

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
FINANCE**

**Friday, February 24, 2017
11:00 AM
State Capitol, Conference Room 308**

**In consideration of
HOUSE BILL 121, HOUSE DRAFT 2
RELATING TO OCEAN MANAGEMENT**

House Bill 121, House Draft 2, 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) establish a goal of 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 statute. 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, provided this does not conflict with priorities established in the Governor's Executive Budget request. This would be particularly helpful given the potential cutbacks in federal funding support from the National Oceanic and Atmospheric Administration (NOAA) and the United States Fish and Wildlife Service.

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

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

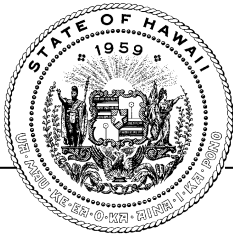
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for managing, administering, and exercising control over the public trust and submerged lands (most of which are ceded lands), ocean waters, and marine resources, around each of the Northwestern Hawaiian Islands, except at Midway Atoll (Section 171-3, 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 Hawaii'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.



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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 FINANCE
Friday, February 24, 2017
11:00 AM
State Capitol, Conference Room 308

in consideration of
HB 121, HD2
RELATING TO OCEAN MANAGEMENT.

Chair Luke, Vice Chair Cullen, and Members of the House Committee on Finance.

HB 121, HD2 establishes the goal to effectively manage thirty per cent of nearshore waters by 2030 within Hawaii Revised Statutes (HRS) Chapter 205A-63 - Agency duties to coordinate related programs; and seeks to establish the Papahānaumokuākea Marine National Monument program within the Department of Land and Natural Resources Division of Aquatic Resources.

HB121, HD2, Section 2 amends HRS 205A-63 to mandate that all agencies managing marine and coastal resources shall include establishing a goal of achieving effective management of thirty per cent of nearshore waters by 2030, and provides a definition for “effective management.” The Office of Planning (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 essentially impose a set of procedural and policy standards over the entire range of a network of existing mechanisms.

- Through the announcement of Governor Ige’s Sustainable Hawaii Initiative, the Department of Land and Natural Resources (DLNR) has been tasked as the lead agency to implement this directive. Through existing partnerships with the Ocean Resources Management Plan (ORMP) Hawaii Ocean Council and Coordinated Working Group, the DLNR has the a ready network of state, county, and federal agencies to collaborate with for the coordination of actions to implement actions towards the initiative.
- OP feels that it is not appropriate to add a *specific task* with a specific deadline, such as “the effective management of thirty per cent of nearshore waters by 2030” to agency duties under the CZM objective and policies established by HRS Chapter 205A.

Lastly, Section 3 of HB121, HD2 seeks to establish the Papahānaumokuākea Marine National Monument program within the Department of Land and Natural Resources Division of Aquatic Resources. OP supports the intent of Section 3, and defers to the appropriate agency for comment.

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 Finance
By the Conservation Council for Hawai'i

Hearing: Friday, February 24, 2017 11 am
Room 308

Support for HB 121 HD 2 Relating to Ocean Management

Chair Luke, Vice Chair Cullen, 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 co-management role with federal authorities. Establishes a goal of effective management of thirty per cent of nearshore waters by 2030 under the Coastal Zone Management Program.

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 2. Mahalo nui loa for the opportunity to testify.

Marjorie Ziegler

Marjorie Ziegler



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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 23, 2017 12:22 PM
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Cc: fishingready@gmail.com
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HB121

Submitted on: 2/23/2017

Testimony for FIN on Feb 24, 2017 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Ronald Tam	Individual	Oppose	No

Comments: Chair Luke. Vice Chair Cullen, Committee Members: I am opposed to the element of the proposed legislation that establishes "...a goal of achieving effective management of thirty per cent of nearshore waters by 2030." The term "effective management" requires definition and specificity. Additionally, the term "goal" reflects an absence of need. Establishment in statute appears therefore, unnecessary. Thank you for the opportunity to testify.

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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Testimony Ocean Close 30 percent 2017
Opposed to HB 121

Aloha Legislators,

We understand that Rep. Kaniela Ing OMH chair via one of his short form bills HB119 or HB 121 HB117 HB118 is to be introduce a 30 percent ocean fishing closure Bill.

