 38 also



har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 29, 2012 11:29 AM  
**To:** WLOtestimony  
**Cc:** lanaiohana@hotmail.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Donna Stokes  
Organization: Individual  
E-mail: [lanaiohana@hotmail.com](mailto:lanaiohana@hotmail.com)  
Submitted on: 2/29/2012

Comments:

Aloha, I oppose hcr38 because I support critical habitat designation around the main Hawaiian islands to protect the Hawaiian monk seal. All of Hawaii was and should always be the Hawaiian monk seals habitat. It is part of the legacy that we need to leave for our future generations.

har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 29, 2012 11:23 AM  
**To:** WLOtestimony  
**Cc:** launahele@yahoo.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Benton Pang  
Organization: Individual  
E-mail: [launahele@yahoo.com](mailto:launahele@yahoo.com)  
Submitted on: 2/29/2012

**Comments:**

I oppose this bill. Critical habitat designations are important for NOAA to recover the monk seal.

har2-Samantha

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**From:** Randy Bartlett [rtb808@gmail.com]  
**Sent:** Wednesday, February 29, 2012 11:04 AM  
**To:** WLOtestimony  
**Subject:** Please Oppose HR20 & HCR38

Aloha kakou, Chair , Vice Chair & WLO Committee Members,

As a kama`aina and a conservation professional for nearly 25 years, I ask that you strongly oppose Hawaii resolutions, HR 20 and HCR 38, that aim to undermine critical habitat for our endangered Hawaiian Monk seals.

Hawaiian Monk seals are one of Hawai'i's only two native mammalian species and deserve more protection - not less. Hawaiian Monk seals are in grave danger of extinction and this legislation is hostile to their recovery.

`Ua Mau Ke Ea O Ka `Aina I Ka Pono!!!

Mahalo nui loa no kou kokua,

Randy Tadashi Bartlett  
POB 880698  
Pukalani, HI 96788

**har2-Samantha**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 29, 2012 10:53 AM  
**To:** WLOtestimony  
**Cc:** hanohano3-Kahikina  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Kahikina Kaawaloa  
Organization: Individual  
E-mail: [hanohano3@capitol.hawaii.gov](mailto:hanohano3@capitol.hawaii.gov)  
Submitted on: 2/29/2012

**Comments:**

During this past summer I have attended the Hawaiian Monk Seal Critical Habitat Community meetings/hearings and at no time did NOAA disclose their plans on designating all of the Main Hawaiian Island shorelines for Hawaiian Monk Seal Critical Habitat. No time line was revealed at the hearing for the shoreline takeover by the Hawaiian Monk Seals. We must remember we are living in an occupied State why is NOAA hiding their true agenda. Is this a federal take over of our native lands and why is the agenda so aggressive when we haven't even settled the overthrow issue.

har2-Samantha

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**From:** Monica Jelonnek [jelmo456@yahoo.com]  
**Sent:** Wednesday, February 29, 2012 10:30 AM  
**To:** WLOtestimony  
**Subject:** SAVE THE MONK SEALS!

PLEASE!

m. jelonnek

har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 29, 2012 11:07 AM  
**To:** WLOtestimony  
**Cc:** samuel.chesser@ml.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM  
**Attachments:** I strongly oppose HCR 38.docx

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Samuel Chesser  
Organization: Individual  
E-mail: [samuel.chesser@ml.com](mailto:samuel.chesser@ml.com)  
Submitted on: 2/29/2012

Comments:  
I strongly oppose HCR 38.

# I strongly oppose HCR 38

## Important Points

- I support critical habitat designation around the main Hawaiian Islands because it will help protect the endangered Hawaiian monk seal.
- The Hawaiian monk seal population is declining rapidly and will likely go extinct if we do not take action to help it survive.
- The Hawaiian monk seal is part of our cultural and natural heritage. It is found only in the Hawaiian Islands, and it is part of the legacy we leave for children and generations to come.
- Critical habitat is a tool that can help agencies, organizations, and individuals who are working hard to prevent the Hawaiian monk seal from going extinct.
- Critical habitat prevents federal agencies from taking, funding, or approving actions that will destroy or adversely modify critical habitat. If a federal action destroys or adversely modifies critical habitat, that action will probably also destroy marine ecosystems, fishing, gathering, and ocean recreation.
- Critical habitat is defined under the federal Endangered Species Act as: (1) specific areas within the geographical area occupied by the species at the time of listing, if they contain physical or biological features essential to conservation, and those features may require special management considerations or protection; and (2) specific areas outside the geographical area occupied by the species if the agency determines that the area itself is essential for conservation.
- Although critical habitat has been designated on the Northwestern Hawaiian Islands, the monk seal population is declining due to high pup-mortality and other factors that have nothing to do with critical habitat designation.
- Critical habitat designation on the NWHI is not the cause of the declining monk seal population there.
- Similarly, designation of critical habitat around the main Hawaiian Islands will not automatically recover the seal and bring it back from the brink of extinction.
- Critical habitat will prevent federal agency actions from destroying or adversely modifying those areas.
- Critical habitat is part of the federal Endangered Species Act; it makes sense that federal agencies cannot destroy or adversely modify the habitat necessary for the Hawaiian monk seal to recover.
- Areas can be excluded from critical habitat if the economic benefit of excluding such areas outweighs the benefits unless excluding such areas may result in the extinction of the species.
- Let us work together to protect this magnificent species.
- We urge everyone to help recover the monk seal instead of blaming seals for declining fish stocks (not true) and alleging that critical habitat will prevent all ocean uses (not true).
- Someday, we may all realize the value of critical habitat, not only for the seals, but for everyone who uses and enjoys the marine environment.

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 11:33 AM  
**To:** WLOtestimony  
**Cc:** sfong101@gmail.com  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Spencer Fong  
Organization: Individual  
E-mail: [sfong101@gmail.com](mailto:sfong101@gmail.com)  
Submitted on: 3/1/2012

Comments:



**har2-Samantha**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 12:04 PM  
**To:** WLOtestimony  
**Cc:** papafarm@hawaii.rr.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Frank Farm  
Organization: Individual  
E-mail: [papafarm@hawaii.rr.com](mailto:papafarm@hawaii.rr.com)  
Submitted on: 3/1/2012

**Comments:**

Support this resolution. Additionally should monk seal critical habitat established in MHI, it will increase adverse negative interactions with various commercial and recreational fishing. These would include trappers and netters that supply the markets with fish for our residents and others.

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 12:20 PM  
**To:** WLOtestimony  
**Cc:** sread@metrontimeclock.com  
**Subject:** Testimony for HCR36 on 3/2/2012 11:00:00 AM

Testimony for WLO 3/2/2012 11:00:00 AM HCR36

Conference room: 325  
Testifier position: Comments Only  
Testifier will be present: Yes  
Submitted by: Susan Read  
Organization: Individual  
E-mail: [sread@metrontimeclock.com](mailto:sread@metrontimeclock.com)  
Submitted on: 3/1/2012

### Comments:

Two months after my husband died, (he died on October 17, 2010), I went to the Division of Boating & Ocean Recreation offices at 333 Queen Street to transfer my husband's 35 foot sailboat to my name. My husband and I purchased the vessel together six years earlier and we used the vessel as our home. It was still my place of residence at the time I was applying for this transfer.

Ed Underwood met me at the counter and initially said that my paperwork was incorrect. I had my application prepared by an attorney. I returned to my attorney who assured me the paperwork was correct. I also conferred with the Court Administrator, Small Estates and Guardianship, Carolyn Nicol who said that I had taken the correct steps to transfer the vessel into my name.

I returned to Ed Underwood's office the next day and he told me he would not transfer ownership without an order from the Court. He told me that my husband's daughter claimed that she was the rightful owner, but refused me proof. In the years prior, my husband had had several disagreements with Ed Underwood over stolen slip fees and being illegally evicted. I contacted my husband's daughter in California. She told me she had no intention of laying claim to the vessel.

I sought Counsel and was advised to not open a Probate, since the vessel was only worth \$25,000 and it would cost much more for legal services and storage of the vessel for the duration. Eventually the vessel was taken from me and I was evicted from my home. I lost all of my possessions, including my clothes, computer, personal papers, appliances, etc. I was effectively made homeless.

Today, more than a year later, the vessel sits at the impound pier at Keehi Small Boat Harbor. It has been broken into and all my valuables have been stolen. I doubt that the vessel is sea worthy as a result of the pilferage.

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 12:54 PM  
**To:** WLOtestimony  
**Cc:** Noeaupaiea311221@yahoo.com  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Brannon Rivera  
Organization: Individual  
E-mail: [Noeaupaiea311221@yahoo.com](mailto:Noeaupaiea311221@yahoo.com)  
Submitted on: 3/1/2012

Comments:  
I support the measure

har2-Samantha

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From: Sean Guerin [seguerin@gmail.com]  
Sent: Thursday, March 01, 2012 1:12 PM  
To: WLOtestimony  
Subject: HCR 38

To Representatives Chang, Har and Thielen,

It is widely agreed that Hawaii is overly dependent on oil as a means of power and energy, and that green energy, and ocean energy specifically make sense for Hawaii. But if we are going to try to harness the power of the environment, it is important that we are responsible and do it the right way. The designation of critical habitat for Hawaiian monk seals by NOAA will not halt this clean energy development. It simply puts framework in place that makes federally planned, or funded development consider the impacts of their actions and then mitigate them if they are deemed dangerous to species listed as threatened or endangered under the Endangered Species Act (ESA). This seems reasonable and prudent, not "extensive and overly aggressive" as you've described it. As a resident, voter and ocean user in the state of Hawaii, I am appalled and embarrassed by the ignorance displayed in this proposal. It is beyond me how people paid to write and enact laws can be ignorant to a piece of legislation that has been on the books since 1973.

Paragraph 2 is simply a complaint that NOAA did not address this proposal with the Clean Energy Division of the Hawaii Department of Business, Economic Development and Tourism, and therefore was ignorant of "the many clean energy projects planned or underway in Hawaii." As part of the critical habitat process, there were two periods open to public comment; one for 90 days and one for 60. That's 5 months where the Clean Energy Division could have come in and announced their projects and voiced their opposition. The ESA has been set up as a metered process in order to involve stakeholders, and open a public, transparent discussion before a final decision is made. Where was the state of Hawaii during the 5 months that this discussion was occurring? This sounds like sour grapes on your part. Additionally, this and the following segment set up a double standard in Hawaii's favor. NOAA should come to the state directly, but the state is not required to discuss ocean issues and development with NOAA?

The Hawaiian monk seal is a critically endangered species that occurs nowhere else on earth. Just last year, Senate Bill 2441 was enacted to further strengthen the penalties in conjunction with the ESA to anyone who takes: harasses, harms, pursues, hunts, shoots, wounds, kills, traps, captures or collects endangered or threatened species of aquatic life or wildlife. In support of the law former Lieutenant Governor James "Duke" Aiona stated, "Despite the protections provided by the federal Endangered Species Act, these animals continue to be at risk. Hawaii is home to more than 300 endangered species and we all have an enormous responsibility to help protect our unique wildlife."

We all have an enormous responsibility to help protect our unique wildlife. That means everyone, the public, elected officials, and new energy development. That is all the new critical habitat designation is trying to do.

In the end, Hawaii does have "an unsustainable and environmentally dangerous dependence on oil." We need to embrace clean energy, but do it in a way that is responsible, reasonable and actually clean. We cannot let development continue "unimpeded" simply for development's sake. We cannot sidestep environmental regulations and shortchange future generations by acting unwisely. Let us learn from the SuperFerry. The legislature, our voted leaders, made poor decisions for the wrong reasons and ultimately lost something that would have been very good for the state. Hawaii needs clean energy, but it also needs monk seals. Asking Hawaii, NOAA and new development to help protect our unique wildlife is not too much to ask.

Sincerely,

Sean Guerin

For further reading:  
<http://www.nmfs.noaa.gov/pr/species/criticalhabitat.htm>

har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 1:35 PM  
**To:** WLOtestimony  
**Cc:** Micajay143@aol.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Micalen Pattioay  
Organization: Individual  
E-mail: [Micajay143@aol.com](mailto:micajay143@aol.com)  
Submitted on: 3/1/2012

Comments:  
I support this measure

## har2-Samantha

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**From:** Zeenat Mian [z1mian@hotmail.com]  
**Sent:** Thursday, March 01, 2012 2:05 PM  
**To:** Rep. Denny Coffman; Rep. Derek Kawakami; WLOtestimony  
**Subject:** Protect the Hawaiian monk Seal

Dear Sir/Madam,

I moved to Hawaii 2 years ago.

I came across a Hawaiian monk Seal for the first time last summer, on Alan Davies, when a seal had a pup.

I started visiting the seal and pup and it didn't take me long to fall in love with this amazing hawaiian animal. Soon after that I became a volunteer to make sure they are safe.

They are amazing animals both from an evolution point of view as from an animal aspect: they are very agile, fast, clever. They share human traits such as individual personalities and are very curious.

I started researching this animal only to find out how misunderstood it has been in the Hawaiian society. They appeared in Hawaiian islands way before the first polynesians arrived. Their numbers were really slashed with the arrivals of humans and with that other smaller animals. Also through hunting for their fur, again from humans.

From my experience as a volunteer I have seen they are an intrinsic part of the Hawaiian oceans eco-system, and as such do not harm any humans.

Depletion of oceans come from humans, as it can be seen in areas where there are no monk seals however there is still no fish.

When on the beach, taking care of a monk seal, I have experienced how little knowledge the public has of this animal yet how much love people develop as soon as I talk about them and explain their behaviour.

Tourist, mainly, have expressed a huge interest on the monk seal.

Two days ago one hauled out at Eternity Beach and a lot of tourist, from the Blow hole lookout, congregated to photograph it.

The Hawaiian monk seal is an animal every hawaiian should be very proud of.

All this work myself and a lot of other volunteers and scientist are doing must be supported by declaring critical areas. Declaring more critical areas for the Monk Seal would also benefit other marine life and coastal areas, hence positively impacting the tourism industry.

I would personally be delighted to spend time with any of you showing you anything related to Monk seals. I guarantee you will all be in love after that with this amazing species.

Best Regards,

Zeenat Mian

3/1/2012

Testimony

To our distinguished Congressmen and women of the State of Hawaii,

I hereby testify in support of this bill which will allow our state to continue along the road to sustainable resource development and energy independence. It will also keep access to our ocean resources with the people who so depend on it for their cultural, recreational and provisional needs. Thank you for your kind consideration.

Sincerely,

Michael Schwab

Sustainability Educator

Lanakila Baptist High School



## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 3:03 PM  
**To:** WLOtestimony  
**Cc:** hawaiiansupaman@live.com  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Paul Hanada  
Organization: Individual  
E-mail: [hawaiiansupaman@live.com](mailto:hawaiiansupaman@live.com)  
Submitted on: 3/1/2012

Comments:  
Please support HR20. Thank you.

har2-Samantha

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From: Sharon Pomroy [pomroys001@hawaii.rr.com]  
Sent: Thursday, March 01, 2012 3:12 PM  
To: WLOtestimony  
Subject: HR20 Testimony from Sharon Pomroy

My name is Sharon Pomroy. I live in the ahapuaa of Anahola, Moku o Kauai. I am writing in opposition to HR20. There are too many things that cannot be counted on to make this designation of critical habitat for the monk seal a safe, doable effort at this time. Closing of any shoreline areas from gathering for sustenance no matter how short the time period is just as detrimental to the people as the seal. A short as a fifteen minute window of closure can take a person from gathering in a calm area to struggling to get back to shore. The currents and tides, the winds and rains pay no one any mind. Such weather related events could very well prevent someone from eating for that day or longer. None can predict when or where this event will occur.

