



HB121 HD1
RELATING TO OCEAN MANAGEMENT
Committee on Ocean, Marine Resources, Hawaiian Affairs

February 14, 2017

8:30 a.m.

Room # 312

The Office of Hawaiian Affairs (OHA) Administration will recommend that the OHA Board of Trustees **COMMENT** on HB121 HD1. This bill would establish a Papahānaumokuākea Marine National Monument program within the Department of Land and Natural Resources Division of Aquatic Resources to fulfill the State’s co-management role and responsibilities and statutorily establish a goal to effectively manage thirty percent of Hawai’i’s nearshore waters by 2030.

HB121 HD1 references the December 2006 Memorandum of Agreement (MOA) that provided for the initial coordinated management of Papahānaumokuākea Marine National Monument (PMNM) after it was established by Presidential Proclamation 8031 in 2006. On January 10, 2017, OHA, the State of Hawai’i and the U.S. Department of the Interior and the U.S. Department of Commerce executed an updated MOA to provide for the coordinated management of PMNM in accordance with Presidential Proclamations 8031 (2006), 8112 (2007) and 9478 (2006). The 2017 MOA recognizes all four parties to the agreement as Co-Trustees of PMNM. Given the tremendous traditional and spiritual significance of the region to the Native Hawaiian people, OHA—with the constant support of our beneficiaries—advocated for over a decade that the absence of the Native Hawaiian voice at the Co-Trustee level was a deficiency in the unique co-management structure of PMNM. The execution of the 2017 MOA resolved this deficiency. This document does not diminish the authority and jurisdiction of the State of Hawai’i and constitutes an agreement among the four Co-Trustees to carry out coordinated resource management for the long term conservation and protection of PMNM. Accordingly, OHA respectfully suggests the committee update the language of HB121 HD1 to be consistent with the updated 2017 MOA and to recognize OHA as an independent state entity and as a full and equal Co-Trustee with primary responsibility for advocating for Native Hawaiian interests.

Mahalo nui loa for the opportunity to testify.

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 Committee on
OCEAN, MARINE RESOURCES & HAWAIIAN AFFAIRS

Tuesday, February 14, 2017
8:30 AM
State Capitol, Conference Room 312

In consideration of
HOUSE BILL 121, HOUSE DRAFT 1
RELATING TO OCEAN MANAGEMENT

House Bill 121, House Draft 1, proposes to: (1) establish the Papahānaumokuākea Marine National Monument Program within the Division of Aquatic Resources of the Department of Land and Natural Resources (Department) to coordinate and fulfill the State's role and responsibilities in co-managing the Papahānaumokuākea Marine National Monument with federal authorities; and (2) require the effective management of thirty per cent of nearshore waters by 2030 under coastal zone management. **The Department appreciates the intent and offers the following comments.**

The Department does not feel it is necessary to codify the Papahānaumokuākea Marine National Monument into the statutes. This is an existing federal program established through two Presidential proclamations. State and federal programs are constantly changing in scope and responsibility. Codifying them into law makes it difficult to make necessary changes, even name changes, and to assure effective administration.

State funding for a position to coordinate state involvement with management activities within the monument on the other hand should be considered, particularly given potential cutbacks in federal support to National Oceanic and Atmospheric Administration (NOAA) and the United States Fish and Wildlife Service, provided this does not conflict with priorities established in the Governor's Executive Budget request.

Currently, the Department depends solely on federal funds to support co-management activities within the Monument, which comprises about two-thirds of the Hawaiian archipelago extending roughly over 1,000 miles past Kauai and Niihau. The Department has stewardship responsibility for managing, administering, and exercising control over the public trust and submerged lands

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

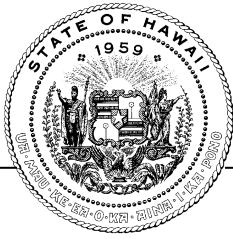
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

(most of which are ceded lands), ocean waters, and marine resources, around each of the Northwestern Hawaiian Islands, except at Midway Atoll (Section 171-3, Hawaii Revised Statutes). Over the past few years, the Department has received approximately \$100,000 per year in a federal grant from NOAA to support State management activities, which is enough to support one full-time position. This funding is subject to year-to-year negotiations with NOAA, which does not provide the stability needed to assure State involvement. As the Department has recently experienced with the Humpback Whale National Marine Sanctuary, the precarious nature of the federal funding leaves the state vulnerable in its capacity to participate in the management of this locally, nationally, and internationally recognized site.

