

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, March 21, 2017
10:00 AM
State Capitol, Conference Room 312**

**In consideration of
HOUSE CONCURRENT RESOLUTION 98
URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK
WITH STAKEHOLDERS TO DEVELOP GUIDELINES FOR BEST PRACTICES FOR
THE OPERATION OF MARINE MAMMAL TOURS**

House Concurrent Resolution 98 urges the Department of Land and Natural Resources (Department) to work with stakeholders to develop guidelines for best practices for the operation of marine mammal tours. **The Department offers the following comments.**

The National Oceanic and Atmospheric Administration develops and implements regulations regarding interactions with marine mammals such as the Hawaiian Spinner Dolphins and the United States Coast Guard regulates the operations of commercial vessels on the navigable waters of the state. State law cannot supersede Federal law; however, the Department is willing to work with stakeholders to develop guidelines for best practices for the operation of marine mammal tours. In fact, the Department is currently drafting rules to address conflicts and impacts arising from the commercial tour interactions that are occurring with manta rays on Hawaii Island.

Thank you for the opportunity to comment on this measure.

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



March 21, 2017

LATE

Testimony To: House Committee on Ocean, Marine Resources, & Hawaiian Affairs
Representative Kaniela Ing, Chair

From: Tim Lyons, CAE
Executive Director

Subject: HCR 98 – URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES
TO WORK WITH STAKEHOLDERS TO DEVELOP GUIDELINES FOR BEST
PRACTICES FOR THE OPERATION OF MARINE MAMMAL TOURS.

Chair Ing and Members of the Committee:

I am Tim Lyons, Executive Director of the Ocean Tourism Coalition and we support this
Resolution.

At the very outset, we agree that marine mammals need protection. In fact it is very vital
even to our business, not to mention the sound practice that it makes for the
environment.

We were rather taken aback and shocked by the lack of consultation by NOAA regarding
their proposed rules. We believe that they too were concerned inasmuch as they
reopened the comment period and additional comments were made however they were

just that, comments. There was no collaboration, there was no joint thinking, there was no discourse or conversation about any guidelines.

The purpose of this Resolution is far more laudatory. It would be to establish voluntary guidelines which we believe are far preferable and we believe can be accomplished. If nothing else, the guidelines will serve as a preface for establishing any future set of regulations.

To that extent we highly encourage this Resolution towards passage as well as, the development of such a discussion group in order to develop best practices.

Based on the above we support this Resolution and request your favorable consideration.

Thank you.

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Subject: *Submitted testimony for HCR98 on Mar 21, 2017 10:00AM*

HCR98

Submitted on: 3/19/2017

Testimony for OMH on Mar 21, 2017 10:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Benton	Individual	Support	No

Comments:

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HCR98

Submitted on: 3/18/2017

Testimony for OMH on Mar 21, 2017 10:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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