Please do not support NOAA in their efforts to control the shoreline access in favor of the monk seal. Rather encourage NOAA to find additional, more sensible ways that would also include the shoreline residents of the affected ahapuaa to amicably resolve this issue.

There is a different approach is available that could work with some adjustments on the part of NOAA. The adjustments most likely would be to how they gather data on the seal. Instead of the entire coastal area of Hawaii being under NOAA and the monk seal critical habitat designate the monk seal as always being inside a critical habitat area. Make the area around the seal out to 25 feet that permanent critical habitat. Similar to the Humpback whale no approach nearer than 100 feet law. Currently seal protection volunteers designate the area around the seals while they are on land for humans to keep their distance. Studies are conducted during this time now by scientists. Apply the same practice to the near shore waters. If this makes things difficult because of certain rules and how they work then find a way and adjust the rule to BETTER fit the circumstance. Maybe we can all win? What you think? I think so can..... pau Sharon Pomroy

P.O.BOX 600 Anahola, HI. 96703-0600; 808-346-6725

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 10:16 AM  
**To:** WLOtestimony  
**Cc:** gecko.hale@gmail.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Sherron Bull  
Organization: Individual  
E-mail: [gecko.hale@gmail.com](mailto:gecko.hale@gmail.com)  
Submitted on: 3/1/2012

### Comments:

I strongly oppose bills HR 20 and HCR 38 that are attempting to prevent the expansion of the Critical Habitat area for the critically endangered Hawaiian Monk Seal by NOAA.

These bills sponsors are unhappy that they were not consulted by the Federal government agency before the government agency attempted to do its job. Besides the fact that the Federal government had no obligation to do so, this particular Critical Habitat expansion has been ongoing since 2008 with several periods of public comment, so the bill sponsors had plenty of opportunity to voice their opinions. To complain after the fact is not productive.

The sponsors also obviously want "unimpeded development" of their projects, which I strongly object to under any circumstances. This is very alarming, as it is obvious they do not want any environmental or health issues to "impede" their actions, either. Anything that might impact the health of the Hawaiian Monk Seal would likely impact humans, too, so I would definitely want such actions being reviewed by an independent authority such as the Federal government.

It is disingenuous of these bills' sponsors to suggest that because the Hawaiian Monk Seals are doing better in the Main Hawaiian islands where the Critical Habitat has not yet been expanded; that it is not only not needed there, but may actually harm the seals by being expanded there. Disingenuous and totally false. There have already been incidents where the seals have been killed and in order to insure their continued survival, they require protection in the areas in which they are having a little more breeding success. NOAA has thoroughly researched and documented this need over the years. Critical Habitat by definition under the Endangered Species Act (ESA) includes "areas that contain habitat features that are essential for the survival and recovery of a listed species." The expansion of the Critical Habitat area is crucial to the survival of the Hawaiian Monk Seal.

Not only are the Hawaiian Monk Seals a part of our heritage, they have existed in these islands for thousands of years longer than humans. They are in their precarious state due to the actions of man and humans are the ones who owe them their survival.

There have been many spurious arguments put forth that these 1100 or so monk seals are competing with fishermen for fish. However, National Geographic researchers have discovered that the seals actually go far out and deep into desolate underwater areas to hunt fish under rocks; places where fishermen are not likely to be fishing. Even if they were eating fish in the same waters, NOAA has established procedures to resolve any problems between seals and

fishermen. Our people need to get along with the our Hawaiian Monk Seals. We, after all, are the newcomers, not the Hawaiian Monk Seal.

The sponsors complain that NOAA is not absolutely certain about the outcome of certain parts of their Critical Habitat plan for the recovery of the Hawaiian Monk Seal. Are the sponsors absolutely certain about the outcome of their so-called "clean and renewable energy" plans, which are far more untested and unproved? Of course not. NOAA has put extensive time and effort into studying the Hawaiian Monk Seal has have other scientists, and they are using their best judgment in trying to save these seals from extinction.

I strongly feel we owe whatever it takes to insure the survival of the Hawaiian Monk Seal and it seems little enough to establish this new Critical Habitat area if it gives them a better chance at survival. I urge you to vote against these ill-conceived and self-serving bills that would serve only to insure the extinction of a unique treasure of the Hawaiian Islands.

har2-Samantha

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**From:** Shannon Wianecki [shannon.wianecki@gmail.com]  
**Sent:** Thursday, March 01, 2012 11:20 AM  
**To:** WLOtestimony  
**Subject:** Testimony against HR 20 and HCR 38

Aloha,

I urge you not to accept the proposed resolutions HR 20 and HCR 38, which advise against declaring the main Hawaiian Islands as critical habitat for the Hawaiian monk seal. I understand the concerns about future development of renewable energy. We need new sources of fuel in Hawaii, but not at the expense of an endangered, irreplaceable species. The assignment of critical habitat is not a death sentence to such projects, which can be accommodated through special provisions. Refusing to designate critical habitat for the seal very well may be a death sentence. Our actions stand between this species and extinction. Fewer than 1200 individual native Hawaiian monk seals survive in our oceans. They are our responsibility to protect. As apex predators, they signify the health of the entire ecosystem. They are significant to the native Hawaiian culture, despite the current negative propaganda that claims otherwise. Each time I am lucky enough to see a monk seal basking on the sand, I am filled with joy and respect for our shared marine environment. Let's work together to insure our children and grandchildren can enjoy that same experience.

Mahalo for your consideration.

--  
Shannon Wianecki

writer & editor

(808) 205-7273  
[www.shannonwianecki.com](http://www.shannonwianecki.com)  
@swianecki

**har2-Samantha**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 11:42 AM  
**To:** WLOtestimony  
**Cc:** honudog@gmail.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Chris Maxwell  
Organization: Individual  
E-mail: [honudog@gmail.com](mailto:honudog@gmail.com)  
Submitted on: 3/1/2012

Comments:  
I support this measure!

**har2-Samantha**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 11:45 AM  
**To:** WLOtestimony  
**Cc:** harry@a-1-a.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: harry ono  
Organization: Individual  
E-mail: [harry@a-1-a.com](mailto:harry@a-1-a.com)  
Submitted on: 3/1/2012

Comments:  
I support this bill HCR38

**har2-Samantha**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 11:48 AM  
**To:** WLOtestimony  
**Cc:** kanemax@hotmail.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Lee Maxwell  
Organization: Individual  
E-mail: [kanemax@hotmail.com](mailto:kanemax@hotmail.com)  
Submitted on: 3/1/2012

Comments:  
I support this resolution.



## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 11:56 AM  
**To:** WLOtestimony  
**Cc:** kjkk25@yahoo.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Kelii kiakona  
Organization: Individual  
E-mail: [kjkk25@yahoo.com](mailto:kjkk25@yahoo.com)  
Submitted on: 3/1/2012

**Comments:**  
i support this measure.

har2-Samantha

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**From:** Carla Hanzlik [tranquilsprits@yahoo.com]  
**Sent:** Thursday, March 01, 2012 11:54 AM  
**To:** WLOtestimony  
**Subject:** Oppose HR 20 and HCR 38

**against the bills and for the expansion of the NOAA Critical Habitat for the Hawaiian Monk Seals**

Hawaiian monk seals should be cherished! The NOAA Critical Habitat for them should be expanded so that the number of Hawaiian monk seals can increase.

These are bad bills. HR 20 and HCR 38 should be soundly defeated.

Carla Hanzlik  
Box 505  
Seal Beach, CA 90740

har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 12:59 PM  
**To:** WLOtestimony  
**Cc:** Noeaupaiea311221@yahoo.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position:  
Testifier will be present: No  
Submitted by: Brannon rivera  
Organization: Individual  
E-mail: [Noeaupaiea311221@yahoo.com](mailto:Noeaupaiea311221@yahoo.com)  
Submitted on: 3/1/2012

Comments:  
I support the measure

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 12:35 PM  
**To:** WLOtestimony  
**Cc:** who5670@gmail.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Wayne H. Okawaki  
Organization: Individual  
E-mail: [who5670@gmail.com](mailto:who5670@gmail.com)  
Submitted on: 3/1/2012

Comments:

har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 1:02 PM  
**To:** WLOtestimony  
**Cc:** llois@gmail.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Lois Brown  
Organization: Individual  
E-mail: [llois@gmail.com](mailto:llois@gmail.com)  
Submitted on: 3/1/2012

**Comments:**

I support this bill! We can't lose our rights to OUR shorelines: With education and support, we can be responsible for self-stewardship of OUR shorelines.

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 1:17 PM  
**To:** WLOtestimony  
**Cc:** Micajay143@aol.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Jason K. Savella Sr.  
Organization: Individual  
E-mail: [Micajay143@aol.com](mailto:Micajay143@aol.com)  
Submitted on: 3/1/2012

Comments:  
I support this measure

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 1:25 PM  
**To:** WLOtestimony  
**Cc:** kele77@hotmail.com  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Jerry Lee  
Organization: Individual  
E-mail: [kele77@hotmail.com](mailto:kele77@hotmail.com)  
Submitted on: 3/1/2012

Comments:  
I support the measure

**har2-Samantha**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 1:57 PM  
**To:** WLOtestimony  
**Cc:** steve@designpartnersinc.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Steve Teves  
Organization: Individual  
E-mail: [steve@designpartnersinc.com](mailto:steve@designpartnersinc.com)  
Submitted on: 3/1/2012

Comments:  
I support this bill.



## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 3:15 PM  
**To:** WLOtestimony  
**Cc:** dorothy.bowers1@gmail.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Dorothy Bowers  
Organization: Individual  
E-mail: [dorothy.bowers1@gmail.com](mailto:dorothy.bowers1@gmail.com)  
Submitted on: 3/1/2012

**Comments:**

I support critical habitat designation around the main Hawaiian Islands in order to help protect the very endangered Hawaiian monk seal. We cannot afford to let this part of our cultural and natural heritage be lost to us, our children and generations to come. The data do not support the premise that seals are to blame for declining fish stocks or that critical habitat will prevent all ocean uses. We need to realize the value of critical habitat, not only for the seals, but for everyone who uses and enjoys the marine environment or who benefits from tourists and locals who use and enjoy the environment. Please defeat HCR 38.

**har2-Samantha**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 3:44 PM  
**To:** WLOtestimony  
**Cc:** kawamotok008@hawaii.rr.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Kurt Kawamoto  
Organization: Individual  
E-mail: [kawamotok008@hawaii.rr.com](mailto:kawamotok008@hawaii.rr.com)  
Submitted on: 3/1/2012

**Comments:**

I do not support the designation of monk seal critical habitat in the main Hawaiian islands.  
I support HCR38.

har2-Samantha

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**From:** Reidun Carstens [reidun.carstens@netcom.no]  
**Sent:** Thursday, March 01, 2012 12:30 AM  
**To:** WLOtestimony  
**Subject:** Monk seals.

Dear Sirs and Madams.

Monk seals are in grave danger of extinction and this legislation is hostile to their recovery. I strongly oppose Hawaii resolutions, HR 20 and HCR 38, that aim to undermine critical habitat for the endangered seals.

Like the other species of warm-water monk seals, the Mediterranean and Caribbean monk seals, the Hawaiian monk seal has a tenuous grasp on survival. The Caribbean monk seal, in fact, is believed to have been extinct since the 1970s. Perhaps 300 to 600 Mediterranean monk seals and about 1,300 to 1,400 Hawaiian monk seals survive.

Humans have moved into many of the desirable coastal habitats that these animals once frequented, so open coastline is at a premium. Monk seals have also been victims of fisheries, though they are usually accidental bycatch and not a targeted species. Sharks also prey on these seals, and males sometimes kill females of their own species in group attacks called "mobbing."

Today, Hawaiian monk seals are endangered and, although many protection efforts are in place, their numbers are believed to have fallen more than ten percent per year since 1989.

Please help. We have only one planet, and we have to take care of the animals as far as we take care of humans. Monk seals have no voice either, and someone must be their voice and try to help.

Yours sincerely

Reidun Carstens  
Holtervegen 100  
2034 Holter  
Norway

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 29, 2012 8:12 PM  
**To:** WLOtestimony  
**Cc:** shawdm@alum.urmc.rochester.edu  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Diana Shaw  
Organization: Individual  
E-mail: [shawdm@alum.urmc.rochester.edu](mailto:shawdm@alum.urmc.rochester.edu)  
Submitted on: 2/29/2012

Comments:

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 29, 2012 6:55 PM  
**To:** WLOtestimony  
**Cc:** myjet2@gmail.com  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Judith Tarpley  
Organization: Individual  
E-mail: [myjet2@gmail.com](mailto:myjet2@gmail.com)  
Submitted on: 2/29/2012

**Comments:**

I support critical habitat designation around the main Hawaiian islands because it will help protect the endangered Hawaiian monk seal.

**har2-Samantha**

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**From:** Karen Rohter [karen.rohter@gmail.com]  
**Sent:** Thursday, March 01, 2012 2:54 AM  
**To:** WLOtestimony  
**Subject:** OPPOSITION TO HR20/HCR38: TO OPPOSE THE PASSAGE OF RULE 064B-BA81

TO: Committees on Water, Land and Ocean Resources and Energy and Environment

Friday, March 2, 11:05am, Rm 325

RE: OPPOSITION TO HR20/HCR38: TO OPPOSE THE PASSAGE OF RULE 064B-BA81 PROPOSED BY THE NATIONAL OCEANIC AND ATMOSPHERIC AGENCY, RELATING TO MONK SEAL CRITICAL HABITAT

Dear Honorable Chairs Chang and Coffman and Committee Members:

On behalf of our more than 50,000 members and supporters in Hawaii, we urge you to oppose Resolutions HR 20 and HCR 38; contesting NOAA's National Marine Fisheries Service (NMFS) proposed revision of critical habitat for critically endangered Hawaiian monk seals.

The NMFS is proposing to revise the current critical habitat for the Hawaiian monk seal by extending the current designation in the Northwestern Hawaiian Islands (NWHI) out to the 500-meter depth contour, including Sand Island at Midway Islands; and by designating six new areas in the main Hawaiian Islands (MHI). Much has been learned about this species and its habitat needs since critical habitat was established in 1988. We believe a revision is long overdue.

Studies have shown that the designation of critical habitat—in particular critical habitat that encompasses sufficient area to meet a species survival needs—can dramatically improve the chances of a species' survival. Few species need to improve their chances of survival more than do Hawaiian monk seals.

The future of this species is in doubt. According to the most recent NMFS stock assessment, the NWHI subpopulations are 68% lower as of 2008 than they were in 1958. From 1999 to 2008, the estimate of abundance declined at approximately 4.5 percent per year. Populations established in the MHI have increased at 5.6 percent per year. The survival rate for pups born in the MHI is close to 80 percent, and this helps compensate for the close to 80 percent mortality rate of pups born in the NWHI; yet the species continues to decline. The designation of critical habitat cannot guarantee recovery; however, to increase the species' chances of survival, it is vital to protect the monk seals' food resources, breeding and nursery areas and to protect areas into which they can expand for these purposes. The proposed changes to critical habitat would do just that.

Designation of appropriate critical habitat would protect these new areas from potentially destructive activities or degradation of the coastal and ocean areas on which monk seals depend. But protecting these new areas for monk seals would also ensure quality marine habitat for the rich fish life that also depends on these same areas. Monk seals do not threaten marine resources. In countless situations around the world, declines in fisheries are virtually always a result of disruption of their habitat and inadequate management of fishery resources. Designation of critical habitat helps call attention to the need for wise management.