The measure proposes to provide for a mechanism to charge fees to help support the state's management responsibility. Although the Department appreciates the need to fund state involvement, the Department believes it would be preferable to fund a full-time position with general funds to support state involvement, rather than charge entry or user fees for those permitted to access the Monument for cultural, scientific and other purposes. Those permitted to conduct activities within the Monument and State agencies with management responsibilities—for example, the Department's Division of Forestry and Wildlife on Kure Atoll—currently bear the cost of their activities. The Department does not see this changing in the foreseeable future.

Lastly, SECTION 3 of this measure amends Section 205A-63, Hawaii Revised Statutes. While the Department appreciates this expression of support for effective management of Hawai'i's nearshore waters, the Department does not believe this amendment is necessary, as the Governor has already tasked the Department to be the lead agency to implement this directive. The Department also questions if this is the appropriate section for this provision but defers to the Office of Planning.

Thank you for the opportunity to comment on this measure.



OFFICE OF PLANNING STATE OF HAWAII

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <http://planning.hawaii.gov/>

DAVID Y. IGE
GOVERNOR

LEO R. ASUNCION
DIRECTOR
OFFICE OF PLANNING

Statement of
LEO R. ASUNCION
Director, Office of Planning
before the
**HOUSE COMMITTEE ON OCEAN, MARINE RESOURCES, AND HAWAIIAN
AFFAIRS**

Tuesday, February 14, 2017
8:30 AM

State Capitol, Conference Room 312

in consideration of
HB 121, HD1
RELATING TO OCEAN MANAGEMENT.

Chair Ing, Vice Chair Gates, and Members of the House Committee on Ocean, Marine Resources, and Hawaiian Affairs.

HB 121, HD1 seeks to establish the Papahānaumokuākea Marine National Monument program within the Department of Land and Natural Resources Division of Aquatic Resources; and establishes the goal to effectively manage thirty per cent of nearshore waters by 2030 within Hawaii Revised Statutes (HRS) § 205A-63 - Agency duties to coordinate related programs.

The Office of Planning (OP) supports the intent of Section 2 of the measure, and defers to the appropriate agency for comment.

Section 3 of HB 121, HD1 amends HRS § 205A-63 to mandate that all agencies managing marine and coastal resources shall include the effective management of thirty per cent of nearshore waters by 2030, and provides a definition for “effective management.” OP does not feel that it is necessary to establish the goal to effectively manage thirty per cent of nearshore waters by 2030 in statute, and respectfully offers the following comments.

- The Hawaii CZM Program was approved by the state in 1977 and is codified under HRS Chapter 205A. The legislature finds that Hawaii’s environment is both undermanaged and overregulated. The purpose of HRS Chapter 205A is to “provide for the effective management, beneficial use, protection, and development of the Coastal Zone,” (L. 1977, c188 §1).
- Hawaii’s CZM Program provides state and county agencies with a common focus on land and water uses and activities. As the State’s resource management policy, HRS Chapter 205A is the guiding perspective for designing and implementing allowable land and water uses and activities.

- The objectives and policies of Hawaii’s CZM Act (HRS § 205A-2) essentially impose a set of procedural and policy standards over the entire range of a network of existing mechanisms. OP feels that it is not appropriate to add a *specific goal* with a specific deadline, such as “the effective management of thirty per cent of nearshore waters by 2030” to agency duties under HRS § 205A-63, as all agencies shall comply with the objectives and policies of HRS Chapter 205A, pursuant to HRS §§ 205A-4(b) and 205A-5.

Therefore, in order to accomplish this task, OP recommends that it may be more appropriate for this goal to be addressed through the State Ocean Resources Management Plan (ORMP) Hawaii Ocean Partnership to establish an Action Team to address Section 3 of HB 121, HD1.

Thank you for the opportunity to testify on this measure.



