

Honolulu, Hawaii

**MAR 28 2018**RE: S.R. No. 82  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sir:

Your Committees on Water and Land and Agriculture and Environment, to which was referred S.R. No. 82 entitled:

"SENATE RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PROHIBIT INDIVIDUALS FROM APPROACHING WITHIN FIFTY FEET OF A HAWAIIAN MONK SEAL EXCEPT WHEN PROVIDING AID TO THE HAWAIIAN MONK SEAL,"

beg leave to report as follows:

The purpose and intent of this measure is to urge the Department of Land and Natural Resources to prohibit individuals from approaching within fifty feet of a Hawaiian monk seal, except for a licensed professional who is qualified to provide aid to the Hawaiian monk seal.

Your Committees received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Animal Rights Hawai'i, West Hawaii Humane Society, For the Fishes, Keiko Conservation, and seven individuals. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Department of Land and Natural Resources.

Your Committees find that the Hawaiian monk seal is one of the world's most critically endangered species of marine mammal. The National Oceanic and Atmospheric Administration has reported



that a number of habituated seals have become a serious safety risk to humans, or suffered injuries as a result of human infringement and interaction. This measure provides protection for Hawaiian monk seals from human interaction.

Your Committees note that the Department of Land and Natural Resources works with the National Oceanic and Atmospheric Administration, pursuant to a Joint Enforcement Agreement, to enforce federal laws that prohibit the harassment of Hawaiian monk seals and federal marine wildlife viewing guidelines that recommend remaining at least fifty yards away. Thus, the National Oceanic and Atmospheric Administration is the primary agency responsible for establishing regulations and guidelines to protect Hawaiian monk seals and prevent harmful interaction by humans.

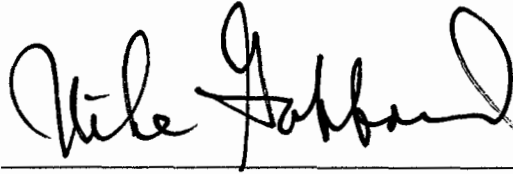
Accordingly, your Committees have amended this measure by:

- (1) Adopting the recommendation made by the Department of Land and Natural Resources to urge the National Oceanic and Atmospheric Administration, rather than the Department, to prohibit individuals from approaching within fifty feet of a Hawaiian monk seal;
- (2) Amending its title accordingly;
- (3) Adding the Assistant Secretary of Commerce for Oceans and Atmosphere for the Department of Commerce in the National Oceanic and Atmospheric Administration as a recipient; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Agriculture and Environment that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 82, as amended herein, and recommend that it be referred to your Committee on Judiciary, in the form attached hereto as S.R. No. 82, S.D. 1.



Respectfully submitted on  
behalf of the members of the  
Committees on Water and Land  
and Agriculture and  
Environment,



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MIKE GABBARD, Chair



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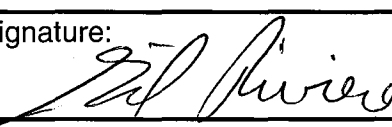
KARL RHOADS, Chair





The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Agriculture and Environment**  
**AEN**

Bill / Resolution No.:* <b>SR 82</b>	Committee Referral: <b>WTL/AEN, JDC</b>	Date: <b>3/23/18</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	X			
RIVIERE, Gil (VC)	X			
NISHIHARA, Clarence K.	X			
RHOADS, Karl	X			
RUDERMAN, Russell E.				X
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original                      Yellow                      Pink                      Goldenrod File with Committee Report    Clerk's Office            Drafting Agency        Committee File Copy				

\*Only one measure per Record of Votes