Designation of critical habitat benefits a variety of marine life yet seldom interferes with compatible human uses. For example, the designation of critical habitat for critically endangered North Pacific right whales has not altered fishing or plans for oil and gas development nor has the designation of critical habitat for the declining and endangered stock of beluga whales in Cook Inlet Alaska stopped harbor improvements, fisheries, tourism or oil and gas development. In most cases, where an activity poses jeopardy to the existence of the species, conditions can be imposed to allow the activity while minimizing adverse impacts. Designating critical habitat promises to help marine resources without being an impediment to wise human use of those resources. In fact it is the very beauty of the ocean and its rich diversity of marine life—including Hawaiian monk seals—that is the engine of the Hawaiian economy, drawing visitors to the Islands to see animals that are seldom if ever seen in other places.

It is worth remembering that a number of areas of critical habitat are already designated. However, our understanding of the species and its needs has advanced since the 1980s when this habitat was protected. We now know that we need to protect additional areas to help provide for the recovery of this species that is unique to the Hawaiian Islands.

In 2008, monk seals were designated the state mammal of Hawaii. At that time, the press reported that, as former Lieutenant Governor James 'Duke' Aiona signed the bill into law he stated: "I'm just hoping that this will re-energize all of us, the citizens here in Hawaii as well as people around the world, to become better stewards of our monk seal population and [its] repopulation." Protecting crucial habitat for the species is critical to that stewardship. In addition, in 2010, the state strengthened penalties against the killing or taking of a monk seal. Furthermore, and tragically, four monk seals have been intentionally killed in violation of both state and federal law. Many organizations offered a reward totaling \$30,000 to bring the still unknown perpetrators to justice. Passage of this resolution is contrary to the protections in place for this imperiled species and sends a dangerous message that their continued protection is not warranted. As a volunteer with the Hawaiian Monk Seal Response team working to protect and perpetuate the species,

We respectfully urge your opposition to HR 20 and HCR 38.

Karen Rohter

1684 Halekoa Drive

Honolulu, HI 96821

**har2-Samantha**

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**From:** James Carmean [jctechie@tx.rr.com]  
**Sent:** Thursday, March 01, 2012 4:26 AM  
**To:** WLOtestimony  
**Subject:** Monk Seals

Dear Sir,

Monk seals are in grave danger of extinction. HR 20 and HCR 38 aim to undermine critical habitat for the endangered seals. I support habitat protections for monk seals. Please do your part to protect our wildlife.

Sincerely,

James Carmean  
2325 Lake By Drive  
Irving, TX 75060-6501



## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 5:50 AM  
**To:** WLOtestimony  
**Cc:** SFCCoer@yahoo.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Glenn H. Cober  
Organization: Individual  
E-mail: [SFCCoer@yahoo.com](mailto:SFCCoer@yahoo.com)  
Submitted on: 3/1/2012

### Comments:

I support critical habitat designation around the main Hawaiian islands because it will help protect the endangered Hawaiian monk seal.

The Hawaiian monk seal population is declining rapidly and will likely go extinct if we do not take action to help it survive.

The Hawaiian monk seal is part of our cultural and natural heritage. It is found only in the Hawaiian islands, and it is part of the legacy we leave for children and generations to come. Critical habitat is a tool that can help agencies, organizations, and individuals who are working hard to prevent the Hawaiian monk seal from going extinct.

Critical habitat prevents federal agencies from taking, funding, or approving actions that will destroy or adversely modify critical habitat. If a federal action destroys or adversely modifies critical habitat, that action will probably also destroy marine ecosystems, fishing, gathering, and ocean recreation.

Critical habitat is defined under the federal Endangered Species Act as: (1) specific areas within the geographical area occupied by the species at the time of listing, if they contain physical or biological features essential to conservation, and those features may require special management considerations or protection; and (2) specific areas outside the geographical area occupied by the species if the agency determines that the area itself is essential for conservation.

Although critical habitat has been designated on the Northwestern Hawaiian Islands, the monk seal population is declining due to high pup-mortality and other factors that have nothing to do with critical habitat designation.

Critical habitat designation on the NWHI is not the cause of the declining monk seal population there.

Similarly, designation of critical habitat around the main Hawaiian islands will not automatically recover the seal and bring it back from the brink of extinction.

Critical habitat will prevent federal agency actions from destroying or adversely modifying those areas.

Critical habitat is part of the federal Endangered Species Act; it makes sense that federal agencies cannot destroy or adversely modify the habitat necessary for the Hawaiian monk seal to recover.

Areas can be excluded from critical habitat if the economic benefit of excluding such areas outweigh the benefits unless excluding such areas may result in the extinction of the species.

Let us work together to protect this magnificent species.

We urge everyone to help recover the monk seal instead of blaming seals for declining fish stocks (not true) and alleging that critical habitat will prevent all ocean uses (not true).

Someday, we may all realize the value of critical habitat, not only for the seals, but for everyone who uses and enjoys the marine environment.

## har2-Samantha

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**From:** Diane Gabriel [gabriedm@yahoo.com]  
**Sent:** Thursday, March 01, 2012 5:49 AM  
**To:** WLOtestimony  
**Subject:** HR20 and HCR38 Opposition

TO: Committees on Water, Land and Ocean Resources and Energy and Environment  
Friday, March 2, 11:05am, Rm 325

RE: OPPOSITION TO HR20/HCR38: TO OPPOSE THE PASSAGE OF RULE 064B-BA81 PROPOSED BY THE NATIONAL OCEANIC AND ATMOSPHERIC AGENCY, RELATING TO MONK SEAL CRITICAL HABITAT

Dear Honorable Chairs Chang and Coffman and Committee Members:

On behalf of our more than 50,000 members and supporters in Hawaii, we urge you to oppose Resolutions HR 20 and HCR 38; contesting NOAA's National Marine Fisheries Service (NMFS) proposed revision of critical habitat for critically endangered Hawaiian monk seals.

The NMFS is proposing to revise the current critical habitat for the Hawaiian monk seal by extending the current designation in the Northwestern Hawaiian Islands (NWHI) out to the 500-meter depth contour, including Sand Island at Midway Islands; and by designating six new areas in the main Hawaiian Islands (MHI). Much has been learned about this species and its habitat needs since critical habitat was established in 1988. We believe a revision is long overdue.

Studies have shown that the designation of critical habitat—in particular critical habitat that encompasses sufficient area to meet a species survival needs—can dramatically improve the chances of a species' survival. Few species need to improve their chances of survival more than do Hawaiian monk seals.

The future of this species is in doubt. According to the most recent NMFS stock assessment, the NWHI subpopulations are 68% lower as of 2008 than they were in 1958. From 1999 to 2008, the estimate of abundance declined at approximately 4.5 percent per year. Populations established in the MHI have increased at 5.6 percent per year. The survival rate for pups born in the MHI is close to 80 percent, and this helps compensate for the close to 80 percent mortality rate of pups born in the NWHI; yet the species continues to decline. The designation of critical habitat cannot guarantee recovery; however, to increase the species' chances of survival, it is vital to protect the monk seals' food resources, breeding and nursery areas and to protect areas into which they can expand for these purposes. The proposed changes to critical habitat would do just that.

Designation of appropriate critical habitat would protect these new areas from potentially destructive activities or degradation of the coastal and ocean areas on which monk seals depend. But protecting these new areas for monk seals would also ensure quality marine habitat for the rich fish life that also depends on these same areas. Monk seals do not threaten marine resources. In countless situations around the world, declines in fisheries are virtually always a result of disruption of their habitat and inadequate management of fishery resources.

Designation of critical habitat helps call attention to the need for wise management.

Designation of critical habitat benefits a variety of marine life yet seldom interferes with compatible human uses. For example, the designation of critical habitat for critically endangered North Pacific right whales has not altered fishing or plans for oil and gas development nor has the designation of critical habitat for the declining and endangered stock of beluga whales in Cook Inlet Alaska stopped harbor improvements, fisheries, tourism or oil and gas development. In most cases, where an activity poses jeopardy to the existence of the species, conditions can be imposed to allow the activity while minimizing adverse impacts. Designating critical habitat promises to help marine resources without being an impediment to wise human use of those resources. In fact it is the very beauty of the ocean and its rich diversity of marine life—including Hawaiian monk seals—that is the engine of the Hawaiian economy, drawing visitors to the Islands to see animals that are seldom if ever seen in other places.

It is worth remembering that a number of areas of critical habitat are already designated. However, our understanding of the species and its needs has advanced since the 1980s when this habitat was protected. We now know that we need to protect additional areas to help provide for the recovery of this species that is unique to the Hawaiian Islands.

In 2008, monk seals were designated the state mammal of Hawaii. At that time, the press reported that, as former Lieutenant Governor James 'Duke' Aiona signed the bill into law he stated: "I'm just hoping that this will re-energize all of us, the citizens here in Hawaii as well as people around the world, to become better stewards of our monk seal population and [its] repopulation." Protecting crucial habitat for the species is critical to that stewardship. In addition, in 2010, the state strengthened penalties against the killing or taking of a monk seal. Furthermore, and tragically, four monk seals have been intentionally killed in violation of both state and federal law. Many organizations offered a reward totaling \$30,000 to bring the still unknown perpetrators to justice. Passage of this resolution is contrary to the protections in place for this imperiled species and sends a dangerous message that their continued protection is not warranted. As a volunteer with the Hawaiian Monk Seal Response team working to protect and perpetuate the species, We respectfully urge your opposition to HR 20 and HCR 38.

Diane Gabriel  
45-635A Halekou Place  
Kaneohe, HI 96744

har2-Samantha

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**From:** Vera Cober [vera.cober@gmail.com]  
**Sent:** Thursday, March 01, 2012 5:54 AM  
**To:** WLOtestimony  
**Subject:** OPPOSITION TO HR20/HCR3

TO: Committees on Water, Land and Ocean Resources and Energy and Environment  
Friday, March 2, 11:05am, Rm 325

RE: OPPOSITION TO HR20/HCR38: TO OPPOSE THE PASSAGE OF RULE 064B-BA81 PROPOSED BY THE NATIONAL OCEANIC AND ATMOSPHERIC AGENCY, RELATING TO MONK SEAL CRITICAL HABITAT

Dear Honorable Chairs Chang and Coffman and Committee Members:

On behalf of our more than 50,000 members and supporters in Hawaii, we urge you to oppose Resolutions HR 20 and HCR 38; contesting NOAA's National Marine Fisheries Service (NMFS) proposed revision of critical habitat for critically endangered Hawaiian monk seals.

The NMFS is proposing to revise the current critical habitat for the Hawaiian monk seal by extending the current designation in the Northwestern Hawaiian Islands (NWHI) out to the 500-meter depth contour, including Sand Island at Midway Islands; and by designating six new areas in the main Hawaiian Islands (MHI). Much has been learned about this species and its habitat needs since critical habitat was established in 1988. We believe a revision is long overdue.

Studies have shown that the designation of critical habitat—in particular critical habitat that encompasses sufficient area to meet a species survival needs—can dramatically improve the chances of a species' survival. Few species need to improve their chances of survival more than do Hawaiian monk seals.

The future of this species is in doubt. According to the most recent NMFS stock assessment, the NWHI subpopulations are 68% lower as of 2008 than they were in 1958. From 1999 to 2008, the estimate of abundance declined at approximately 4.5 percent per year. Populations established in the MHI have increased at 5.6 percent per year. The survival rate for pups born in the MHI is close to 80 percent, and this helps compensate for the close to 80 percent mortality rate of pups born in the NWHI; yet the species continues to decline. The designation of critical habitat cannot guarantee recovery; however, to increase the species' chances of survival, it is vital to protect the monk seals' food resources, breeding and nursery areas and to protect areas into which they can expand for these purposes. The proposed changes to critical habitat would do just that.

Designation of appropriate critical habitat would protect these new areas from potentially destructive activities or degradation of the coastal and ocean areas on which monk seals depend. But protecting these new areas for monk seals would also ensure quality marine habitat for the rich fish life that also depends on these same areas. Monk seals do not threaten marine resources. In countless situations around the world, declines in fisheries are virtually always a result of disruption of their habitat and inadequate management of fishery resources. Designation of critical habitat helps call attention to the need for wise management.

Designation of critical habitat benefits a variety of marine life yet seldom interferes with compatible human uses. For example, the designation of critical habitat for critically endangered North Pacific right whales has not altered fishing or plans for oil and gas development nor has the designation of critical habitat for the declining and endangered stock of beluga whales in Cook Inlet Alaska stopped harbor improvements, fisheries, tourism or oil and gas development. In most cases, where an activity poses jeopardy to the existence of the species, conditions can be imposed to allow the activity while minimizing adverse impacts. Designating critical habitat promises to help marine resources without being an impediment to wise human use of those resources. In fact it is the very beauty of the ocean and its rich diversity of marine life—including Hawaiian monk seals—that is the engine of the Hawaiian economy, drawing visitors to the Islands to see animals that are seldom if ever seen in other places.

It is worth remembering that a number of areas of critical habitat are already designated. However, our understanding of the species and its needs has advanced since the 1980s when this habitat was protected. We now know that we need to protect additional areas to help provide for the recovery of this species that is unique to the Hawaiian Islands.

In 2008, monk seals were designated the state mammal of Hawaii. At that time, the press reported that, as former Lieutenant Governor James 'Duke' Aiona signed the bill into law he stated: "I'm just hoping that this will re-energize all of us, the citizens here in Hawaii as well as people around the world, to become better stewards of our monk seal population and [its] repopulation." Protecting crucial habitat for the species is critical to that stewardship. In addition, in 2010, the state strengthened penalties against the killing or taking of a monk seal. Furthermore, and tragically, four monk seals have been intentionally killed in violation of both state and federal law. Many organizations offered a reward totaling \$30,000 to bring the still unknown perpetrators to justice. Passage of this resolution is contrary to the protections in place for this imperiled species and sends a dangerous message that their continued protection is not warranted. As a volunteer with the Hawaiian Monk Seal Response team working to protect and perpetuate the species,

We respectfully urge your opposition to HR 20 and HCR 38.

Sincerely

Vera Cober

## har2-Samantha

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 6:40 AM  
**To:** WLOtestimony  
**Cc:** contact@careneloebelfried.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Caren Loebel-Fried  
Organization: Individual  
E-mail: [contact@careneloebelfried.com](mailto:contact@careneloebelfried.com)  
Submitted on: 3/1/2012

Comments:  
I strongly oppose HCR 38

Hawaiian Monk Seals are on the brink of extinction. We are at a moment in time when we might be able to save the seals. Critical habitat designation around the main Hawaiian Islands will help protect the endangered Hawaiian monk seal. The Hawaiian monk seals have been here in Hawaii for as long as the islands have been here. They are part of the legacy we leave for children and generations to come. Now is the time to help save the Hawaiian monk seal.

har2-Samantha

---

**From:** Becky [bwaikiki@hawaii.rr.com]  
**Sent:** Thursday, March 01, 2012 7:02 AM  
**To:** WLOtestimony  
**Subject:** Protection for Monk Seals

TO: Committees on Water, Land and Ocean Resources and Energy and Environment  
Friday, March 2, 11:05am, Rm 325

RE: OPPOSITION TO HR20/HCR38; TO OPPOSE THE PASSAGE OF RULE 064B-BA81 PROPOSED BY  
THE NATIONAL OCEANIC AND ATMOSPHERIC AGENCY, RELATING TO MONK SEAL CRITICAL  
HABITAT

Dear Honorable Chairs Chang and Coffman and Committee Members:

Why deny the same protection to monk seals that is already provided to sea turtles and dolphins? It does not change or extend the current protection laws, only includes an endangered species.

R. Gray

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har2-Samantha

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**From:** Jean Compton [jeancompton@gmail.com]  
**Sent:** Thursday, March 01, 2012 7:14 AM  
**To:** WLOtestimony  
**Subject:** Monk seals

Monk seals are an ancient and very endangered species. It is vital we protect these seals. They are declining at an alarming rate and we must give them all the help we can give them.

We have done much to cause their decline(overfishing, environmental degradation )and it behooves us to do what we can to stop the decline.