**Conservation Council
for Hawai'i**

Hawai'i's voice for wildlife

Kō Hawai'i leo no nā holoholona lōhiu



Testimony Submitted to the House Committee on Ocean, Marine Resources, and Hawaiian Affairs
By the Conservation Council for Hawai'i

Hearing: Tuesday, February 14, 2017 8:30 am
Room 312

Support for HB 121 HD 1 Relating to Ocean Management

Chair Ing, Vice Chair Gates, and Members of the Committee,

Aloha. The Conservation Council for Hawai'i supports HB 121 HD 1, which establishes the Papahānaumokuākea Marine National Monument Program within DLNR-DAR to coordinate and fulfill the State's role and responsibilities in co-managing the Papahānaumokuākea Marine National Monument with federal authorities, and requires the effective management of thirty per cent of nearshore waters by 2030 under coastal zone management.

There is no other place in the world like Papahānaumokuākea. Please support the state in its co-trustee and co-management position for this special place.

As a complement to protecting the federal waters of Papahānaumokuākea, we also support the effective management of at least 30 percent of our nearshore waters by 2030.

Please pass HB 121 HD 1. Mahalo nui loa for the opportunity to testify.

Marjorie Ziegler

Marjorie Ziegler



Telephone/Fax: 808.593.0255 | email: info@conservehi.org | web: www.conservehi.org
P.O. Box 2923 | Honolulu, HI 96802 | Office: 250 Ward Ave., Suite 215 | Honolulu, HI 96814
President: Wayne Tanaka | Vice President: Koalani Kaulukukui | Secretary: Rachel Sprague
Treasurer: Les Welsh | Director: Anne Walton
Executive Director: Marjorie Ziegler | Administrator: Jonnetta Peters



Association of Hawaiian Civic Clubs
P. O. Box 1135
Honolulu, Hawai`i 96807

e-mail: president@aohcc.org phone (808) 753-1895, www.aohcc.org

February 13, 2017

To: Rep. Kaniela Ing, Chair and Rep. Cedric Asuega Gates, Vice Chair and Members of the House Committee on Ocean, Marine Resources, and Hawaiian Affairs

From: Annelle Amaral, President, Association of Hawaiian Civic Clubs

Re: Testimony, with reservations, on HB 121 HD1 Relating to Ocean Management

Aloha and mahalo for allowing me to testify today on HB 121, HD1 with reservations. Just by way of background, the Association of Hawaiian Civic Clubs (AHCC) is comprised of sixty-four component member clubs in Hawaii and fourteen states on the continent. The first civic club was organized in 1918 by Prince Kuhio and a group of prominent Hawaiian men when Kuhio was a Delegate to the US Congress. Kuhio recognized the need for Native Hawaiians to become more involved in the passage of the Hawaiian Homes Act then before the Congress, and to further become engaged in the intricacies of federal and local government.

Beginning with the Hawaiian Civic Club of Honolulu, one hundred years ago, the movement expanded and never deviated from its course to be involved in those issues of importance to Native Hawaiians. Each year there is a convention that brings delegates together to discuss and consider issues that have been submitted by clubs via written resolutions. If adopted by the body, AHCC resolutions that require follow up are subsequently acted upon. The Association has been involved in testifying on the protection and preservation of Papahānaumoku'ākea for at least the past 11 years. In 2006, President George W. Bush, upon the recommendation of his environmental council, named the Northwest Hawaiian Islands as a National Monument by Executive Order under the Antiquities Act. The Association had supported a "fishery preservation" but we did not support the monument...as we saw this federal action as a "taking" of Hawaiian territory.

The governance of the Monument is carried out by the Co-Trustees representing the following agencies- Dept. of Interior; the Dept. of Commerce-NOAA; and the State of Hawaii-DLNR.

The staff of these organizations are the Senior Executive Board.

The larger staff are members of the Monument Management Board (MMB), OHA had membership on only this level until last year, when OHA was named as a Co-Trustee under President Obama.

In 2008, the Co-Trustees began writing a monument management plan.
In 2010 the United Nations declared Papahānaumoku'ākea a World Heritage site with National and cultural features.

2010 to 2016 had activities, reviews of permitted actions and requests for permits for the use of the area.

In December of 2015, Governor David Ige sent a letter to President Obama asking that OHA be allowed to be a co-trustee. The argument for this recommendation was an equity argument...DOI and NOAA were members at all levels, OHA was only a member at the lowest level. (MMB) Today, OHA serves as a Co-trustee in the governance of Papahānaumoku'ākea.

