

DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
SUZANNE D. CASE  
Chairperson**

**Before the House Committees on  
OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS  
and  
WATER & LAND**

**Wednesday, March 23, 2016  
10:30 AM  
State Capitol, Conference Room 325**

**In consideration of  
HOUSE CONCURRENT RESOLUTION 186/HOUSE RESOLUTION 133  
REQUESTS THAT THE DEPARTMENT OF LAND AND NATURAL RESOURCES  
PREPARE AN UPDATE TO THE 2009 WAIANAЕ BASELINE ENVIRONMENTAL  
STUDY AND COMPLETE ADDITIONAL STUDIES AND MONITORING  
RECOMMENDED IN THE 2009 STUDY**

House Concurrent Resolution 186/House Resolution 133 requests the Department of Land and Natural Resources (Department) to update the 2009 Waianae Baseline Environmental Study (Study) and complete additional studies and monitoring recommended in the 2009 Study. **The Department offers the following comments.**

The Department's Division of Boating and Ocean Recreation (DOBOR) has discussed the 2009 Waianae Baseline Environmental Study with the community over the years and recommended that an Ocean Recreation Management Area (ORMA) be created on the West side of Oahu to address the increasing user conflict that is occurring between commercial operators, fishermen, and recreational users. The community was concerned that creating an ORMA would increase commercial activity. DOBOR is willing to engage in additional studies and monitoring but these activities will need to be contracted and require funding. The 2009 Waianae Baseline Environment Study cost \$100,000. Providing that the Legislature makes funding available, DOBOR believes it will cost an estimated \$150,000 to undertake the additional studies and monitoring.

Thank you for your consideration of this testimony.

**SUZANNE D. CASE**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**KEKOA KALUHIWA**  
FIRST DEPUTY

**JEFFREY T. PEARSON P.E.**  
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



**Department of Land and Natural Resources  
Aha Moku Advisory Committee  
State of Hawaii  
Post Office Box 621  
Honolulu, Hawaii 96809**

Testimony of  
Hanalei Hopfe, Waianae Moku Representative, and  
Shad Kane, Ewa Moku Representative  
Moku O Kakuhihewa (O'ahu)

Before the House Committees on  
Ocean, Marine Resources & Hawaiian Affairs  
Water and Land

Wednesday, March 23, 2016  
10:30 A.M.  
State Capitol, Conference Room 325

**In Consideration of  
House Concurrent Resolution 186  
House Resolution 133**

**REQUESTING THAT THE DEPARTMENT OF LAND AND NATURAL RESOURCES PREPARE AN  
UPDATE TO THE 2009 WAIANAЕ BASELINE ENVIRONMENTAL STUDY AND COMPLETE ADDITIONAL  
STUDIES AND MONITORING RECOMMENDED IN THE 2009 STUDY.**

House Concurrent Resolution 186 and House Resolution 133 requests that the Department of Land and Natural Resources (DLNR) prepare an update to the 2009 Waianae Baseline Environmental study and complete additional studies and monitoring recommended in the 2009 Study. **Aha Moku supports this measure and offers the following comments.**

The 2009 Waianae Baseline Environmental Study (WBES) is a comprehensive study by the DLNR Division of Boating and Ocean Recreation (DOBOR) that focuses on the Waianae Coast from Kalaeloa Point to Kaena Point as an informational document to be used to establish rules to manage conflicts in ocean use occurring in these areas. It describes the status and trends in ocean resource conditions and uses, ocean use issues, and management alternatives to address these issues. The potential environmental, social, and economic effects of these alternative management approaches are analyzed and compared, along with recommendations for implementation.

Since 2009 there have been many changes along the Waianae Coast which need to be addressed as listed below:

- The baseline study needs to be updated since it was written 7 years ago. Since then, the Aha Moku System was implemented via Act 288 in 2012. This system focuses on bringing the voices of site-specific ahupua'a communities to the fore front of DLNR on issues and concerns related to natural and cultural resources, specifically the ecosystem and environment of their ahupua'a.
  - Within the Waianae Moku, the nine ahupua'a are: Nanakuli, Lualualei, Waianae, Makaha, Keaau, Hikilolo, Makua, Kahanahaiki, and Keawaula. Ka'ena Point is located within the Keawaula Ahupua'a.
  - The ocean and coastal resources of each ahupua'a is specific and should be addressed through a cultural lens.
- This report also crosses over into the Ewa Moku because it covers the coast along the Honouliuli Ahupua'a where Ko Olina, Kalaeloa, Kapolei and Ewa Beach – areas that are part of the focus of the WBES. This is also important because geographic areas along the Ewa coast are different from the Waianae coast.
- In the 2009 WBES, there is a small section on the social and cultural environment of Waianae. And, while generally correct, this study does not come close to describing the cultural needs and practices of the Native

Hawaiian communities of each of the ahupua'a within Waianae and Ewa – two very different large land districts with different natural resources. At the time that the study was done, in 2009, the focus was not on how different ahupua'a communities used the near-shore and ocean resources from a sustainable and subsistence practice. The focus of the study was on the commercial and recreational diverse uses.