The few seals that have survived are not the cause of the drop in fish numbers. That is caused by overfishing.

The seals are a gift and we need do what ever we need to do to preserve them. They are the true native Hawaiians that need protection.

Jean Compton



Thank you for submitting a comment on the following Proposed Rule:  
Endangered and Threatened Wildlife and Plants: Critical Habitat for Hawaiian Monk Seals

Agency: NOAA  
Document ID: NOAA-NMFS-2011-0041-0160  
Your Comment Tracking Number: 80f8ee34

Comments on Hawaiian Monk Seal Critical Habitat

S. Lyn McNutt  
PO Box 946  
Hanalei, HI 96714

I am not against a habitat declaration for the Northwest Hawaiian Islands (NWHI), and think a recovery plan is necessary. I do question the methods used to get critical habitat put into place in the Main Hawaiian Islands (MHI), and the subsequent path followed by NOAA to continually expand critical habitat while paying less attention to the development and adoption of a meaningful Recovery Plan, and taking care of the seals and their natural environment, the NWHI.

The critical habitat designation as proposed must be denied. There are four major points I wish to make that support denying Critical Habitat for the Hawaiian Monk Seal in the Main Hawaiian Islands (MHI):

1. It is not a legal requirement for NOAA to declare critical habitat for the monk seal in any Hawaiian waters, despite the fact that they have been petitioned to do so.
2. The hypothesis that monk seal habitat in the MHI is a "re-colonization" of the species to historical levels is not proven at all, and does not provide a sound scientific basis for decision making.
3. The recommendation to extend critical habitat to the MHI is not supported by the 2007 Monk Seal Recovery Plan (which, by the way, should be due for a five year revision, but is not currently under review or development).
4. The Biological Report produced by NOAA and the recommendations used to justify the critical habitat designation do not comply with the ESA requirements, so the designation of critical habitat in the Main Hawaiian Islands (MHI) must be denied.

**It is not a legal requirement for NOAA to declare critical habitat for the monk seal in any Hawaiian waters, despite the fact that they have been petitioned to do so.**

The Endangered Species Act (ESA) states that any species listed as endangered prior to 1978 does not require a declaration of critical habitat, even if NOAA is petitioned to do so (ESA Subsec. (h). Pub. L. 96-159, Sec. 3(6), added subsec. (h). 1978 - Subsec. (a)(1). Pub. L. 95-632, Sec. 11(1)). The monk seal was listed as endangered under the ESA on November 23, 1976. (Fed. Reg. 30,120 (July 22, 1976).

Therefore the statement that NOAA has no choice but to declare critical habitat for the monk seal, since they have been petitioned to do so, is not a true statement of fact. This has been upheld by a recent court decision in Florida:

*"The ESA "allows the Secretary to declare critical habitat" for species listed prior to the 1978 amendments to the ESA, "but does not require it," a federal judge said in a ruling issued yesterday, which rejected environmental groups' lawsuit seeking designation of critical habitat for the Florida panther (Conservancy of Southwest Florida v. U.S. Fish and Wildlife Service, 10-cv-106-FtM-SPC, M.D. Fla.)."*  
(<http://www.eswr.com/2011/04/florida-panther-critical-habitat-lawsuit-tossed/>).

NOAA already has a critical habitat designation for the Monk Seal in the NWHI, something that was NOT a requirement under existing ESA rules, and something that did not take place until ten years after the original listing of the species.

**The hypothesis that monk seal habitat in the MHI is a "re-colonization" of the species to historical levels is not proven at all, and does not provide a sound scientific basis for decision making.**

In the Biological Report supporting the request for the extension of the monk seal habitat to include the MHI, NOAA puts forth the **hypothesis** that seals in the MHI are in a "re-colonization" activity. A quote from the Biological Report (below) shows the speculative basis for this hypothesis, and the argument does NOT provide sufficient historical or scientific documentation to support the hypothesis. And yet, this is a foundational argument in this Biological Report used as scientific justification as to why monk seals should be transported to the MHI and why there should be such extensive and intrusive critical habitat. The hypothesis is not supported with facts and cannot be used as the basis for scientific decision-making.

*"Polynesians [sic] settlement of the Hawaiian islands did not occur until approximately 1400 years ago, long after Hawaiian monk seals were recognized to be separated from other species of monk seals and located in the Pacific basin (Kirch et al. 2004; Fyler et al. 2005). The settlement of early Polynesians in the Hawaiian Islands is linked to the extirpation of many bird and plant species through hunting, habitat destruction or introduction of invasive species (Olson and James 1982; Diamond et al. 1989; Athens et al. 2002). In that same manner, monk seals may have been extirpated from the MHI through hunting or disturbance, following Polynesian settlement, and accordingly driven to the NWHI where human settlements were limited by the availability of fresh water (Ragen 1999; Baker and Johanos 2004). Additional fossil evidence of seal use of the MHI prior to Polynesian settlement may be rare due to the dynamic and eroding nature of the coastal habitat favored by seals. In summary, this view presents the growth and dispersal of the Hawaiian monk seal population in the MHI as a re-colonization event."*

**The recommendation to extend critical habitat to the MHI is not supported by the 2007 Monk Seal Recovery Plan (which, by the way, should be due for a five year revision, but is not currently under review or development).**

Designation of critical habitat in the MHI will not address the main problems facing seals in the MHI, including: disease transmission (especially from domestic animals),

competition for resources with other top predators and with subsistence and commercial fisheries, increased human and seal interaction and development of aggressive reactions often resulting in injuries to seals and humans, impacts from pollution and runoff, and recreational boating, to name a few.

All the information in the 2007 Recovery Plan for the monk seals in the MHI focuses on the supporting the natural growth of the species and calls for reducing threats on an individual seal basis *“by reducing threats including interactions with recreational fisheries, disturbance of mother-pup pairs, disturbance of hauled out seals, and exposure to human and domestic animal diseases. This should be accomplished with coordination of all federal, state, local and non-government parties, volunteer networks, and increased outreach and education in order to develop a culture of co-existence between humans and seals in the MHI”*. These are sociological measures that identify the risks for seals in the MHI, and these actions are already in place.

Designation of critical habitat will not remove the need for these measures nor will it make these tested approaches any more effective, so it is not warranted based on the recommendations of the 2007 Recovery Plan.

**The Biological Report produced by NOAA and the recommendations used to justify the critical habitat designation do not comply with the ESA requirements, so the designation of critical habitat in the Main Hawaiian Islands (MHI) must be denied.**

There still has not been adequate consultation with Hawaiian peoples as defined in Section 106 of the Historic Preservation Act, and consultation with the general public and experts outside the marine mammal biology field remains inadequate, so a true evaluation of ESA-mandated criteria for listing a critical habitat have not been met.

The ESA states clearly that any decision made to declare critical habitat must be based on the best scientific and economic information available, and must take into consideration other societal factors including national security.

**PART 424— LISTING ENDANGERED AND THREATENED SPECIES AND DESIGNATING CRITICAL HABITAT subsection 424.12**

*Criteria for designating critical habitat.*

*A final designation of critical habitat shall be made on the basis of the best scientific data available, after taking into consideration the probable economic and other impacts of making such a designation in accordance with § 424.19, as follows:*

**§ 424.19 Final rules—impact analysis of critical habitat.**

*The Secretary shall identify any significant activities that would either affect an area considered for designation as critical habitat or be likely to be affected by the designation, and shall, after proposing designation of such an area, consider the probable economic and other impacts of the designation upon proposed or ongoing activities. The Secretary may exclude any portion of such an area from the critical habitat if the benefits of such exclusion outweigh the benefits of specifying the area as part of the critical habitat. The Secretary shall not exclude any such area if, based on the best scientific and commercial data available, he determines that the failure to designate that area as critical habitat will result in the extinction of the species concerned.*

Yet, the Biological Report accompanying the critical habitat designation states clearly that arguments were discussed and recommendations made by a panel of seven biological scientists familiar with monk seal issues, but with no expertise in economics or societal impacts. There were no economics experts or traditional practitioners familiar with the issues surrounding monk seals on the "Critical Habitat Review Team". This means that the Biological Report that serves as the basis for the critical habitat designation does not meet the requirements for decision-making as spelled out by the ESA. Therefore, the Biological Report and the recommendations used to justify the critical habitat designation do not comply with the ESA requirements, so the designation of critical habitat in the Main Hawaiian Islands (MHI) must be denied.

*"On October 3, 2008, NMFS announced in its 90-day finding that the petition presented substantial scientific information indicating that a revision to the current critical habitat designation may be warranted (73 FR 57583; October 3, 2008). Having reviewed current scientific information available, NMFS announced its intention to move forward with the revision to critical habitat on June 12, 2009 in its 12-month finding (74 FR 27988; June 12, 2009). The decision to revise was based on new information available on Hawaiian monk seal use of foraging habitat and the apparent re-colonization of the MHI by seals since the 1988 designation.....To complete these steps and determine the appropriate areas for consideration for the revision, NMFS convened a Critical Habitat Review Team (CHRT) consisting of seven biologists with experience working on issues related to Hawaiian monk seal research and management."*

har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 9:17 AM  
**To:** WLOtestimony  
**Cc:** blkimata@hotmail.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Brian Kimata  
Organization: Individual  
E-mail: [blkimata@hotmail.com](mailto:blkimata@hotmail.com)  
Submitted on: 3/1/2012

**Comments:**

Distinguished Representatives,  
I am testifying in support of HR 20 and do not want to see Hawaii's Main Islands a critical habitat for the monk seal. Such a measure would severely constrain our need for state control of our shoreline. This would effect our environment, culture, recreation, economy, and our ability to be self governing in a very negative manner. Please vote in support of the measure. Mahalo.

**har2-Samantha**

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**From:** doug jerry [djerry5451@gmail.com]  
**Sent:** Thursday, March 01, 2012 9:23 AM  
**To:** WLOtestimony  
**Subject:** Protecting monk seals

I support habitat protections for monk seals. Please don't let them become extinct like the dinosaurs, but protect them for futures. generations to come.

har2-Samantha

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**From:** Stacey Stella [joelandstacey3@gmail.com]  
**Sent:** Thursday, March 01, 2012 9:29 AM  
**To:** WLOtestimony  
**Subject:** Monk seal critical habitat

RE: OPPOSITION TO HR20/HCR38: TO OPPOSE THE PASSAGE OF RULE 064B-BA81 PROPOSED BY THE NATIONAL OCEANIC AND ATMOSPHERIC AGENCY, RELATING TO MONK SEAL CRITICAL HABITAT

Dear Honorable Chairs Chang and Coffman and Committee Members:

On behalf of our more than 50,000 members and supporters in Hawaii, we urge you to oppose Resolutions HR 20 and HCR 38; contesting NOAA's National Marine Fisheries Service (NMFS) proposed revision of critical habitat for critically endangered Hawaiian monk seals.

The NMFS is proposing to revise the current critical habitat for the Hawaiian monk seal by extending the current designation in the Northwestern Hawaiian Islands (NWHI) out to the 500-meter depth contour, including Sand Island at Midway Islands; and by designating six new areas in the main Hawaiian Islands (MHI). Much has been learned about this species and its habitat needs since critical habitat was established in 1988. We believe a revision is long overdue.

Studies have shown that the designation of critical habitat—in particular critical habitat that encompasses sufficient area to meet a species survival needs—can dramatically improve the chances of a species' survival. Few species need to improve their chances of survival more than do Hawaiian monk seals.

The future of this species is in doubt. According to the most recent NMFS stock assessment, the NWHI subpopulations are 68% lower as of 2008 than they were in 1958. From 1999 to 2008, the estimate of abundance declined at approximately 4.5 percent per year. Populations established in the MHI have increased at 5.6 percent per year. The survival rate for pups born in the MHI is close to 80 percent, and this helps compensate for the close to 80 percent mortality rate of pups born in the NWHI; yet the species continues to decline. The designation of critical habitat cannot guarantee recovery; however, to increase the species' chances of survival, it is vital to protect the monk seals' food resources, breeding and nursery areas and to protect areas into which they can expand for these purposes. The proposed changes to critical habitat would do just that.

Designation of appropriate critical habitat would protect these new areas from potentially destructive activities or degradation of the coastal and ocean areas on which monk seals depend. But protecting these new areas for monk seals would also ensure quality marine habitat for the rich fish life that also depends on these same areas. Monk seals do not threaten marine resources. In countless situations around the world, declines in fisheries are virtually always a result of disruption of their habitat and inadequate management of fishery resources. Designation of critical habitat helps call attention to the need for wise management.

Designation of critical habitat benefits a variety of marine life yet seldom interferes with compatible human uses. For example, the designation of critical habitat for critically endangered North Pacific right whales has not altered fishing or plans for oil and gas development nor has the designation of critical habitat for the declining and endangered stock of beluga whales in Cook Inlet Alaska stopped harbor improvements, fisheries, tourism or oil and gas development. In most cases, where an activity poses jeopardy to the existence of the species, conditions can be imposed to allow the activity while minimizing adverse impacts. Designating critical habitat promises to help marine resources without being an impediment to wise human use of those resources. In fact it is the very beauty of the ocean and its rich diversity of marine life—including Hawaiian monk seals—that is the engine of the Hawaiian economy, drawing visitors to the Islands to see animals that are seldom if ever seen in other places.

It is worth remembering that a number of areas of critical habitat are already designated. However, our understanding of the species and its needs has advanced since the 1980s when this habitat was protected. We

now know that we need to protect additional areas to help provide for the recovery of this species that is unique to the Hawaiian Islands.

In 2008, monk seals were designated the state mammal of Hawaii. At that time, the press reported that, as former Lieutenant Governor James 'Duke' Aiona signed the bill into law he stated: "I'm just hoping that this will re-energize all of us, the citizens here in Hawaii as well as people around the world, to become better stewards of our monk seal population and [its] repopulation." Protecting crucial habitat for the species is critical to that stewardship. In addition, in 2010, the state strengthened penalties against the killing or taking of a monk seal. Furthermore, and tragically, four monk seals have been intentionally killed in violation of both state and federal law. Many organizations offered a reward totaling \$30,000 to bring the still unknown perpetrators to justice. Passage of this resolution is contrary to the protections in place for this imperiled species and sends a dangerous message that their continued protection is not warranted. As a volunteer with the Hawaiian Monk Seal Response team working to protect and perpetuate the species, We respectfully urge your opposition to HR 20 and HCR 38.

Stacey Stella  
1161 Mokuhanu St. A104  
Honolulu, HI 96825



har2-Samantha

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**From:** sightpacific@hawaii.rr.com  
**Sent:** Thursday, March 01, 2012 9:33 AM  
**To:** WLOtestimony  
**Subject:** Monkseals

Hello,

The monkseal is indigenous, remains carbon dated to about 11 million years back. Hawaiians ate them. With about 1000 left, this legislation against protecting them guarantees extinction. The monkseal does not compete with fisherman. They dive hundreds of feet for lobster and crab on the bottom. Too many fishermen believe fish in the ocean are "ours." That we have dominion over other creatures, but they do not understand that the original meaning of "dominion" included caring for, husbandry beyond simply eating and selling animal life. Recently, a monkseal was shot in the head on Kauai, Two years ago two were murdered by a misguided fisherman with a rifle. It is hopelessly irreverent and stupid to deny protection to these last monkseals. It cannot be a political decision to gain favor of "fishermen." The extinction of every species implies toward the extinction of our own, because even the top of the food chain depends on caring for the rest of the chain, or else.