It's late introduction is obviously a way to force them though the legislature. It is a sneaky way to do things! He may also reintroduce other ocean deferred bills also using short form Bills! His passage of the prop guard HB 436 which had overwhelming testimony against it even the State DLNR opposes it but he pushed it though.

Please do not support any late ocean closure, ocean related bills or excessive ocean related bills that OMH and Rep. Kaniela Ing introduces late as it does not give many time to actively respond to them. This is bad legislative procedure and shows lack of respect for the democratic process!

The %33 percent Kona West Hawaii FRA aquarium fish closure and its success is not required for the rest of the state. The larger area of the big island fishery made it practical there. To do the same for other islands is counterproductive and just forces fishermen into less areas creating greater impact on any remaining open areas. Less area means less rotation of fishing spots and more impact not less.

We already have around 30% closure. Of the Main Hawaiian Islands another 30 percent is protected by Sanctuaries, Marine Protected Areas, Fish Replenishment Areas (FRA), Marine Life Conservation Districts (MCLD), Refuges, Fishery Management Areas (FMA), National Monuments, restricted military areas and the strictest laws of any State in the United States.

The vast majority of the Hawaiian Island shores are untouched by fishing and diving. High surf in the winter closes northern shores of all islands for many months. Summer surf affects southern shores. High winds from the east, for most of the year shut down east shores for diving. Poor accessibility too many areas due to distance, lack of harbors and roads, ensures these areas remain untouched. More than 90% of Hawaii is not impacted by fishing! Almost all of Hawaiian waters receive periods of "no catch" due to weather and inaccessibility. Untouched areas are already in place.

Most of isles' coral recover from mass bleaching (Corals did into bleach last year and nearly all recovered state wide!)

By Audrey McAvoy

POSTED: 04:53 a.m. HST, Jan 29, 2015 ASSOCIATED PRESS

The DLNR studied coral for bleaching -- a stress response that causes corals to lose algae and color from their tissue -- in Kaneohe Bay. Coral rely on algae for food and their survival.

Dlnr Hawaii coral bleaching report 2 news

<https://www.youtube.com/watch?v=Vwqagvw1a1g>

Hawaii Sees Major Fish Population Increase

Videos show tropical fish swarming state's reefs

<http://www.hawaiinewsnow.com/story/26454840/videos-show-tropical-fish-swarming-states-reefs>

Fishery Sustainable Dr. Bill Walsh, Richard Pyle and NOAA Video:

<https://www.youtube.com/watch?v=50L6JcMOVLQ&t=219s>

HONOLULU (HawaiiNewsNow) -

It's being called a spawning event of "Biblical" proportions -- a summer swarm of fish over Hawaii's reefs. Aquarium fisherman and underwater photographer Ron Tubbs shot video off Oahu's coastline showing the population explosion.

I made a special trip last week to see it and video it myself. It really is unlike anything anyone has ever seen," Rene Umberger said. Even **dive shop owner**, anti fishing activists agree there lots tons of reef fish right now all across Hawaii.

"In 35 years this is the most fish I have ever seen. For most species, it's just incredible. It's just amazing. Areas where you see hundreds of fish normally, that's a lot of fish for an area, you're seeing thousands of fish," Ron Tubbs said "This year the numbers are just exceptional."

What about Aquarium fishing in Hawaii?

January 2014 saw the new Kona aquarium fish rules go into law. Aquarium fishermen and Kona DLNR scientists created stricter laws for an already sustainably fishery. Dr. Bill Walsh now advocates for these fishermen due to their cooperation and efforts to maintain fish populations. The same thing has been done on Oahu with the DLNR researchers there. The Oahu DLNR scientists also believe we are already sustainable but agree further regulations can help to protect our reef fish. The Oahu rules should go in to effect sometimes in 2015. As a result we have wide spread support from many members of Hawaii's legislature, DNLR and UH scientists and even private eco groups who once opposed us. Aquarium fishermen continue to work with researchers to make it the greatest sustainably fishery in the world. The oceans belong to all and to protect them and preserve it wonders is the job of all ocean users.

What do Hawaii's ocean researchers say about aquarium fish collecting?

Here are some shortened quotes from Public testimony Hawaii County Council testimony 2014, Hawaii news now and West Hawaii Today news excerpts.

Dr. Bill Walsh October 2014:

In my capacity as the West Hawai'i Aquatic Biologist for the Division of Aquatic Resources I have been involved in the management and biological monitoring of the West Hawai'i aquarium fishery for over 15 years.