We ask that the updated Study include the following:

- ❖ 10.0 – Recommendations and Unresolved Issues: **(New language in bold)** “This section provides recommendations for resolving conflicts in ocean use along the Waianae coast **fronting the ahupua'a of Nanakuli, Lualualei, Waianae, Makaha, Keaau, Hikilolo, Makua, Kahanahaiki, and Keawaula; and along the extended coast of the Honouliuli Ahupua'a within the Ewa Moku** based on the effects analysis and input from stakeholders.”
- ❖ 10.1 – Recommendations: add a bullet that “ **establishes a subsistence fishing zone within each ahupua'a within the Waianae Moku, and along the Honouliuli Ahupua'a within the Ewa Moku.**”
- ❖ 10.2 – Unresolved Issues: One of the bullets under this category talks about how the status of the akule and Opelu fisheries are not fully characterized. **The status of the akule and Opelu are different in different areas of the Waianae and Ewa coast for different reasons, one of them being that the fresh water, which influences the spawning areas of different species of fish, fluctuates along the coast.** Smaller reporting grids, **including indigenous generational knowledge of the spawning habits and areas need to be included in the study.**

Thank you for the opportunity to give input into HCR 186 and HR 133. We support these resolutions and strongly believe that the 2009 Waianae Baseline Environmental Study be updated to include subsistence fishing information that could be useful to the DLNR Division of Aquatic Resources in their mandate to address the conflicting uses of ocean users along the Waianae and Ewa coastline.

Jade McMillen

---

From: mailinglist@capitol.hawaii.gov  
Sent: Saturday, March 19, 2016 5:15 PM  
To: omhtestimony  
Cc: mjellings@hawaii.rr.com  
Subject: Submitted testimony for HCR186 on Mar 23, 2016 10:30AM

**HCR186**

Submitted on: 3/19/2016

Testimony for OMH on Mar 23, 2016 10:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carl M Jellings Sr	Individual	Support	No

Comments: Thank You For hearing HCR186

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

Jade McMillen

---

From: mailinglist@capitol.hawaii.gov  
Sent: Monday, March 21, 2016 8:01 PM  
To: omhtestimony  
Cc: rnvfishing@gmail.com  
Subject: Submitted testimony for HCR186 on Mar 23, 2016 10:30AM

**HCR186**

Submitted on: 3/21/2016

Testimony for OMH on Mar 23, 2016 10:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Roy N Morioka	Individual	Support	No

Comments: Chair Ing, Vice Chair Lowen and Members of the House OMH: I strongly support this measure as it updates the 2009 Waianae Coast Baseline assessment to include the numerous ocean base activities that have proliferated over the past seven years and increased stressors on the coast's aquatic resources and marine ecosystem. Additionally, the comprehensive list of study elements effectively addresses the numerous activities occurring on the Waianae Coast. Thank you for this opportunity to strongly support this critically needed update. Respectfully yours, Roy Morioka

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

Jade McMillen

---

From: Tori <tori@wilddolphin.org>  
Sent: Tuesday, March 22, 2016 3:51 PM  
To: omhtestimony  
Subject: HCR 186/HR 133

HCR 186/HR 133

Dear Committee Members,

Thank you for your time on this matter. I, Tori Cullins of the Wild Dolphin Foundation and Wild Side Specialty Tours (Waianae) are in STRONG SUPPORT of this bill.

It seems regulations passed down by the government are rarely for the greater good, tending to be too point specific and by nature, usually miss the 'big picture'.

Aware of this, over 15years ago the Waianae community began a grassroots effort to address resource and user issues along the coastline, mainly caused by an unprecedented growth of the number of tour boats focused on dolphin tours. These boats were both out of the Waianae Small Boat Harbor and the Ko Olina Marina.

With fishermen, surfers, beach users, tour operators, consultants, government officials and other community members at the table, the shared goal was for all users to be comfortable with tour boat procedures, and conservation of coastline resources. There was compromise from all sides, though not without multiple and sometimes heated meetings.

The outcome was the agreement that a baseline study was needed (and funded) to identify key resource areas and uses. The Waianae Baseline Study came about through these grassroot and stakeholder efforts to keep the legacy and resources of the coastline intact.

Until the studies were completed and guidelines completed, the Gentlemen's Agreement was resurrected and added onto, with consent by all to follow. As new tours, boats and captains were added, and for various other reasons (including the passage of time), it is now all but forgotten.

Speaking of regulations passed down by the government – and even more reason to complete and follow through with a baseline evaluation of the whole picture... NOAA instituted the voluntary "Dolphin Smart" program to address the now overgrown dolphin tour industry in Hawaii, and seems on the brink of passing it on as regulatory vs. voluntary. Dolphin Smart has yet to 'work' anywhere it has been instituted, as it does not take the whole picture into account, but rather relies on guidelines that work for whales (distance approach), as well as is heavily lobbied by the captive dolphin industry. However, the Dolphin Smart guidelines provably work neither for the Waianae situation, nor for the dolphin conservation. More on the "Dolphin Smart" history and our views

[here](#). As dolphins can be as culturally diverse as we humans are, what works in one part of the country may not work in another, as well as one island to the next. "Dolphin Smart" generically does not address Waianae-specific conflicts.