Paul Nelson  
Waialua

TO: Committees on Water, Land and Ocean Resources and Energy and Environment  
Friday, March 2, 11:05am, Rm 325  
RE: OPPOSITION TO HR20/HCR38: TO OPPOSE THE PASSAGE OF RULE 064B-  
BA81 PROPOSED BY THE NATIONAL OCEANIC AND ATMOSPHERIC  
AGENCY, RELATING TO MONK SEAL CRITICAL HABITAT

Dear Honorable Chairs Chang and Coffman and Committee Members:

On behalf of our more than 50,000 members and supporters in Hawaii, we urge you to oppose Resolutions HR 20 and HCR 38; contesting NOAA's National Marine Fisheries Service (NMFS) proposed revision of critical habitat for critically endangered Hawaiian monk seals.

The NMFS is proposing to revise the current critical habitat for the Hawaiian monk seal by extending the current designation in the Northwestern Hawaiian Islands (NWHI) out to the 500-meter depth contour, including Sand Island at Midway Islands; and by designating six new areas in the main Hawaiian Islands (MHI). Much has been learned about this species and its habitat needs since critical habitat was established in 1988. We believe a revision is long overdue.

Studies have shown that the designation of critical habitat—in particular critical habitat that encompasses sufficient area to meet a species' survival needs—can dramatically improve the chances of a species' survival. Few species need to improve their chances of survival more than do Hawaiian monk seals.

The future of this species is in doubt. According to the most recent NMFS stock assessment, the NWHI subpopulations are 68% lower as of 2008 than they were in 1958. From 1999 to 2008, the estimate of abundance declined at approximately 4.5 percent per year. Populations established in the MHI have increased at 5.6 percent per year. The survival rate for pups born in the MHI is close to 80 percent, and this helps compensate for the close to 80 percent mortality rate of pups born in the NWHI; yet the species continues to decline. The designation of critical habitat cannot guarantee recovery; however, to increase the species' chances of survival, it is vital to protect the monk seals' food resources, breeding and nursery areas and to protect areas into which they can expand for these purposes. The proposed changes to critical habitat would do just that. Designation of appropriate critical habitat would protect these new areas from potentially destructive activities or degradation of the coastal and ocean areas on which monk seals depend. But protecting these new areas for monk seals would also ensure quality marine habitat for the rich fish life that also depends on these same areas. Monk seals do not threaten marine resources. In countless situations around the world, declines in fisheries are virtually always a result of disruption of their habitat and inadequate management of fishery resources. Designation of critical habitat helps call attention to the need for wise management.

Designation of critical habitat benefits a variety of marine life yet seldom interferes with compatible human uses. For example, the designation of critical habitat for critically endangered North Pacific right whales has not altered fishing or plans for oil and gas development nor has the designation of critical habitat for the declining and endangered stock of beluga whales in Cook Inlet Alaska stopped harbor improvements, fisheries, tourism or oil and gas development. In most cases, where an activity poses jeopardy to the existence of the species, conditions can be imposed to allow the activity while

minimizing adverse impacts. Designating critical habitat promises to help marine resources without being an impediment to wise human use of those resources. In fact it is the very beauty of the ocean and its rich diversity of marine life—including Hawaiian monk seals—that is the engine of the Hawaiian economy, drawing visitors to the Islands to see animals that are seldom if ever seen in other places.

It is worth remembering that a number of areas of critical habitat are already designated. However, our understanding of the species and its needs has advanced since the 1980s when this habitat was protected. We now know that we need to protect additional areas to help provide for the recovery of this species that is unique to the Hawaiian Islands.

In 2008, monk seals were designated the state mammal of Hawaii. At that time, the press reported that, as former Lieutenant Governor James 'Duke' Aiona signed the bill into law he stated: "I'm just hoping that this will re-energize all of us, the citizens here in Hawaii as well as people around the world, to become better stewards of our monk seal population and [its] repopulation." Protecting critical habitat for the species is critical to that stewardship. In addition, in 2010, the state strengthened penalties against the killing or taking of a monk seal. Furthermore, and tragically, four monk seals have been intentionally killed in violation of both state and federal law. Many organizations offered a reward totaling \$30,000 to bring the still unknown perpetrators to justice. Passage of this resolution is contrary to the protections in place for this imperiled species and sends a dangerous message that their continued protection is not warranted. As a volunteer with the Hawaiian Monk Seal Response team working to protect and perpetuate the species, I respectfully urge your opposition to HR 20 and HCR 38.



Alan Rensing

92-7049 Elele St. #64

Kapolei, HI 96707

har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 29, 2012 9:56 PM  
**To:** WLOtestimony  
**Cc:** Roseluvkau@hotmail.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Roselani Kaho'ohalahala  
Organization: Individual  
E-mail: [Roseluvkau@hotmail.com](mailto:Roseluvkau@hotmail.com)  
Submitted on: 2/29/2012

Comments:

**har2-Samantha**

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**From:** Penelope Hazzard [pennyhazz@yahoo.com]  
**Sent:** Thursday, March 01, 2012 8:42 AM  
**To:** WLOtestimony  
**Subject:** OPPOSE bills HR20 and HCR38.

Critical habitat is needed for our monk seal revival and to prevent further decline of species.  
Monk seal just visited Hanauma Bay on 2/29 for snooze on beach.  
We need more protection for these local boys and girls.

Penelope Hazzard  
3771 Pulalani Place  
Honolulu, Hawaii  
Member, Friends of Hanauma Bay

**Public Testimony**

**Submitted by: Jose Bulatao, Jr.**

**March 1, 2012**

**Re: HR 20 & HCR 38**

**(In opposition to the passage of Rule 064B-BA81 proposed by NOAA, regarding the designation of shorelines and waters surrounding all of the main Hawaiian Islands for the Hawaiian monk seal.)**

**Testimony:**

**This proposal is insensitive to the core principles of "malama aina" forged by the kanaka maoli and passed down from generation to generation; adopted and accepted by all (formally and informally, personally and officially) these core principles encapsulate the traditional values focused on the shared "kuleana" which all must honor to protect and preserve the finite resources from "mauka to makai"...from the tips of the mountain peaks to the lands below and unto the depths of the ocean waters which surround the islands.**

**Unless and until there is clear acceptance and approval of the kanaka maoli, and most especially from those who are knowledgeable about the cultural aspects of their traditions, this proposal cannot be advanced. There are those who have embraced these principles which go beyond personal ethnic backgrounds, because these stewardship principles reflect this basic premise: *"The land is chief; we are but stewards of the land."***

**Respectfully submitted,**

*/s/ Jose Bulatao, Jr.*

**4614 Kokee Road**

**Kekaha, HI 96752**

har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 10:36 AM  
**To:** WLOtestimony  
**Cc:** Oahugrown88@hotmail.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Jason Todt  
Organization: Individual  
E-mail: [Oahugrown88@hotmail.com](mailto:Oahugrown88@hotmail.com)  
Submitted on: 3/1/2012

Comments:  
Support

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 4:31 PM  
**To:** WLOtestimony  
**Cc:** Roland.Sagum@gmail.com  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Roland Sagum  
Organization: Individual  
E-mail: [Roland.Sagum@gmail.com](mailto:Roland.Sagum@gmail.com)  
Submitted on: 3/1/2012

**Comments:**

As Kanaka, I am in strong support of House Resolution HR 20, which opposing the passage of NOAA's Rule 064B-BA81. I am in opposed to the expansion to the Monk Seal critical habitat. Mahalo to State Rep's Chang, Har, and Thielen for the courage in introducing this important measure. Mahalo Piha.

Roland Sagum



**har2-Samantha**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 4:34 PM  
**To:** WLOtestimony  
**Cc:** my1st57@live.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Brian Llanes Jr  
Organization: Individual  
E-mail: [my1st57@live.com](mailto:my1st57@live.com)  
Submitted on: 3/1/2012

Comments:

Georgette Yaindl  
29 Bretton Rd.  
West Hartford, CT 06119  
808-224-0219  
yaindl@hawaii.edu

March 1, 2012

TO: Rep. Jerry L. Chang, Chair, Committee on Water, Land, & Ocean Resources  
Rep. Sharon E. Har, Vice Chair, Committee on Water, Land, & Ocean Resources  
Rep. Denny Coffman, Chair, Committee on Energy & Environmental Protection  
Rep. Derek S.K. Kawakami, Vice Chair, Committee on Energy & Environmental Protection  
Committee Members

RE: **STRONG OPPOSITION TO H.R. 20 and H.C.R. 38** entitled "Opposing the passage of rule 064B-BA81 Proposed by the National Oceanic and Atmospheric"

HEARING DATE: Friday, March 2, 2012  
TIME: 11:05 a.m.  
LOCATION: CR 325 Hawaii State Capitol

Thank you for this opportunity to comment on these resolutions. As a returning Hawaii resident, attorney, and NOAA monk seal recovery team volunteer, I hope my testimony will help show that these resolutions contain nothing resembling the factual or legal truths of the matter concerning monk seal critical habitat designation in the Main Hawaiian Islands (MHI). This is not surprising when you read these resolutions concurrently with the Nov. 30, 2011 letter sent to NOAA by former HI Governor Linda Lingle opposing the designation. *See, Federal Monk Seal Should Not Receive Critical Habitat (CH) Designation in Hawaii, available at: [www.hawaiireporter.com/federal-monk-seal-should-not-receive-critical-habitat-designation-in-hawaii/123](http://www.hawaiireporter.com/federal-monk-seal-should-not-receive-critical-habitat-designation-in-hawaii/123).*

Lie #1. First Whereas Clause.

**Fact: Proposed Rule 064B-BA81 does NOT designate the shorelines and waters surrounding "all" of the MHI.**

Areas that are included in the CH designation encompass 1) coastlines five meters inland from the shoreline; and 2) marine waters from the shoreline out to the 500 meter depth contour.

Areas not included in the CH designation - Kauai: Hanalei Bay and Pier; Kikiaola Harbor; Kilauea Pt. cliff area; Na Pali coast cliff area; Nawiliwili Harbor; Port Allen Harbor; Waikaea Canal; and Wailua Ramp. Oahu: Pearl Harbor to Kapua Channel; Haleiwa Boat Harbor; Hawaii Kai Harbor; Maunalua Ramp; Kalaeloa Barbers Point Harbor; Koolina Harbor Kaneohe Bay; Heeia Kea Harbor; Waiānae Small Boat Harbor;

and Kaneohe Bay. Molokai: Haleolono Harbor; Kaunakakai Pier; and Kalaupapa Harbor. Lanai: Nakalahale Cliff; Kaholo Pali; Manele Harbor; and Kamalapau Harbor. Maui: Hana Wharf and Ramp; Kahului Harbor and ramp; Kihei Boat Ramp; Lahaina Harbor; Maalaea Harbor; and Mala Wharf and Ramp. Hawaii: Hilo Harbor; Honokohau Boat Harbor; Kailua-Kona Wharf; Kawaihae Harbor; Keauhou Boat Harbor; Mahukona Harbor; and Active Lava Areas.

Further, the proposed designation recognizes that developed areas with hardened shorelines, such as seawalls, boat docks, or fishponds, do not meet the definition of critical habitat.

Source: *available at*:

<http://www.fpir.noaa.gov/Library/PRD/Critical%20Habitat/HMSCriticalHabitatFAQ-PUBLIC.pdf>

Lie #2. Third Whereas Clause

**Fact. NOAA is, in accordance with law and in fact, well aware of “many ‘clean’ energy projects planned or underway in Hawaii.”**

NOAA’s DRAFT ECONOMIC ANALYSIS OF CRITICAL HABITAT DESIGNATION FOR THE HAWAIIAN MONK SEAL, January 201 devotes substantial analysis of energy project impact. *available via*  
<http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2011-0041;dt=FR%252BPR%252BN%252BO%252BSR>. For example,

Some of projects have been introduced in experiments and planning within the MHI, but not at a commercial level. Experiments with ocean thermal energy in Hawaii included a mini-facility off Keahole point in 1979, a converted Navy tanker off the coast of Kona in 1980, and research at the Natural Energy Laboratory of Hawaii Authority in the 1990s. Projects in the planning and preliminary, unfinanced stages reveal an interest in placing a demonstration project off the shores of Oahu around Barbers Point feeding into Naval facilities at Pearl Harbor and a separate, commercial project near the Kahe power plant. Current plans indicate both projects likely would have the energy harness structure anchored offshore, outside the 500 meter, maximum depth of the proposed critical habitat for the HMS, but power cables and construction activities supporting the projects probably would overlap with the proposed critical habitat. at 47.

Lie #3. Fourth Whereas Clause.

**Fact. The proposed rule is neither “overly aggressive” nor will it “effectively kill ocean based clean energy initiatives in Hawaii.”**

Federal and state agencies operate under a variety of other laws and rules governing “ocean based energy initiatives” including those applicable by virtue of the mere federal and state listings of the Hawaiian monk seal as endangered.

A recent assessment of permitting requirements indicates that a project to generate electricity from wave energy would require these permits associated with federal legislation:

**Federal Energy Regulatory Commission (FERC):** a preliminary permit and a federal hydroelectric license.

**USACE:** Section 404 permit (Clean Water Act), and Section 10 Permit (Rivers and Harbors Act).

**USEPA (through the Hawaii Clean Water Board):** Section 401 water quality certification (Clean Water Act).

**U.S. Coast Guard:** Private Aids to Navigation permit.

**NOAA Office of Ocean and Coastal Resource Management (through the Hawaii Coastal Zone Management Program):** Section 307 coastal zone consistency certification (Coastal Zone Management Act and Ocean Resources Management Act).

Projects to generate electricity from offshore wind energy likely would require similar permits. In addition, projects seeking to generate electricity from the ocean’s thermal energy would have to acquire a license from NOAA under the Ocean Thermal Energy Conversion Act of 1980. NMFS has the authority to issue permits under the MMPA, which may provide another avenue for consultation. All potential marine energy projects likely would require consultation with NMFS under section 7 of the ESA regarding the potential impacts on all listed species, including the HMS. Projects located on submerged federal lands, more than three nautical miles offshore, will require leases, easements, and rights-of-way from the Bureau of Ocean Energy Management, Regulation and Enforcement (previously the Minerals Management Service). FERC will have authority for licensing energy- generating facilities, regardless of location. *Id.*, at 46-47.

Further, the impact of CH designation on any such projects may require project modifications not unlike others required by other law.

NMFS has concluded that the magnitude of impacts on the habitat with regards to these energy projects are unknown at

this time and will have to be evaluated on a project-specific basis. NMFS, however, anticipates that, if the proposed designation results in project modifications, these likely would include: Date restrictions, project time constraints or area constraints; Limitations on the size, and numbers of heavy equipment brought into the area; Increased monitoring efforts regarding seal behavior and response to disturbance; Increased education efforts for the public; Increased education efforts for the project personnel; Monitoring efforts to identify impacts to benthic community or prey species; Limitations on access to and from the area; and Monitoring efforts regarding seal foraging behavior. Id., at 49.

Lie #5. 6<sup>th</sup> Whereas Clause

**Fact: “Unimpeded development” is a legal impossibility, despite the actions and efforts to the contrary of previously elected Hawaii officials.**

Intent to Mislead. 2<sup>nd</sup>, 7<sup>th</sup>, and 8<sup>th</sup> clauses

**Fact: NOAA considered all available data on “clean energy projects” and “other activities.”**

NMFS has identified these eight activities of concern because they have the potential to be affected by the proposed designation of critical habitat for the HMS: In-Water and Coastal Construction; Dredging and Disposal of Dredged Materials; Energy Projects; Activities that Generate Water Pollution; Aquaculture; Fisheries; Oil-Spill and Vessel-Grounding Response Activities; and Military Activities. Id., at ES2.

The current baseline protections appear to indicate that the proposed designation would have little incremental impact on the eight activities of concern, with the most likely impact being a short-term increase in section 7 consultations to familiarize federal agencies and others with the requirements that would accompany the designation of critical habitat for the HMS. This is especially the case with in-water and coastal construction, and the disposal of dredged materials. The potential for larger impacts exists if future research or information should establish a connection between point-source water pollution or commercial fisheries, and the essential features

of HMS critical habitat. Id., at ES3.