I would like to share with you some of the results of our latest monitoring efforts as they relate to the issue at hand. Two species, the Yellow Tang and Kole make up over 93% of all aquarium fish caught in West Hawai'i. Since the no-aquarium collecting Fish Replenishment Areas (FRAs) were established in 1999 (protecting 35% of the coastline), the numbers of Yellow Tang have increased in the FRAs by almost 65% while not significantly decreasing in the remaining Open Areas. In the 30'-60' depth range alone, the numbers of Yellow Tang in West Hawai'i have increased by 1.3 million fish. Similarly Kole populations have increased not only in the FRAs (by 24%) but also in the Open Areas as well (by 28%). Kole populations in the same depth range have increased by over 2 million fish! Clearly resource management efforts are working in West Hawai'i.

Scientific studies which have indeed found high levels of mortality among aquarium fishes have typically been conducted in remote areas with poor handling capabilities. That is clearly not the case in Hawai'i.

**~ Dr. William Walsh
Division of Aquatic Resources
State of Hawaii DLNR**

Dr. Dan Polhemus:

It is a good thing for folks to scrutinize and ask questions about what's going on in our fisheries and on our reefs. These are important to all of us. A realistic perspective does need to be maintained however. Let me elaborate. On Maui in 2009 there were a total of 16,300 aquarium animals caught, representing 82 different species. Yellow tangs accounted for 69% while Kole was 7% of the catch. During that same year non-aquarium commercial fishers captured (and killed) 319,491 reef fishes of 75 species. While yellow tangs weren't caught to any degree there was considerable overlap in a number of the other species. To the commercial food catch one can add another 480,000 reef fish taken by recreational/subsistence fishers (extrapolated from 2006 NOAA Rec Fishing Survey data). So, in the grand scheme of things, the aquarium take on Maui is literally a drop in the bucket, representing less than 2% of the total mortality of reef animals that year. This serves to point out that undue focus and hyperbole about aquarium collecting and its impact on the reefs is dangerously shortsighted and counterproductive. We need to think and act holistically.

Hope I didn't overwhelm you with numbers. (as of 2014 no aquarium fish collectors were taking fish on Maui and the number of collectors state wide have decreased and so has catch.)

**~ Dr. DAN A. POLHEMUS
Division of Aquatic Resources
State of Hawaii DLNR**

Emily S. Munday, M.S.

For my master's research at Washington State University, I studied the West Hawaii aquarium trade from 2010-2012. Part of my study focused on holding and transport of live yellow tang in the West Hawaii aquarium trade.

My research on fish holding and transport indicated that the practices implemented by Hawaiian fish exporters do not cause mortality in yellow tang. In June of 2012, I collaborated with fishers and exporters in Kona, and caught 60 yellow tang from the reef, held them in a working export facility, and shipped them from Kona, HI to Portland, OR. The fish were then transported to the Hatfield Marine Science Center in Newport, OR where they resided for 6 months. My study shows 100% survival rate of these tangs during collection, holding in the export facility, air transport, and after a 6-month holding period. In fact, the fish have now become part of an exhibit at the Hatfield Marine Science Center about sustainability in the aquarium trade and I have received no reports of mortality after 2.5 years.

~Sincerely,

Emily S. Munday, M.S.

Washington State University

As far as aquarium related mortality in Hawaii goes here's a quote from a Cesar 2002 study "Mortality rates of aquarium fish are low and have gone down considerably since the last survey in 1984. Currently, mortality rates from collection to wholesaler are estimated at 0 to 1 percent. In the wholesaler's tanks, mortality rates range from close to 0% up to 2%. During shipment, rates range from 0.75% to 2%. This give a current total of between 1% and 5%, down from a range of 5% to 8% in the early 1980's (van Poolen and Obara, 1984; estimates of wholesalers and collectors, own study).

~ Dr. DAN A. POLHEMUS

These studies quoted are old and much better technology and care techniques now exist so we are sure it is an even lower rate today. Decreased transport times due to better roads and more airline flights make it even easier to ship shipments with no DOA at all. Life extension techniques are used by the hobbyist at all times. Customers demand such care. Life spans of fish can be greatly increased in captivity. Many aquarium fish hobbyists tout their ability to increase fish pets life spans. Several cases have pet fish owners keeping fish alive for 15 years.