Please allow the Waianae community to obtain and follow through with deliberate actions to protect what they hold near and dear.

Thank you,

Tori Cullins  
Wild Dolphin Foundation  
Wild Side Specialty Tours

*Cynthia K. L. Rezentes*

Waiana'e, HI  
Email: rezentesc@aol.com

March 22, 2016

Committee on Ocean, Marine Resources, & Hawaiian Affairs  
Wednesday, March 23, 2016, 10:30 a.m., Conference Room 325

RE: Testimony in Support of HCR 186/HR 133 Requesting that the Department of Land and Natural Resources Prepare an Update to the 2009 Waiana'e Baseline Environmental Study and Complete Additional Studies and Monitoring Recommended in the 2009 Study

Dear Chair Ing, and members of the Committee on Ocean, Marine Resources, & Hawaiian Affairs:

Thank you for the opportunity to submit testimony in strong support of HCR186/Hr133 which requests the Department of Land and Natural Resources to prepare a follow-up update to the 2009 Waiana'e Baseline Environmental Study and complete additional studies and monitoring as recommended in that study.

Our Waiana'e coastline continues to see an increase in nearshore activities both recreational and commercial which can impact the quality of life of those who wish to continue to experience life in our near shore waters as have been traditionally over the years. We also recognize that impacts from all of these activities affects our near shore resources, whether they are fishing, swimming, diving, surfing, or gathering resources.

It has also been stated that it is the intent of NOAA-National Marine Fisheries Service to publish proposed guidelines for spinner dolphin encounters or protections later this year. With that on the horizon, now is the time to re-visit the information gathered for the 2009 study and determine how those recommendations will meld with the proposed guidelines.

As testified when supporting the initial study being done, it is known that certain nearshore activities affects commercial fishing activities in fishing for *akule* and *opelu*. Considering a large portion of the *akule* and *opelu* for local consumption in the State come from the Leeward Coast of O'ahu it is in our best interest to protect and support those resources. With re-visiting the how long-term catch data is gathered by using smaller reporting grids, we will be able to understand better the changes in resources based upon various impacts from other activities.

As we pride ourselves on being a State that is dependent upon and treasures our ocean resources, and with the fact that the initial research and recommendations have been done, it appears to make sense to take advantage of that knowledge and build upon it to better understand how all of our State resources could be impacted by the various nearshore activities that we all face considering the trend of our visitor industry to provide more and varied activities taking advantage of our clear and clean waters of the Pacific.

Therefore, I request your favorable support in passing HCR186/HR133.



Jade McMillen

---

From: mailinglist@capitol.hawaii.gov  
Sent: Tuesday, March 22, 2016 7:12 PM  
To: omhtestimony  
Cc: blawaiianlvr@icloud.com  
Subject: Submitted testimony for HCR186 on Mar 23, 2016 10:30AM

**HCR186**

Submitted on: 3/22/2016

Testimony for OMH on Mar 23, 2016 10:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
De MONT R. D. CONNER	Ho'omana Pono, LLC.	Support	Yes

Comments: We STRONGLY SUPPORT this resolution as something that is needed for the purpose of better managing the Wai`anae Coast.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

Jade McMillen

---

From: mailinglist@capitol.hawaii.gov  
Sent: Tuesday, March 22, 2016 9:30 PM  
To: omhtestimony  
Cc: blawaiianlvr@icloud.com  
Subject: Submitted testimony for HCR186 on Mar 23, 2016 10:30AM

**HCR186**

Submitted on: 3/22/2016

Testimony for OMH on Mar 23, 2016 10:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
De MONT R. D. CONNER	Individual	Support	Yes

Comments: I STRONGLY SUPPORT this resolution and would like to add comments into the Committee reports specific matters: 1.) We need an updated baseline study to include the effects of Ko`olina Resort and it's Commercial Tour operations that impact the West Coast; 2.) To specifically focus on & recognize the value of Lawai`a ("Fishermen"), to the community for which they provide substantial food for families living on the West Side, as well as, providing an opportunity to be the first line of defense for our coastline, by other boating activities that violate basic boating rules & understandings; 3.) To focus on finding out how much of an increase in DOCARE personnel that patrol from Joint Base Hickam-Pearl Harbor to Keawa`ula (a.k.a. "Yokohama"); & 4.) Focus on creating designated areas for "sustenance" (which would ban Commercial Tour operations), as each definitive community on the Wai`anae Coast deems appropriate. i.e. The Ahupua`a of Nanakuli, Mikilua, Maili, Wai`anae, & Makaha.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

Jade McMillen

---

From: mailinglist@capitol.hawaii.gov  
Sent: Tuesday, March 22, 2016 7:17 PM  
To: omhtestimony  
Cc: rkailianu57@gmail.com  
Subject: \*Submitted testimony for HCR186 on Mar 23, 2016 10:30AM\*

**HCR186**

Submitted on: 3/22/2016

Testimony for OMH on Mar 23, 2016 10:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rachel L. Kailianu	Individual	Support	Yes

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)