Most Outrageous of all Lies: 9<sup>th</sup> Whereas Clause

**Fact: The declining Hawaiian Monk Seal population in the NWHI is not the result of an “ineffective” or “potentially harmful” CH designation.**

*Auwe.* If you had cause for pause in passing this resolution up to this point, I sure hope this clause would be the ton of bricks forever burying such a grave mistake. If nothing else, this clause should alert you to the inanity of this initiative on the whole. NOAA has identified the following as “crucial factors” in the declining NWHI population: poor pup survival as a result of starvation, shark predation, entanglement, and coastal erosion. Recovery Plan for the Hawaiian Monk Seal, NMFS/NOAA, August 2007, at e.g., I 37-I39.

Finally, for purposes of your resounding “AOLE” on these resolutions, please refer to HRS Section 5-12.5 that designates the Hawaiian Monk Seal as the “official State mammal.” The legislature’s purpose in passing the resolution was to “raise awareness of it as an endangered species with the hope that this awareness will, like the humpback whale, result in its increased protection and its repopulation.” 2008 Haw. Sess. Laws, Act 72, Section 1.

Thank you for taking the time to read this letter and respecting my expression of not-so-between the lines outrage. Aloha.

Sincerely,

Georgette Yaindl

STUART H. COLEMAN \* 2121 ALGAROBIA ST., #1107 \* HONOLULU, HI 96826

March 1, 2012

Committee Chairs & Members of WLO & EEP

**RE: Strong Opposition to HR20 & HCR 38 – Relating to Environmental Protection**

**Hearing on Fri., Mar. 2 , State Capitol, Conf. Rm. 325, 11:05am.**

Dear Chair, Vice Chair and Committee Members,

My name is Stuart Coleman, and I am an environmental consultant, teacher and writer living in the McCully area. I'm writing today to express my strong opposition to HR20 & HCR38. I support critical habitat designation around the main Hawaiian Islands because it will help protect the endangered Hawaiian monk seal, whose populations are declining rapidly and will likely go extinct if we do not take action to help it survive. The Hawaiian monk seal is part of our cultural and natural heritage and is found only in the Hawaiian islands.

To be honest, I've attended meetings about NOAA's critical habitat designation for the monk seal, and I was astounded to hear people saying they were not native to the Islands. As Walter Ritte has written, these species were in Hawaii long before the first human settlers, and it is our duty to save them as part of the legacy we leave for children and generations to come. Critical habitat is a tool that can help agencies, organizations, and individuals who are working hard to prevent the Hawaiian monk seal from going extinct.

Although critical habitat has been designated on the Northwestern Hawaiian Islands, the monk seal population is declining due to high pup-mortality and other factors that have nothing to do with critical habitat designation. Critical habitat designation on the NWHI is **not** the cause of the declining monk seal population there. Critical habitat is part of the federal Endangered Species Act; it makes sense that federal agencies cannot destroy or adversely modify the habitat necessary for the Hawaiian monk seal to recover.

I have heard many people blame the monk seals for the declining fish stocks, but everyone knows that this is a lie. The truth is this: instead of following the sustainable fishing practices of the ancient Hawaiians, modern fishing practices have decimated many areas and fish populations. Instead of making monk seals a "scapegoat" for all kinds of man-made problems, we should work together to protect this magnificent species.

Other have said that critical habitat designation will prevent all ocean uses, and this simply isn't true either. So there is a lot of misinformation out there, and these bills would just reinforce these lies, while hurting our most endangered marine mammals. I hope you all will look to your consciences, do the right thing and defeat these bills. I hope we all realize the value of critical habitat, not only for the seals, but for everyone who uses and enjoys the marine environment. Mahalo for your consideration.

Aloha, Stuart

har2-Samantha

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**From:** Dennis Painter [dennis@hale-pohaku.net]  
**Sent:** Thursday, March 01, 2012 10:48 AM  
**To:** WLOtestimony  
**Subject:** WLOtestimony@capitol.hawaii.gov

Aloha,

I am STRONGLY against the subject bills.

Taking critical habitat from these endangered seals that are endemic to the Hawaiian Islands is wrong. They pose no real threat to us and it seems there is a wrong attempt at legislation to try to drive them to extinction.

Get the facts then NO votes for these ill advised bills.

Aloha,  
Dennis Painter



## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 4:24 PM  
**To:** WLOtestimony  
**Cc:** msota@yahoo.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Mitchell Ota  
Organization: Individual  
E-mail: [msota@yahoo.com](mailto:msota@yahoo.com)  
Submitted on: 3/1/2012

### Comments:

While protecting the monk seal is very important, it is also a known fact that the coastline is an important resource to all Hawaii residents. As an active fisherman, I frequently access the shoreline to fish and occasionally for recreation (swimming, snorkeling, etc.). If the Federal Government is allowed to dictate where and when we may access the shoreline, it opens the door to us losing our access rights altogether in the name of protecting the seal.

**har2-Samantha**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 4:15 PM  
**To:** WLOtestimony  
**Cc:** clai@hawaii.rr.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Calvin Lai  
Organization: Individual  
E-mail: [clai@hawaii.rr.com](mailto:clai@hawaii.rr.com)  
Submitted on: 3/1/2012

Comments:

har2-Samantha

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**From:** Ilona Hemperly [hemperlym001@hawaii.rr.com]  
**Sent:** Thursday, March 01, 2012 10:33 AM  
**To:** WLOtestimony  
**Subject:** Monk Seals in the Hawaiian Islands

Aloha,

I'm writing today to urge you to continue to help protect our Monk Seals around the Hawaiian Islands. I've been a volunteer for over ten years & I have to tell you it is always a thrill to see one of these beautiful creatures haul up & sun themselves on our North Shore beaches. We must continue to protect them. Please, I urge you to make every effort to protect the Hawaiian Monk Seal.  
aloha & mahalo,

Ilona Hemperly  
Sunset Beach HI

har2-Samantha

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**From:** Jan Olson [jannolson@hawaii.rr.com]  
**Sent:** Thursday, March 01, 2012 10:51 AM  
**To:** WLOtestimony  
**Subject:** monk seal protection

Aloha,

I live on the North Shore of Oahu and see monk seals on our beaches. They are such beautiful creatures, that need our help and protection.

How could we NOT want them to thrive?

Please protect them. Mahalo for your help.

Mahalo,  
Jan Olson  
59-235C Ke Nui Rd.  
Haleiwa, HI 96712

808 638-8109

har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 11:16 AM  
**To:** WLOtestimony  
**Cc:** courtlandp@hotmail.com  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Courtland Pang  
Organization: Individual  
E-mail: [courtlandp@hotmail.com](mailto:courtlandp@hotmail.com)  
Submitted on: 3/1/2012

Comments:

I support HR20/HCR38 and am in agreement with its opposition to designating areas of the Main Hawaiian Islands (MHI) as critical habitat for monk seals. We humans have already given the monk seals the 140,000 square miles of the Papahānaumokuākea National Monument (PNM) as natural habitat, free from human interference so I consider that it is the height of hypocrisy that NOAA now proposes that human interference is needed in the form of reduction of the fish competition for monk seal forage, as has occurred in the MHI. If monk seals cannot compete for food against other natural predators and survive in a natural setting free from human competition, such as the PNM, then perhaps Mother Nature and natural selection have destined the monk seal for extinction, through no fault of humans, so we should not interfere with nature in that regard, nor should we adversely affect our own use of the oceans and shores of the MHI for this perverse reason.

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 11:14 AM  
**To:** WLOtestimony  
**Cc:** TINIAPALINDSAY@hotmail.com  
**Subject:** Testimony for HCR36 on 3/2/2012 11:00:00 AM

Testimony for WLO 3/2/2012 11:00:00 AM HCR36

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Trudy Lindsay  
Organization: Individual  
E-mail: [TINIAPALINDSAY@hotmail.com](mailto:TINIAPALINDSAY@hotmail.com)  
Submitted on: 3/1/2012

**Comments:**

It's beyond time for an investigation of DOBOR! It's been months and months and they can't even figure out their new computer system. Have had no invoices for over 6 months and take it on faith that I am getting credit for my slip rent that I faithfully submit monthly. Officer workers at the Ala Wai Small Boat Harbor are completely incompetent, yet they are kept employed year after year and now we have EMBEZZLEMENT! Where is our money going? Please investigate and clean house.

**har2-Samantha**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 5:51 PM  
**To:** WLOtestimony  
**Cc:** robbm06@yahoo.com  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Robb Malefyt  
Organization: Individual  
E-mail: [robbm06@yahoo.com](mailto:robbm06@yahoo.com)  
Submitted on: 3/1/2012

**Comments:**

I would just like to share my support for passing this measure. I truly believe that federal governing of any part of our land wouldn't be in the best interest of our state. I believe that not passing this measure would aid that in happening.

1 MAR 2012

TO: Committees on Water, Land and Ocean Resources and Energy and Environment  
Friday, March 2, 11:05am, Rm 325  
RE: OPPOSITION TO HR20/HCR38: TO OPPOSE THE PASSAGE OF RULE 064B-  
BA81 PROPOSED BY THE NATIONAL OCEANIC AND ATMOSPHERIC  
AGENCY, RELATING TO MONK SEAL CRITICAL HABITAT

Dear Honorable Chairs Chang and Coffman and Committee Members:

On behalf of our more than 50,000 members and supporters in Hawaii, we urge you to oppose Resolutions HR 20 and HCR 38, contesting NOAA's National Marine Fisheries Service (NMFS) proposed revision of critical habitat for critically endangered Hawaiian monk seals.

The NMFS is proposing to revise the current critical habitat for the Hawaiian monk seal by extending the current designation in the Northwestern Hawaiian Islands (NWHI) out to the 500-meter depth contour, including Sand Island at Midway Islands; and by designating six new areas in the main Hawaiian Islands (MHI). Much has been learned about this species and its habitat needs since critical habitat was established in 1988. We believe a revision is long overdue.

Studies have shown that the designation of critical habitat—in particular critical habitat that encompasses sufficient area to meet a species' survival needs—can dramatically improve the chances of a species' survival. Few species need to improve their chances of survival more than do Hawaiian monk seals.

The future of this species is in doubt. According to the most recent NMFS stock assessment, the NWHI subpopulations are 68% lower as of 2008 than they were in 1958. From 1999 to 2008, the estimate of abundance declined at approximately 4.5 percent per year. Populations established in the MHI have increased at 5.6 percent per year. The survival rate for pups born in the MHI is close to 80 percent, and this helps compensate for the close to 80 percent mortality rate of pups born in the NWHI; yet the species continues to decline. The designation of critical habitat cannot guarantee recovery; however, to increase the species' chances of survival, it is vital to protect the monk seals' food resources, breeding and nursery areas and to protect areas into which they can expand for these purposes. The proposed changes to critical habitat would do just that. Designation of appropriate critical habitat would protect these new areas from potentially destructive activities or degradation of the coastal and ocean areas on which monk seals depend. But protecting these new areas for monk seals would also ensure quality marine habitat for the rich fish life that also depends on these same areas. Monk seals do not threaten marine resources. In countless situations around the world, declines in fisheries are virtually always a result of disruption of their habitat and inadequate management of fishery resources. Designation of critical habitat helps call attention to the need for wise management.

Designation of critical habitat benefits a variety of marine life yet seldom interferes with compatible human uses. For example, the designation of critical habitat for critically endangered North Pacific right whales has not altered fishing or plans for oil and gas development nor has the designation of critical habitat for the declining and endangered stock of beluga whales in Cook Inlet Alaska stopped harbor improvements, fisheries, tourism or oil and gas development. In most cases, where an activity poses jeopardy to the existence of the species, conditions can be imposed to allow the activity while



minimizing adverse impacts. Designating critical habitat promises to help marine resources without being an impediment to wise human use of those resources. In fact it is the very beauty of the ocean and its rich diversity of marine life—including Hawaiian monk seals—that is the engine of the Hawaiian economy, drawing visitors to the Islands to see animals that are seldom if ever seen in other places.

It is worth remembering that a number of areas of critical habitat are already designated. However, our understanding of the species and its needs has advanced since the 1980s when this habitat was protected. We now know that we need to protect additional areas to help provide for the recovery of this species that is unique to the Hawaiian Islands.

In 2008, monk seals were designated the state mammal of Hawaii. At that time, the press reported that, as former Lieutenant Governor James 'Duke' Aiona signed the bill into law he stated: "I'm just hoping that this will re-energize all of us, the citizens here in Hawaii as well as people around the world, to become better stewards of our monk seal population and [its] repopulation." Protecting crucial habitat for the species is critical to that stewardship. In addition, in 2010, the state strengthened penalties against the killing or taking of a monk seal. Furthermore, and tragically, four monk seals have been intentionally killed in violation of both state and federal law. Many organizations offered a reward totaling \$30,000 to bring the still unknown perpetrators to justice. Passage of this resolution is contrary to the protections in place for this imperiled species and sends a dangerous message that their continued protection is not warranted. As a volunteer with the Hawaiian Monk Seal Response team working to protect and perpetuate the species, We respectfully urge your opposition to HR 20 and HCR 38.

Signed,

*Kelly J Evans*

P.O. Box 1004

Waialua, HI 96791

Phone (808) 457-0646

har2-Samantha

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**From:** Laura Helliwell [lauranelle@yahoo.com]  
**Sent:** Thursday, March 01, 2012 4:29 PM  
**To:** WLOtestimony  
**Subject:** OPPOSITION TO HR20/HCR38: TO OPPOSE THE PASSAGE OF RULE 064B-BA81 PROPOSED BY THE NATIONAL OCEANIC AND ATMOSPHERIC AGENCY, RELATING TO MONK SEAL CRITICAL HABITAT

TO: Committees on Water, Land and Ocean Resources and Energy and Environment  
Friday, March 2, 11:05am, Rm 325

RE: OPPOSITION TO HR20/HCR38: TO OPPOSE THE PASSAGE OF RULE 064B-BA81 PROPOSED BY THE NATIONAL OCEANIC AND ATMOSPHERIC AGENCY, RELATING TO MONK SEAL CRITICAL HABITAT

Dear Honorable Chairs Chang and Coffman and Committee Members:

On behalf of our more than 50,000 members and supporters in Hawaii, we urge you to oppose Resolutions HR 20 and HCR 38; contesting NOAA's National Marine Fisheries Service (NMFS) proposed revision of critical habitat for critically endangered Hawaiian monk seals.

The NMFS is proposing to revise the current critical habitat for the Hawaiian monk seal by extending the current designation in the Northwestern Hawaiian Islands (NWHI) out to the 500-meter depth contour, including Sand Island at Midway Islands; and by designating six new areas in the main Hawaiian Islands (MHI). Much has been learned about this species and its habitat needs since critical habitat was established in 1988. We believe a revision is long overdue.

Studies have shown that the designation of critical habitat—in particular critical habitat that encompasses sufficient area to meet a species survival needs—can dramatically improve the chances of a species' survival. Few species need to improve their chances of survival more than do Hawaiian monk seals. The future of this species is in doubt. According to the most recent NMFS stock assessment, the NWHI subpopulations are 68% lower as of 2008 than they were in 1958. From 1999 to 2008, the estimate of abundance declined at approximately 4.5 percent per year. Populations established in the MHI have increased at 5.6 percent per year. The survival rate for pups born in the MHI is close to 80 percent, and this helps compensate for the close to 80 percent mortality rate of pups born in the NWHI; yet the species continues to decline. The designation of critical habitat cannot guarantee recovery; however, to increase the species' chances of survival, it is vital to protect the monk seals' food resources, breeding and nursery areas and to protect areas into which they can expand for these purposes. The proposed changes to critical habitat would do just that.