Life span of the average fish in the wild can be very short. Without enough food and the predators eating many smaller fish survivability to adult breeding state is only 2%. In 2014 a much bigger percentage survived due to increases in plankton due mainly to changes in currents. If the food is there the 1-5 million fry per adult pair spawning can result in astronomical population growth. This has resulted in biblical increases in fish populations in fall of 2014. A few species like Angels only produce 10,000 fry per spawning which is way below the norm for most reef fish. Even those species are doing great in population numbers. Fish are very efficient breeders.

~ Ron Tubbs B.S. N.D.

University of Hawaii

Tina Owens executive director of the LOST FISH Coalition, Member West Hawaii Fisheries Council says:

A great deal of the “sky is falling” news you’ve heard about the reef recently is just plain not true.

Try giving credit to the thousands of volunteer hours given by your neighbors to the West Hawaii Fisheries Council to get the gains you are now free to enjoy. (done with the help of Aquarium Fishermen on the council who agreed to the laws)

Lost Fish Coalition, through the venue of the West Hawaii Fisheries Council, has been working with many stakeholders to get a reasonable settlement to the long-standing problem of the aquarium industry harvest. In almost 16 years, we have accomplished the following management actions:

- We have 55-plus miles of coastline where reef fish cannot be taken. These areas allow the fish to grow large enough to be very successful breeders. These areas — Fish Replenishment Areas — are the nurseries for the reef fish to spread out to the rest of the reefs.*

Thanks to these measures, West Hawaii has more fish than most every other widely accessed reef in the state, especially the beautiful ornamentals that give tourists and residents so much delight. If someone says that nothing has been done in West Hawaii, they are either lying, unaware or are being duped by someone else’s lies about the situation. There are a few “outsiders,” by which I mean people who don’t live here, who have decided that West Hawaii doesn’t know what it’s doing. This group, headed by Maui resident Robert Wintner, and Wintner’s frontman Rene Umberger, decided it was going to be the ones to get aquarium collecting banned, to make themselves the “rescuers of the reef.”

Clearly if the goal is to get rid of the industry and management prevents that goal being reached, then discrediting the benefits and successes of management would seem the only way left to go. And so they have taken that path.

They have held community meetings and displayed a lot of false or twisted data, quoting from papers outdated by more than 15 years, and “re-interpreting” data from scientific papers. They have been telling people that “there are no fish left,” which is patently untrue. I once had a woman tell me with great passion and assurance that there are no fish left anywhere in West Hawaii. I asked her why she thought that, and she replied that everyone knew it. I asked if she swam in the ocean. No. Did she dive? No. Did she know anything about the management strategies in place? No. She had, however, just come from an “information session” in which she heard these things from Wintner’s frontman Rene Umberger.

Which brings me back to the wide-screen TV. The TV runs a 90-minute loop of undisturbed, natural activity of fish on the reef. Apparently, the footage was filmed on West Hawaii reefs. The article states: “Wintner praised the videos. ‘It shows what abundance looks like,’ Wintner said.” At least he got that right.

~ Tina Owens, executive director of the LOST FISH Coalition, Member West Hawaii Fisheries Council and resident of Kailua-Kona.

See for yourself News links:

<http://www.hawaiinewsnow.com/story/26454840/videos-show-tropical-fish-swarming-states-reefs>

<http://www.reef2rainforest.com/2014/08/29/biblical-spawning-event-on-hawaiian-reefs/>

<http://westhawaii.com/news/setting-record-straight-fish-collecting>

Tropical Fish Are Thriving in Hawaii

From: mailinglist@capitol.hawaii.gov
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Cc: jim@jtltiming.com
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HB121

Submitted on: 2/23/2017

Testimony for FIN on Feb 24, 2017 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
James T Lovell	Individual	Oppose	No

Comments:

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HB121

Submitted on: 2/24/2017

Testimony for FIN on Feb 24, 2017 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Edgar Espero	Individual	Support	No

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HB121 HD2
RELATING TO OCEAN MANAGEMENT
House Committee on Finance

February 24, 2017

11:00 a.m.

Room 308

The Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on HB121 HD2. 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.

HB121 HD2 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, 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 HD2 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 the primary responsibility to advocate for Native Hawaiian interests.

Mahalo nui loa for the opportunity to testify on this measure.