President Obama, in August, signed a proclamation expanding Papahānaumoku'ākea from 50 nautical miles to 200 nautical miles of the EEZ which adds 483,507 miles to the then 139,818 miles of the existing area. It increased the protected area to 625,324 miles, making it the world's largest marine protected area (MPA).

HB121, HD1 acknowledges the Presidential Proclamation 9478. It acknowledges the critical protections of marine species, ocean acidification, warming and other impacts of climate change, and the fragile ecosystems. Further, HB 121, HD1 acknowledges the historical and cultural significance of the area. The sacred sites and traditional and cultural uses both past and present of Native Hawaiians in the area. HB 121, HD1 finds that Proclamation 9478 directs federal agencies to work with the State to create a joint management plan by August 26, 2019.

The purpose of this Act is twofold: 1) to establish a program to coordinate and fulfill the State's role and responsibilities in co-managing Papahānaumoku'ākea and 2) to establish a goal to effectively manage 30% of nearshore waters by 2030.

Here are our reservations, the purpose does not go far enough, while this is the House Committee on Ocean, Marine Resources, it is also the House Committee on Hawaiian Affairs. While HB 121, HD1 deals with fulfilling the State's responsibilities in co-managing Papahānaumoku'ākea from the DLNR perspective, we have another State Co-trustee...and that is OHA, with traditional, cultural, historic preservation, economic development and Native Hawaiian practices.....

This bill does not go far enough to address the responsibilities of the State of Hawaii to both co-trustees and their broad and important planning efforts in the management of this immense resource. By limiting the definitions to simply the Board of Land and Natural Resources and the Department to DLNR...this legislation ignores the responsibility of its equal partner, the Office of Hawaiian Affairs.

We request your consideration of this huge oversight and hope that we can all come up with an appropriate remedy that includes OHA in the planning along with the needs, concerns, and vision of the Native Hawaiian community. Mahalo for allowing me to testify today.

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 10, 2017 6:03 PM
To: omhtestimony
Cc: blawaiianlvr@icloud.com
Subject: Submitted testimony for HB121 on Feb 14, 2017 08:30AM

HB121

Submitted on: 2/10/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

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

Comments: We STRONGLY SUPPORT this bill, with a request for an amendment that includes the OFFICE OF HAWAIIAN AFFAIRS as a TRUSTEE of the Papahanaumokuakea Marine National Monument. Mahalo.

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To: omhtestimony
Cc: hanapaaj@hotmail.com
Subject: *Submitted testimony for HB121 on Feb 14, 2017 08:30AM*

HB121

Submitted on: 2/12/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Jim Hori, DDS	Individual	Oppose	No

Comments:

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To: omhtestimony
Cc: mollymamaril@gmail.com
Subject: *Submitted testimony for HB121 on Feb 14, 2017 08:30AM*

HB121

Submitted on: 2/12/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Molly Mamaril	Individual	Support	No

Comments:

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Subject: Submitted testimony for HB121 on Feb 14, 2017 08:30AM

HB121

Submitted on: 2/10/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Roy N Morioka	Individual	Oppose	No

Comments: Good Morning Chair Ing, Vice Chair Gates and Members of the House
OMH: While I understand the intent of the bill, I must oppose the bill until such time that the DLNR presents the Legislature with details as to how much of our State's nearshore waters are currently "effectively managed." I would presume that all marine protected areas (MPA), Natural Area Reserves (NARS), security zones (both federal and state), marine sanctuaries, closed areas such as Kahoolawe Island waters, etc. are all "effectively managed" and such a statutory requirement to close 30-percent of our nearshore waters may be unnecessary. Thank you for this opportunity to testify in opposition and pray that my comments are considered. Respectfully yours, Roy Morioka

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gates2 - Thomas

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To: omhtestimony
Cc: jflowers7733@gmail.com
Subject: *Submitted testimony for HB121 on Feb 14, 2017 08:30AM*

HB121

Submitted on: 2/13/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Jerry Wayne FlowersJr	Individual	Support	No

Comments:

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gates2 - Thomas

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HB121

Submitted on: 2/13/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Pono Kealoha	Individual	Oppose	No

Comments:

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