Designation of appropriate critical habitat would protect these new areas from potentially destructive activities or degradation of the coastal and ocean areas on which monk seals depend. But protecting these new areas for monk seals would also ensure quality marine habitat for the rich fish life that also depends on these same areas. Monk seals do not threaten marine resources. In countless situations around the world, declines in fisheries are virtually always a result of disruption of their habitat and inadequate management of fishery resources. Designation of critical habitat helps call attention to the need for wise management.

Designation of critical habitat benefits a variety of marine life yet seldom interferes with compatible human uses. For example, the designation of critical habitat for critically endangered North Pacific right whales has not altered fishing or plans for oil and gas development nor has the designation of critical habitat for the declining and endangered stock of beluga whales in Cook Inlet Alaska stopped harbor improvements, fisheries, tourism or oil and gas development. In most cases, where an activity poses jeopardy to the existence of the species, conditions can be imposed to allow the activity while minimizing adverse impacts. Designating critical habitat

promises to help marine resources without being an impediment to wise human use of those resources. In fact it is the very beauty of the ocean and its rich diversity of marine life—including Hawaiian monk seals—that is the engine of the Hawaiian economy, drawing visitors to the Islands to see animals that are seldom if ever seen in other places.

It is worth remembering that a number of areas of critical habitat are already designated. However, our understanding of the species and its needs has advanced since the 1980s when this habitat was protected. We now know that we need to protect additional areas to help provide for the recovery of this species that is unique to the Hawaiian Islands.

In 2008, monk seals were designated the state mammal of Hawaii. At that time, the press reported that, as former Lieutenant Governor James 'Duke' Aiona signed the bill into law he stated: "I'm just hoping that this will re-energize all of us, the citizens here in Hawaii as well as people around the world, to become better stewards of our monk seal population and [its] repopulation." Protecting crucial habitat for the species is critical to that stewardship. In addition, in 2010, the state strengthened penalties against the killing or taking of a monk seal. Furthermore, and tragically, four monk seals have been intentionally killed in violation of both state and federal law. Many organizations offered a reward totaling \$30,000 to bring the still unknown perpetrators to justice. Passage of this resolution is contrary to the protections in place for this imperiled species and sends a dangerous message that their continued protection is not warranted. As a volunteer with the Hawaiian Monk Seal Response team working to protect and perpetuate the species, We respectfully urge your opposition to HR 20 and HCR 38.

Sincerely and urgently,

Laura Helliwell  
3553 Pahoehoe Avenue  
Honolulu, Hawaii 96816

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 10:10 AM  
**To:** WLOtestimony  
**Cc:** palmtree7@earthlink.net  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: janice palma-glenie  
Organization: Individual  
E-mail: [palmtree7@earthlink.net](mailto:palmtree7@earthlink.net)  
Submitted on: 3/1/2012

**Comments:**

i mistakenly clicked "support"; this bill on previous testimony. I STRONGLY OPPOSE ANY EFFORT TO LIMIT OR ELIMINATE CRITICAL HABITAT FOR MONK SEALS.

I support critical habitat designation around the main Hawaiian islands because it will help protect the endangered Hawaiian monk seal, which is one, if not THE, most critically endangered mammal in the country.

The Hawaiian monk seal is part of our cultural and natural heritage. It is found only in the Hawaiian islands, and it is part of the legacy we leave for children and generations to come. Critical habitat is a tool that can help agencies, organizations, and individuals who are working hard to prevent the Hawaiian monk seal from going extinct.

It is critical to understand the protecting critical habitat for animals also protects the web of life upon which all humans depend for survival.

Mahalo.

har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 10:06 AM  
**To:** WLOtestimony  
**Cc:** m3matias@yahoo.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Michael Matias  
Organization: Individual  
E-mail: [m3matias@yahoo.com](mailto:m3matias@yahoo.com)  
Submitted on: 3/1/2012

Comments:  
I AM SUPPORTING THIS BILL!

har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 10:03 AM  
**To:** WLOtestimony  
**Cc:** jnsworthley@hotmail.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Jack B. Worthley  
Organization: Individual  
E-mail: [jnsworthley@hotmail.com](mailto:jnsworthley@hotmail.com)  
Submitted on: 3/1/2012

**Comments:**

I don't see how bringing Hawaiian Monk Seals closer to human contact is going to help the Hawaiian Monk Seal population. If anything it would do more harm than good and put up barriers to the people of Hawaii and visitors to enjoy the ocean and all it has to offer.

har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 9:57 AM  
**To:** WLOtestimony  
**Cc:** mito846@gmail.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Matthew Ito  
Organization: Individual  
E-mail: [mito846@gmail.com](mailto:mito846@gmail.com)  
Submitted on: 3/1/2012

**Comments:**

As a beach-goer and lover of the ocean, I fully support this measure. I am all for keeping beach and shoreline access public and available to everyone. There should be no restrictions that ban people from spending time at their favorite spots. I am currently on the mainland for college and would hate to see things change drastically when I get back home. The ocean is a big part of my life, and I'd hate to see things go down the drain as it would drastically change my way of life and make it difficult to participate in the activities I enjoy.

har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 9:45 AM  
**To:** WLOtestimony  
**Cc:** ken1@hawaii.rr.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Ken  
Organization: Individual  
E-mail: [ken1@hawaii.rr.com](mailto:ken1@hawaii.rr.com)  
Submitted on: 3/1/2012

Comments:



## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 5:37 PM  
**To:** WLOtestimony  
**Cc:** mjellings@hawaii.rr.com  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Carl Pao Jellings Sr  
Organization: Individual  
E-mail: [mjellings@hawaii.rr.com](mailto:mjellings@hawaii.rr.com)  
Submitted on: 3/1/2012

Comments:  
Strong Support

In short Monkseals have the entire North Western Hawaiian Islands.

Carl P Jellings Sr

Fishing in the main Hawaiian islands has cultural precedence dating back hundreds of years to the first Polynesian settlers. It is a right, not a privilege to fish the waters of Hawaii nei. A beloved tradition shared from the older to the younger generations like a bountiful gift of knowledge. Bringing with it the capabilities to provide for a family and village, and contribute in culturally significant ways. It is wrong to take this away. Free and open access to these waters is what makes this place so magical and great.

That being said, reform *is* needed to protect the fish stocks in the main Hawaiian islands. This would include implementing fishing licenses (for both shore and spear fishing), stricter size limitations, kapu seasons (for breeding), reduced bag limits and even breeding and release (restocking) programs (which could be done in the public high schools to get kids engaged in aquaculture/ecosystems management/the environment/biology etc.). Enforcement of these guidelines would also need to be increased. DLNR enforcement, as it stands, is a joke (to no fault of their own; due mostly to dysfunctional government and budget management and oversight). Three monk seal murders have taken place on Molokai alone in the last 6 months, with zero arrests and convictions. Increased enforcement could be achieved using funds solicited during yearly fishing license renewals.

Implementing measures such as these would increase fish stocks, thus augmenting the natural food source of the monk seal, and thus decrease human interaction (competition for said resources). This approach would serve multi-fold purposes as it would also increase the capacity of the sport-fishing industry thereby augmenting tourism (look at Florida's Bonefish fishery as an example).

Prohibiting fishing in the main Hawaiian islands is akin to putting a band-aid on a wound that requires staples.

Zachary L. Bergeron Ph.D. Candidate 3/1/12

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 5:10 PM  
**To:** WLOtestimony  
**Cc:** Cycads@hawaii.rr.com  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Greg Holzman  
Organization: Individual  
E-mail: [Cycads@hawaii.rr.com](mailto:Cycads@hawaii.rr.com)  
Submitted on: 3/1/2012

### Comments:

I support this bill, yet as a Ocean User in Hawaii for 40 years and 25 as a commercial fisherman and highline bottomfisherman who is under federal management right now, I am a little irritated that fishing and the use of the Ocean by all the citizens of Hawaii could be affected by this Critical Habitat Proposal for Monk Seals. It also makes me wonder how much you guys really care about the average citizen who uses the ocean resources as DAR/DLNR has changed its mission statement in direct conflict with the Hawaii State constitution. We as ocean users want to be included in this resolution and be recognized along with Native Hawaiians who may also receive future federal funds.

The environmentalist will continue to petition the Federal Government because ultimately these outside groups want the Federal Government wants control of all the waters surrounding Hawaii. You as our representatives need to stand up for our State rights but I fear if this is the entire argument over clean energy then you will end up compromising with an agency run from Washington and has no interest in protecting the Citizens rights to use the ocean for food and recreation in the only island State in the Union. We are talking about more square miles then all the terrestrial lands in Hawaii!

If you do not stand up and say no to Federal takeover of our ocean ecosystems then I along with a huge proportion of our population will be negatively impacted by this and all the Critical Habitat proposals that will follow.

Honorable Representatives I ask you to see this for what it really is and that is the first of many attempts to takeover our State ocean waters and coastline up 15 feet above the high tide line. Please try to include more language if possible to mitigate any solution to this Clean energy problem as NOAA has done for the military. We do not want the Federal Governments involvement other then it financial support in our State waters.

Mahalo and Aloha Greg Holzman

har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 5:13 PM  
**To:** WLOtestimony  
**Cc:** koloa808@yahoo.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Brynner D. Achong  
Organization: Individual  
E-mail: [koloa808@yahoo.com](mailto:koloa808@yahoo.com)  
Submitted on: 3/1/2012

Comments:  
I support HR20 and HCR38

har2-Samantha

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**From:** Kfletchb@aol.com  
**Sent:** Thursday, March 01, 2012 5:31 PM  
**To:** WLOtestimony  
**Subject:** OPPOSITION TO HR20/HCR38

TO: Committees on Water, Land and Ocean Resources and Energy and Environment  
Friday, March 2, 11:05am, Rm 325

RE: OPPOSITION TO HR20/HCR38: TO OPPOSE THE PASSAGE OF RULE 064B-BA81 PROPOSED BY THE NATIONAL OCEANIC AND ATMOSPHERIC AGENCY, RELATING TO MONK SEAL CRITICAL HABITAT

Dear Honorable Chairs Chang and Coffman and Committee Members:

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Studies have shown that the designation of critical habitat—in particular critical habitat that encompasses sufficient area to meet a species survival needs—can dramatically improve the chances of a species' survival. Few species need to improve their chances of survival more than do Hawaiian monk seals.

The future of this species is in doubt. According to the most recent NMFS stock assessment, the NWHI subpopulations are 68% lower as of 2008 than they were in 1958. From 1999 to 2008, the estimate of abundance declined at approximately 4.5 percent per year. Populations established in the MHI have increased at 5.6 percent per year. The survival rate for pups born in the MHI is close to 80 percent, and this helps compensate for the close to 80 percent mortality rate of pups born in the NWHI; yet the species continues to decline. The designation of critical habitat cannot guarantee recovery; however, to increase the species' chances of survival, it is vital to protect the monk seals' food resources, breeding and nursery areas and to protect areas into which they can expand for these purposes. The proposed changes to critical habitat would do just that.

Designation of appropriate critical habitat would protect these new areas from potentially destructive activities or degradation of the coastal and ocean areas on which monk seals depend. But protecting these new areas for monk seals would also ensure quality marine habitat for the rich fish life that also depends on these same areas. Monk seals do not threaten marine resources. In countless situations around the world, declines in fisheries are virtually always a result of disruption of their habitat and inadequate management of fishery resources.

Designation of critical habitat helps call attention to the need for wise management.

Designation of critical habitat benefits a variety of marine life yet seldom interferes with compatible human uses. For example, the designation of critical habitat for critically endangered North Pacific right whales has not altered fishing or plans for oil and gas development nor has the designation of critical habitat for the declining and endangered stock of beluga whales in Cook Inlet Alaska stopped harbor improvements, fisheries, tourism or oil and gas development. In most cases, where an activity poses jeopardy to the existence of the species, conditions can be imposed to allow the activity while minimizing adverse impacts. Designating critical habitat promises to help marine resources without being an impediment to wise human use of those resources. In fact it is the very beauty of the ocean and its rich diversity of marine life—including Hawaiian monk seals—that is the engine of the Hawaiian economy, drawing visitors to the Islands to see animals that are seldom if ever seen in other places.

It is worth remembering that a number of areas of critical habitat are already designated. However, our understanding of the species and its needs has advanced since the 1980s when this habitat was protected. We now know that we need to protect additional areas to help provide for the recovery of this species that is unique to the Hawaiian Islands.

In 2008, monk seals were designated the state mammal of Hawaii. At that time, the press reported that, as former Lieutenant Governor James 'Duke' Aiona signed the bill into law he stated: "I'm just hoping that this will re-energize all of us, the citizens here in Hawaii as well as people around the world, to become better stewards of our monk seal population and [its] repopulation." Protecting crucial habitat for the species is critical to that stewardship. In addition, in 2010, the state strengthened penalties against the killing or taking of a monk seal. Furthermore, and tragically, four monk seals have been intentionally killed in violation of both state and federal law. Many organizations offered a reward totaling \$30,000 to bring the still unknown perpetrators to justice. Passage of this resolution is contrary to the protections in place for this imperiled species and sends a dangerous message that their continued protection is not warranted. As a volunteer with the Hawaiian Monk Seal Response team working to protect and perpetuate the species, We respectfully urge your opposition to HR 20 and HCR 38.

Karen Banes  
Monk Seal Responder  
98-1731B Kaahumanu St.  
Aiea, HI 96701  
(808) 780-7297

## har2-Samantha

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 5:20 PM  
**To:** WLOtestimony  
**Cc:** [j\\_ahlstrand808@yahoo.com](mailto:j_ahlstrand808@yahoo.com)  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Juliano  
Organization: Individual  
E-mail: [j\\_ahlstrand808@yahoo.com](mailto:j_ahlstrand808@yahoo.com)  
Submitted on: 3/1/2012

**Comments:**

I do support this bill, i have grown up here my whole life and i am a avid fisherman and respect the coast and do my share to clean it and keep it clean, also a strong believer in preservation for the future. lets just keep the the coastline for the state and not let us lose our fishing rights.

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 5:19 PM  
**To:** WLOtestimony  
**Cc:** kadooka@hawaii.rr.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Chris Kadooka  
Organization: Individual  
E-mail: [kadooka@hawaii.rr.com](mailto:kadooka@hawaii.rr.com)  
Submitted on: 3/1/2012

**Comments:**

I strongly support the measure. Please do not make more seal habitats in the main hawaiian islands. Isn't the National Refuge enough?



**har2-Samantha**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 7:46 PM  
**To:** WLOtestimony  
**Cc:** lktakiue@gmail.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: lesley takiue  
Organization: Individual  
E-mail: [lktakiue@gmail.com](mailto:lktakiue@gmail.com)  
Submitted on: 3/1/2012

**Comments:**

I'm just a fishermen, whose fondest memories of his father has everything to do with fishing. Many moments have been spent on the beach and in the water from japan to the gulf of mexico and of course here in hawaii. Please don't take the memories I'm trying to make with my children away.

har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 6:55 PM  
**To:** WLOtestimony  
**Cc:** hermanj@hawaii.edu  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM  
**Attachments:** monk seal.pages

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Herman Kila III  
Organization: Individual  
E-mail: [hermanj@hawaii.edu](mailto:hermanj@hawaii.edu)  
Submitted on: 3/1/2012

Comments:

**har2-Samantha**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 6:48 PM  
**To:** WLOtestimony  
**Cc:** kzutti@hotmail.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Kim Seaux  
Organization: Individual  
E-mail: [kzutti@hotmail.com](mailto:kzutti@hotmail.com)  
Submitted on: 3/1/2012

**Comments:**

I support this bill... As someone who enjoys fishing & wants our children to also have a chance to enjoy the same experience's I did growing up; I believe passing this bill will help preserve our Island and our traditions for us and future generations.

