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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 Committee on
OCEAN, MARINE RESOURCES, AND HAWAIIAN AFFAIRS**

**Thursday, April 18, 2013
10:30 A.M.
State Capitol, Conference Room 312**

**In consideration of
SENATE CONCURRENT RESOLUTION 104, SENATE DRAFT 1
URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES
AND THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
TO COLLABORATE TO FORM A PERMANENT PLAN TO PROTECT
HUMPBACK WHALES WITHIN THE HAWAIIAN ISLANDS HUMPBACK WHALE
NATIONAL MARINE SANCTUARY AND REQUESTING THE DEPARTMENT OF
LAND AND NATURAL RESOURCES TO REPORT TO THE LEGISLATURE A PLAN
TO PROTECT HUMPBACK WHALES AND WHALE-VESSEL CONTACT
INFORMATION**

Senate Concurrent Resolution 104, Senate Draft 1 urges the Department of Land and Natural Resources (Department) and the National Oceanic and Atmospheric Administration (NOAA) to develop a plan to address vessel strikes with humpback whales within the Sanctuary and to report to the Legislature on a plan to protect humpback whales. **The Department supports this concurrent resolution.**

The Department is currently working with NOAA to prepare a Sanctuary management plan that will consider multiple ways to maintain healthy humpback whale populations. The plan will be updated as the need arises. The Department recommends the word "permanent" be removed. All plans need amendment from time to time. There was another whale strike in early 2013. The Department will update our reports to include the most recent information.

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

ESTER KIA'AINA
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
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS



THE HUMANE SOCIETY
OF THE UNITED STATES

TO: Honorable Chair Hanohano, Vice-Chair Cullen and Committee Members
House Committee on Ocean, Marine Resources and Hawaiian Affairs, 4-18-13, 1030am

RE: Support for SCR 104/SR 70; Urging DLNR and NOAA to recognize the increasing threat that ocean vessels present to Humpback Whales

Submitted by: Inga Gibson, Hawaii State Director, The Humane Society of the United States, P.O. Box 89131, Honolulu, HI 96830, igibson@hsus.org, 808-922-9910

We ask for your support for SCR104/SR70 which recognizes the threat to humpback whales from collisions with vessels in Hawai'i and urges the National Oceanographic and Atmospheric Administration (NOAA) to protect humpbacks by instituting stronger measures and more active enforcement.

The designation of the Hawaiian Humpback National Marine Sanctuary was recognition by NOAA that our waters are critical to the survival of this endangered species. Humpbacks from both the Pacific Northwest and those who summer in Alaska spend the winter and give birth in our waters. Many of them aggregate off the western coast of Maui. These mothers and their newborns spend much time at or near the surface so are vulnerable to being struck by vessels.

The NOAA Sanctuary website states that “[o]ver the last decade, reports of vessel collisions with humpback whales in Hawaii have increased.” Federal regulations in the Sanctuary currently prohibit vessels from approaching humpback whales within 100 yards and the Sanctuary recommends (but does not require) vessel speeds of 13 knots or less in the Sanctuary. Although NOAA has sponsored workshops to educate vessel operators, humpback whales continue to be struck. This resolution documents a number of collisions, including three incidents within 24 hours during the month of January of this year. However, the Maui News (February 26, 2013, <http://www.mauinews.com/page/content.detail/id/570199/Scientists-seeking-to-slow-boats-to-spare-humpback-whales.html?nav=5031>) additionally reports that there have been nine vessel-humpback collisions just since December, with eight of them in a one month period. Some of these have involved mothers and their calves.

We understand that the federal government is considering mandatory speed limits for the Sanctuary that may still allow vessels to travel at 16 miles per hour. In many cases, NOAA has recognized that even lower speed limits are necessary to protect female whales and their young. For example, to protect North Atlantic right whales and their calves on the east coast of the U.S., vessels are required to use speeds of 10 knots or less in areas and seasons of high use by the whales.

We agree that mandatory speed limits are necessary. Furthermore, a study of vessel behavior by researchers from the Stellwagen Bank National Marine Sanctuary on the U.S. east coast found that vessels often ignored mere guidelines for speed in the vicinity of whales, with up to 92 percent non-compliance when in close proximity to whales. It is clear that mandatory speed limits, that are more readily enforced, are important to protect humpbacks and their young in our waters.

Thank you for your consideration of this testimony.

omhtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, April 16, 2013 2:59 PM
To: omhtestimony
Cc: lynhowe1946@yahoo.com
Subject: *Submitted testimony for SCR104 on Apr 18, 2013 10:30AM*

SCR104

Submitted on: 4/16/2013

Testimony for OMH on Apr 18, 2013 10:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Lyn Howe	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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SCR104

Submitted on: 4/17/2013

Testimony for OMH on Apr 18, 2013 10:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Roy N. Morioka	Individual	Comments Only	No

Comments: Honorable Chair Hanohano, Vice Chair Cullen and Members of the House Committee on OMH: Thank you for this opportunity to comment on this resolution. While well intended, there are sufficient "permanent" mechanisms and review processes such as the HIHWNMS management plan and state a federal resources already dedicated to fulfill the federal ESA and MMPA requirements associated with the Hawaiian Humpback whales. Therefore, further direction is unnecessary. Respectfully Submitted, Roy N. Morioka 96821

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