**har2-Samantha**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 6:45 PM  
**To:** WLOtestimony  
**Cc:** Reno\_young@yahoo.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Reno Young  
Organization: Individual  
E-mail: [Reno\\_young@yahoo.com](mailto:Reno_young@yahoo.com)  
Submitted on: 3/1/2012

Comments:  
I support this.

**har2-Samantha**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 6:38 PM  
**To:** WLOtestimony  
**Cc:** native\_boi06734@yahoo.com  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Boyd Adolpho  
Organization: Individual  
E-mail: [native\\_boi06734@yahoo.com](mailto:native_boi06734@yahoo.com)  
Submitted on: 3/1/2012

**Comments:**

I support this bill... As someone who enjoys fishing & wants our children to also have a chance to enjoy the same experience's I did growing up; I believe passing this bill will help preserve our Island and our traditions for us and future generations.

**har2-Samantha**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 7:13 PM  
**To:** WLOtestimony  
**Cc:** Syosh1@hawaiiantel.net  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Scot yoshimura  
Organization: Individual  
E-mail: [Syosh1@hawaiiantel.net](mailto:Syosh1@hawaiiantel.net)  
Submitted on: 3/1/2012

**Comments:**

We don't need more restrictions! In the northwestern isles, there is little or no human contact with monk seal. Why is population on decline? Tell NOAA to go research that more. Maybe there is to many natural predators (sharks,large ulua). Caused by govt shutting down commercial fishing up there. Maybe think about reversing the ban and opening up area again to keep fish population in check.

har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 7:18 PM  
**To:** WLOtestimony  
**Cc:** Syosh1@hawaiiantel.net  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Scot yoshimura  
Organization: Individual  
E-mail: [Syosh1@hawaiiantel.net](mailto:Syosh1@hawaiiantel.net)  
Submitted on: 3/1/2012

Comments:  
Definitely don't need any closures

**har2-Samantha**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 7:31 PM  
**To:** WLOtestimony  
**Cc:** rtyama@hotmail.com  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Ray Yamashita  
Organization: Individual  
E-mail: [rtyama@hotmail.com](mailto:rtyama@hotmail.com)  
Submitted on: 3/1/2012

**Comments:**

I support HR20 & HCR38. Being that the Hawaiian Monk seals are protected by the Marine Mammals protection act and the endangered species act, I think it unnecessary to designate critical habitat ares which could prevent the public from accessing shoreline area for recreation.



## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, March 02, 2012 6:00 AM  
**To:** WLOtestimony  
**Cc:** syl888@hawaii.rr.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Sylvia Mitsui  
Organization: Individual  
E-mail: [syl888@hawaii.rr.com](mailto:syl888@hawaii.rr.com)  
Submitted on: 3/2/2012

Comments:

**har2-Samantha**

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**From:** Helene Beck [helene-beck@jubii.dk]  
**Sent:** Friday, March 02, 2012 1:20 AM  
**To:** WLOtestimony  
**Subject:** Hawaiian monk seals...

Dear Sir/Madam,

I write to let you know that I strongly oppose Hawaii resolutions, HR 20 and HCR 38, which, in my opinion, aim to undermine critical habitat for the endangered Hawaiian monk seals!

These seals are extremely important to our eco-systems, - to our entire planet, actually! They are beautiful and rare! Please do all you can to protect them, - they are well worth your efforts!

Thank you for your anticipated attention to this very important matter.

Sincerely,

Helene Beck  
Denmark  
e-mail: [helene-beck@jubii.dk](mailto:helene-beck@jubii.dk)

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# Karen M. Holt

Post Office Box 354 # Kaunakakai, Hawaii 96748

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March 1, 2012

COMMITTEE ON WATER, LAND, & OCEAN RESOURCES

Rep. Jerry L. Chang, Chair

Rep. Sharon E. Har, Vice Chair

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Rep. Denny Coffman, Chair

Rep. Derek S.K. Kawakami, Vice Chair

State Capitol

415 S. Beretania St.

Honolulu, Hawaii 96813

Re: Testimony in Opposition to HCR38 and HR20 Against Critical Habitat for Monk Seals

Aloha Kaua Legislators:

This letter is written in opposition to two resolutions against plans by the National Oceanic and Atmospheric Administration (NOAA) to designate areas in the Main Hawaiian Islands as critical habitat for the highly endangered indigenous Hawaiian monk seal. **Please do not pass HCR38 or HR20.**

The monk seals are dying in the Northwest Hawaiian Islands due to massive overfishing by humans. **11 million lobsters were commercially taken from the NW Hawaiian Islands from 1970–1999.** This was one of the seals' principal food resources for millenia, and according to U.H. scientists the lobsters have not come back. In order to find food, the seals began migrating on their own to the Main Hawaiian Islands. Unfortunately, they have not encountered a warm welcome from some humans, including those who recklessly over-fished the seals' ancestral feeding grounds.

Critical habitat designation for these unique animals will provide additional protective powers to those who are trying to save the species. **And since the designation will only affect large-scale commercial fishing operations, small scale and recreational fishermen will suffer only minimal inconvenience, if any, as a result of such a designation.**

Please cast your vote in favor of saving the most endangered marine mammal in the nation. Vote down HCR38 and HR20.

Sincerely,

*Karen M. Holt*

Karen M. Holt

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 11:17 PM  
**To:** WLOtestimony  
**Cc:** ulua53@yahoo.com  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Wayne Dang  
Organization: Individual  
E-mail: [ulua53@yahoo.com](mailto:ulua53@yahoo.com)  
Submitted on: 3/1/2012

**Comments:**

I support HR20 The State of Hawaii should retain Jurisdiction of it's own waters and not hand it over to the federal government. Designation of critical habitat is not what Hawaii needs. Monk seals are already protected by federal law. Critical Habitat designation has the potential to hurt the states economy.

**har2-Samantha**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 10:31 PM  
**To:** WLOtestimony  
**Cc:** puna\_moku@hotmail.com  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Cheryl Lovell-Obatake  
Organization: Individual  
E-mail: [puna\\_moku@hotmail.com](mailto:puna_moku@hotmail.com)  
Submitted on: 3/1/2012

Comments:  
Aloha e,

Is NOAA required to comply with ACHP Section 106; 36 CFR, federal mandate? If not, why not?

I support HR 20.

Respectfully submitted,  
Cheryl Lovell-Obatake  
Nawiliwili, Puna, Kauai

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 10:25 PM  
**To:** WLOtestimony  
**Cc:** jeremyclements@gmail.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Jeremy Clements  
Organization: Individual  
E-mail: [jeremyclements@gmail.com](mailto:jeremyclements@gmail.com)  
Submitted on: 3/1/2012

Comments:

## har2-Samantha

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**From:** Kamealoha HanohanoSmith [kamealohahanohanosmith@hotmail.com]  
**Sent:** Thursday, March 01, 2012 10:12 PM  
**To:** sharon pomroy; WLOtestimony  
**Subject:** RE: HR20 Testimony from Sharon Pomroy

Aloha,

My name is Kamealoha Hanohano Smith and too am from Anahola, the Ko'olau Moku, and the Kauai Moku. I am also writing to support Sharon Pomroy's letter. I agree with everything she writes in her testimony and must agree that NOAA is a very difficult organization to understand. I do not see the wisdom in a lot of what they do on Kauai and don't understand why they are so insistent on controlling the flow of resources in our moku and 'aina. They should learn to work with people in the community to build grass root consensus and work with cultural practitioners i.e. fishermen and farmers to arrive at equitable solutions for the use of our extremely precious resources. Therefore, I too cannot support shoreline access in favor of the monk seal. Respectfully, Kamealoha Hanohano Smith

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> From: pomroys001@hawaii.rr.com  
> To: WLOtestimony@capitol.hawaii.gov  
> Subject: HR20 Testimony from Sharon Pomroy  
> Date: Thu, 1 Mar 2012 15:11:56 -1000

>  
> My name is Sharon Pomroy. I live in the ahapuaa of Anahola, Moku o  
> Kauai. I am writing in opposition to HR20. There are too many things  
> that cannot be counted on to make this designation of critical habitat  
> for the monk seal a safe, doable effort at this time. Closing of any  
> shoreline areas from gathering for sustenance no matter how short the  
> time period is just as detrimental to the people as the seal. A short  
> as a fifteen minute window of closure can take a person from gathering  
> in a calm area to struggling to get back to shore. The currents and  
> tides, the winds and rains pay no one any mind. Such weather related  
> events could very well prevent someone from eating for that day or  
> longer. None can predict when or where this event will occur.

>  
> Please do not support NOAA in their efforts to control the shoreline  
> access in favor of the monk seal. Rather encourage NOAA to find  
> additional, more sensible ways was that would also include the  
> shoreline residents of the affected ahapuaa to amicably resolve this  
> issue.

>  
> There is a different approach is available that could work with some  
> adjustments on the part of NOAA. The adjustments most likely would be  
> to how they gather data on the seal. Instead of the entire coastal  
> area of Hawaii being under NOAA and the monk seal critical habitat  
> designate the monk seal as always being inside a critical habitat  
> area. Make the area around the seal out to 25 feet that permanent critical habitat.  
> Similar to the Humpback whale no approach nearer than 100 feet law.  
> Currently seal protection volunteers designate the area around the  
> seals while they are on land for humans to keep their distance.  
> Studies are conducted during this time now by scientists. Apply the  
> same practice to the near shore waters. If this makes things difficult  
> because of certain rules and how they work then find a way and adjust  
> the rule to BETTER fit the circumstance. Maybe we can all win? What  
> you think? I think so can..... pau Sharon Pomroy

>  
> P.O.BOX 600 Anahola, HI. 96703-0600; 808-346-6725 .



## har2-Samantha

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**From:** Cathy [olelo68@gmail.com]  
**Sent:** Thursday, March 01, 2012 9:16 PM  
**To:** WLOtestimony  
**Subject:** HCR 38 HR 20

Dear Representatives,

I have been fortunate to travel to Midway and observe Hawaiian Monk Seals...they are a truly marvelous animals.

Opposing the protection of Monk Seals by opposing the designation of critical habitat is short sighted. Yes, energy generating facilities as well as many other water /shoreline activities, whether industrial or for pleasure/ tourism will need to negotiate how to minimize impact to the Monk Seals. Opposing the protection of Monk Seals is not the solution.

I urge you to not get swept up in emotions of folks who fear the loss of fish and seek to stop the designation of critical habitat. Please pursue thoughtful negotiations with NOAA that result in Monk Seal protection, establishing critical habitat that addresses industry's successful use of the shore and waters of Hawaii.

Imagine how special it would be for tourist to come to Hawaii to see Monk Seals in the main Hawaiian Islands. Not just visitors, your children's children. Please do not pass either HCR 38 or HR 20.

Thank you. Aloha, Cathy Low

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 9:13 PM  
**To:** WLOtestimony  
**Cc:** tanabe56@hotmail.com  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Shawn Tanabe  
Organization: Individual  
E-mail: [tanabe56@hotmail.com](mailto:tanabe56@hotmail.com)  
Submitted on: 3/1/2012

Comments:  
I Support!

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 9:11 PM  
**To:** WLOtestimony  
**Cc:** J\_mats@yahoo.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Jaime nishikawa  
Organization: Individual  
E-mail: [J\\_mats@yahoo.com](mailto:J_mats@yahoo.com)  
Submitted on: 3/1/2012

Comments:

**har2-Samantha**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 9:03 PM  
**To:** WLOtestimony  
**Cc:** rnhpxc@yahoo.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Ryan Nishikawa  
Organization: Individual  
E-mail: [rnhpxc@yahoo.com](mailto:rnhpxc@yahoo.com)  
Submitted on: 3/1/2012

Comments:

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 8:42 PM  
**To:** WLOtestimony  
**Cc:** tklee3050@gmail.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Travis Lee  
Organization: Individual  
E-mail: [tklee3050@gmail.com](mailto:tklee3050@gmail.com)  
Submitted on: 3/1/2012

Comments:

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 8:36 PM  
**To:** WLOtestimony  
**Cc:** takamiyaarthur1@gmail.com  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Art Takamiya  
Organization: Individual  
E-mail: [takamiyaarthur1@gmail.com](mailto:takamiyaarthur1@gmail.com)  
Submitted on: 3/1/2012

Comments:

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 8:31 PM  
**To:** WLOtestimony  
**Cc:** jkiyosaki@hawaiiantel.net  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Joel Kiyosaki  
Organization: Individual  
E-mail: [jkiosaki@hawaiiantel.net](mailto:jkiosaki@hawaiiantel.net)  
Submitted on: 3/1/2012

Comments:  
I support this measure.

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 8:25 PM  
**To:** WLOtestimony  
**Cc:** churkel@msn.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Steven Hurt  
Organization: Individual  
E-mail: [churkel@msn.com](mailto:churkel@msn.com)  
Submitted on: 3/1/2012

Comments:



## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 8:21 PM  
**To:** WLOtestimony  
**Cc:** fishingtales@hawaiiantel.net  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Kathleen Sakamoto  
Organization: Individual  
E-mail: [fishingtales@hawaiiantel.net](mailto:fishingtales@hawaiiantel.net)  
Submitted on: 3/1/2012

Comments:

har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 7:58 PM  
**To:** WLOtestimony  
**Cc:** michael.marks@pruhawaii.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Michael Marks  
Organization: Individual  
E-mail: [michael.marks@pruhawaii.com](mailto:michael.marks@pruhawaii.com)  
Submitted on: 3/1/2012

**Comments:**

I wholeheartedly support this bill and as a lifelong Hawaii resident feel very strongly that the federal government should in no way control Hawaii's shoreline. The people of Hawaii deserve to have the right to determine access and use of our shorelines.

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 7:55 PM  
**To:** WLOtestimony  
**Cc:** wctanaka@gmail.com  
**Subject:** Testimony for HR20 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HR20

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: Yes  
Submitted by: Wayne Tanaka  
Organization: Individual  
E-mail: [wctanaka@gmail.com](mailto:wctanaka@gmail.com)  
Submitted on: 3/1/2012

### Comments:

To the Honorable Members of the House Committee on Water, Land, and Ocean Resources and the House Committee on Energy and Environmental Protection,

Thank you for this opportunity to testify in opposition to HCR38 and HR20. I am a life-long avid fisher and keiki 'o ka āina of Hawai'i nei who \*supports\* Hawaiian monk seal critical habitat designation.

As an attorney, I understand that critical habitat designation provides a level of legal protection that will only supplement the state's efforts to encourage responsible land use and sustainable ocean resource practices.

As a fisher, I understand that irresponsible land development and habitat degradation are the very same practices that have driven our fisheries into decline, so much so that I fear my children will never learn the joy of fishing or engage in the fishing practices handed down through my father, and his father before him. I understand that monk seal critical habitat designation, while designed to protect the critically endangered Hawaiian monk seal, adds a layer of federal protection that would help ensure that our resources do not continue to be abused by those who have no connection to the ocean and its intrinsic value to the people of Hawai'i - without placing a disproportionate burden on the fishers and other resource users who have a direct interest and passion for the health of our nearshore waters.

The fight for the monk seal is a fight for Hawai'i nei. Please, do not distract let the monk seal controversy distract us from what should be our real concerns.

Mahalo nui loa for this opportunity to testify,

Wayne Tanaka

**har2-Samantha**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, March 02, 2012 6:52 AM  
**To:** WLOtestimony  
**Cc:** steveabe@hawaii.rr.com  
**Subject:** Testimony for HCR38 on 3/2/2012 11:05:00 AM

Testimony for WLO/EEP 3/2/2012 11:05:00 AM HCR38

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Steven H. Abe  
Organization: Individual  
E-mail: [steveabe@hawaii.rr.com](mailto:steveabe@hawaii.rr.com)  
Submitted on: 3/2/2012

Comments: