

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**

**Tuesday, April 5, 2022
2:30 PM**

State Capitol, Conference Room 308, Via Videoconference

**In consideration of
SENATE BILL 3330, SENATE DRAFT 1
RELATING TO THE PUPUKEA MARINE LIFE CONSERVATION DISTRICT**

Senate Bill 3330, Senate Draft 1 proposes to require the Department of Land and Natural Resources (Department) to establish and conduct the Pupukeya Marine Life Conservation District (MLCD) carrying capacity pilot program; and appropriate moneys. **The Department supports this measure provided that its passage does not replace or adversely impact priorities indicated in the Executive Budget request.**

The Department's Division of Aquatic Resources (DAR) is leading the "Holomua: Marine 30x30" initiative to improve marine management practices across the state to ensure healthy ecosystems and abundant resources that allow the people of Hawai'i to enjoy coastal waters, support local livelihoods, and feed our families. One of the four pillars of Holomua: Marine 30x30 is monitoring to measure current conditions and track progress following implementation of new management approaches and to use data to identify areas where management actions need to be further adapted.

Recent events such as extreme flooding in Hā'ena, Kaua'i and the COVID-19 pandemic have provided unique glimpses into how nearshore marine resources respond to reduced human use. It is becoming increasingly evident that activities long considered "non-extractive" can have significant impacts on nearshore ecosystems. It is critical we better understand these impacts and use thresholds to prevent precious and unique areas like Pūpūkea from being loved to death.

DAR estimates that a well-designed carrying capacity pilot program would cost around \$100,000 per year to conduct.

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

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

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

SB-3330-SD-1

Submitted on: 4/4/2022 9:18:39 AM

Testimony for FIN on 4/5/2022 2:30:00 PM

Submitted By	Organization	Testifier Position	Testify
David Sakoda	DLNR	Support	Remotely Via Zoom

Comments:

I am available for questions to DLNR. Please allow me Zoom access.

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

GLORIA CHANG
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE HOUSE COMMITTEE ON FINANCE
ON
SENATE BILL NO. 3330, S.D. 1

April 5, 2022
2:30 p.m.
Room 308 and Videoconference

RELATING TO THE PUPUKEA MARINE LIFE CONSERVATION DISTRICT

The Department of Budget and Finance (B&F) offers comments on this bill.

Senate Bill No. 3330, S.D. 1, establishes the Pupukeya Marine Life Conservation District Carrying Capacity pilot program and appropriates an unspecified sum of general funds for FY 23 to the Department of Land and Natural Resources for the pilot program.

B&F notes that, with respect to the general fund appropriation in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.



Testimony Before The
House Committee on Finance
IN SUPPORT OF SB 3330 SD 1
April 5, 2022, 2:30PM, Room 308

My name is Kevin Chang and I am the Executive Director of Kua'āina Ulu 'Auamo (or KUA). KUA works to empower grassroots rural and Native Hawaiian mālama 'āina groups to celebrate their places and pass on their traditions to better Hawai'i and achieve 'āina momona— an abundant, productive ecological system that supports community well-being.

KUA supports SB 3330 SD 1 as an incremental step towards 'āina momona.

KUA employs a community-driven approach that currently supports statewide networks of more than 36 mālama 'āina community groups collectively referred to as E Alu Pū (moving forward together), 40 fishpond projects and practitioners called the Hui Mālama Loko I'a, and a growing hui of over 60 Limu practitioners.

A cherished network member is Mālama Pūpūkea-Waimea (MPW), a Hawai'i non-profit organization founded on the North Shore of O'ahu in 2005 with a mission of “working to replenish and sustain the natural and cultural resources of the Pūpūkea and Waimea ahupua'a for present and future generations through active community stewardship, education, and partnerships.” MPW has a record of exemplary community leadership in co-management and co-governance bringing awareness to their community and our state of the significance of the resources of the Pūpūkea Marine Life Conservation District (MLCD).

We support this bill which creates a three year pilot program to address natural resource impact issues currently being observed and experienced by MPW and the greater north shore region to: (1) assess the “carrying capacity” (i.e. the impacts to the marine life from anthropogenic uses) of sensitive areas in the MLCD, (2) monitor, document, and assess the effectiveness of mandatory and voluntary kapu or closures, and other potential restrictions, in high traffic areas; and (3) propose long-term natural resource management options to reduce human use impacts, evaluate options for restrictions on access, and (at the same time) increase education of all users to avoid impacts. If fully supported we believe lessons from this pilot could inform statewide approaches to monitor and manage similarly threatened nearshore protected areas, fully in line with the goals of the State's 30x30 Holomua Initiative.

The communities we work with are committed to ensuring the long-term health of our biocultural resources because they have depended on them for generations. We believe our environment is about long-term investing and vision. We believe the vision of 'āina momona our communities hold, includes collaborative innovative pilot projects like this which can serve as a model for improved environmental care.

Mahalo for this opportunity to testify in support.

Aloha 'Āina Momona.

SB-3330-SD-1

Submitted on: 4/1/2022 4:22:25 PM

Testimony for FIN on 4/5/2022 2:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Ted Bohlen	Hawai'i Reef and Ocean Coalition	Support	Written Testimony Only

Comments:

To: The Honorable Sylvia Luke, Chair, The Honorable Kyle Yamashita, Vice Chair, and Members of the House Committee on Finance

From: Hawai'i Reef and Ocean Coalition (by Ted Bohlen)

Re: Hearing **SB3330 SD1 RELATING TO THE PUPUKEA MARINE LIFE CONSERVATION DISTRICT.**

Hearing: Tuesday, April 5, 2022, 2:30 p.m., CR 308 and by videoconference

Aloha Chair Luke, Vice Chair Yamashita, and Members of the House Committee on Finance:

The Hawai'i Reef and Ocean Coalition is a group focused on preserving our economy, shoreline, and environment by protecting corals and other marine wildlife. The Hawai'i Reef and Ocean Coalition **STRONGLY SUPPORTS SB3330 SD1!**

This bill proposes a three-year pilot program to assess the carrying capacity of certain areas of the Pupukeya Marine Life Conservation District (MLCD) to inform the best natural resource management. This measure requires the Department of Land and Natural Resources to conduct this pilot program, assess the carrying capacity of the conservation district, monitor, document, and assess the effectiveness of restrictions on the conservation district, and propose long-term management options for the conservation district. **The Hawai'i Reef and Ocean Coalition strongly supports SB3330 SD1 to protect the coral and other marine life!**

Sensitive areas of the Pūpūkea MLCD, particularly the Kapo'o Tidepools and Sharks Cove, have become overcrowded by visitors in recent years and this trend is predicted to increase. Virtually every day of the week, 50-100 people may be walking, snorkeling, and swimming in the shallow tidepool and cove area at any one time. The human use numbers are likely several thousand each week. This high level of human use in shallow-water habitats essentially means the piko or nursery for marine life of the MLCD is subjected to constant trampling and disturbance. Detrimental levels of human use are not currently mitigated, resulting in threats to marine life and limiting the use and enjoyment of this protected area by residents. Without a rest period, kapu, or other appropriate restrictions, the Kapo'o Tidepools and Sharks Cove in particular will continue to be degraded, contrary to the State's recognition, in 1983, that this spectacular area deserves the highest level of protection, not to be "loved to death."

The Pupukea MLCD receives so many residents and non-resident visitors that **a carrying capacity of the human stressors impacting this unique MLCD is long overdue.** Carrying capacity surveys focusing on different biological parameters are critical to documenting the extent of human stressors from overtourism on this area's fragile marine environment.

These surveys are needed to determine:

- how to deal with the adverse impacts of overtourism,
- whether reductions are needed to the number of daily visitors and how much or reduced visitor hours,
- whether a reservation system needs to be implemented, and
- whether the area needs to be closed to visitors two days a week like Hanauma Bay.

Unlike Hanauma Bay, the Pupukea MLCD is open to visitors 24 hours every day of the year which allows for unlimited, unsupervised access to its most sensitive marine ecosystems. Even assuming no intent to harm, there is enough data about serious human impacts on sensitive marine environments around the world that merit the implementation of a carrying capacity study of Pupukea.

Please pass this bill to help protect the coral and other marine life in certain areas of the Pupukea Marine Life Conservation District.

Mahalo!

Hawai'i Reef and Ocean Coalition (by Ted Bohlen)



*Dedicated to the conservation of coastal and marine environments,
emphasizing stewardship of the natural resources of Hanauma Bay*

To: Representative Sylvia Luke, Chair; Representative Kyle T. Yamashita, Vice Chair; and Finance Committee Members

Date: Tuesday, April 5, 2022

Time: 2:30 pm

Place: Conference Room 308 & Videoconference

Re: STRONG SUPPORT FOR SB3330 SD1 RELATING TO THE PUPUKEA MARINE LIFE CONSERVATION DISTRICT

Aloha Chair Luke, Vice Chair Yamashita, and Finance Committee Members,

Friends of Hanauma Bay strongly supports SB3330 SD1 which proposes a three-year pilot program to assess the carrying capacity of certain areas of the Pupukea Marine Life Conservation District (MLCD) to inform the best natural resource management of this sensitive, varied, and much-beloved protected marine environment on North Shore Oahu. Established in 1983 and expanded in 2003, the Pupukea MLCD receives so many residents and non-resident visitors that a carrying capacity of the anthropogenic stressors impacting this unique MLCD is long overdue.

As we found at Hanauma Bay Marine Life Conservation District, a series of carrying capacity surveys focusing on different biological parameters pre-COVID and during its COVID Closure in 2020 were critical to documenting the extent of anthropogenic stressors from overtourism on Hanauma's fragile marine environment. These surveys confirmed the community's long standing concerns about the adverse impacts of overtourism, and led to a renewed commitment to greatly reducing the number of daily visitors, the implementation of a reservation system, reduced visitor hours, and Hanauma's closure to visitors two days a week. These measures help ensure that Hanauma's unprecedented natural resurgence during its COVID closure to visitors is maintained.

Unlike Hanauma Bay, the Pupukea MLCD is open to visitors 24 hours every day of the year which allows for unlimited, unsupervised access to its most sensitive marine ecosystems. Even assuming no intent to harm, there is enough data about serious anthropogenic impacts on sensitive marine environments around the world that merit the implementation of a carrying capacity study of Pupukea.

Further, the Department of Land and Natural Resources Division of Aquatic Resources has a history of strong collaborative engagement with the community and Malama Pupukea Waimea. This should greatly assist with implementing this much-needed carrying capacity pilot project



*Dedicated to the conservation of coastal and marine environments,
emphasizing stewardship of the natural resources of Hanauma Bay*

and ensure the creation of a science-driven natural resource management plan that has full community support.

Mahalo for the opportunity to testify in strong support of SB3330 SD1.

With Aloha,

Lisa Bishop
President
Friends of Hanauma Bay



Mālama Pūpūkea-Waimea
Post Office Box 188
Hale'iwa, HI 96712

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Staff

*Jenny Yagodich, Director of
Educational Programs &
Community Outreach*

Federal Nonprofit Organization
501(c)(3) FEIN 27-0855937
www.pupukeawaimea.org
info@pupukeawaimea.org

FIN Hearing: Tues. April 5, 2022, 2:30 pm

Rep. Sylvia Luke, FIN Chair
Rep. Kyle T. Yamashita, FIN Vice Chair
Members of FIN

Re: SB3330 SD1 – Pūpūkea Marine Life Conservation District
Carrying Capacity Pilot Program

Aloha Chair Luke, Vice Chair Yamashita, and Members of FIN,

**Mālama Pūpūkea-Waimea (MPW) strongly supports SB3330 SD1 and
urges your Committee to pass this important bill.**

MPW is a Hawai'i non-profit organization founded on the North Shore of O'ahu in 2005. Our mission is "working to replenish and sustain the natural and cultural resources of the Pūpūkea and Waimea ahupua'a for present and future generations through active community stewardship, education, and partnerships." For eighteen years, we have focused our stewardship and education efforts on the Pūpūkea Marine Life Conservation District (MLCD), one of only three MLCDs on O'ahu and eleven statewide.

First, mahalo nui loa for scheduling this FIN hearing. We are grateful for your leadership.

Second, as the bill explains, sensitive areas of the Pūpūkea MLCD, particularly the Kapo'o Tidepools and Sharks Cove, have become over-crowded by visitors in recent years and this trend is predicted to increase. As the attached photos show, virtually every day of the week, 50-100 people may be walking, snorkeling, and swimming in the shallow tidepool and cove area at any one time. Multiplied by the daylight hours, seven days a week, the human use numbers in these sensitive areas are likely several thousand each week. This high level of human use in these semi-enclosed shallow-water habitats essentially means an important piko or source for marine life of the entire MLCD is subjected to constant trampling and disturbance.

Detrimental levels of human use – or "anthropogenic impacts" -- are not currently mitigated in the MLCD, resulting in threats to marine life and limiting the use and enjoyment of this protected area by residents. Without a rest period, kapu, or other appropriate restrictions, the Kapo'o Tidepools and Sharks Cove in particular will continue to be degraded, contrary to the State's recognition, in 1983, that this spectacular area deserves the highest level of protection, not to be "loved to death." Both residents and visitors would benefit from better management that improves the overall quality of the marine resources.

Third, now is the ideal time to launch a three-year pilot program under the leadership of the Department of Land and Natural Resources, to: (1)

assess the “carrying capacity” (i.e. the impacts to the marine life from anthropogenic uses) of sensitive areas in the MLCD, (2) monitor, document, and assess the effectiveness of mandatory and voluntary kapu or closures, and other potential restrictions, in high traffic areas; and (3) propose long-term natural resource management options to reduce human use impacts, evaluate options for restrictions on access, and (at the same time) increase education of all users to avoid impacts. A report back to the Legislature in 2026 will help not only the Pūpūkea MLCD but, with appropriate funding and support, could set a statewide model for monitoring and managing similarly threatened nearshore protected areas, fully in line with the goals of the State’s 30x30 Holomua Initiative.

Appropriation. MPW asks the Committee to move the bill forward with funding at the level requested by **DLNR’s Division of Aquatic Resources**, which is \$100,000 per year for three years (total **\$300,000**). Unlike the substantial revenue that supports management and scientific research at Hanauma Bay, and the recent announcement by U.S. Rep. Ed Case that the Waikīkī MLCD will receive \$415,000 in dedicated funding for coral restoration, the Pūpūkea MLCD has never had dedicated government funding for studies or management. SB3330 SD1 would be a good start to protecting this MLCD at the level it deserves.

For more information about the Kapo’o Tidepools, please see this story map and short video:

<https://storymaps.arcgis.com/stories/f0e9e87f4fc34e9ebe0600a01ebf995d>

https://www.youtube.com/watch?v=2mVHVLr1EUA&ab_channel=BenDuncan

Mahalo nui and best regards,



Denise Antolini
President, MPW

Kapo’o Tidepools, Pūpūkea MLCD





Sharks Cove area of MLCD



Examples of Trampling and Harassment in Kapo'o and Sharks Cove



8 snorkelers pursuing a Honu in shallow waters of Sharks Cove





4/5/2022

FIN Committee
Hawai'i State Capitol
Honolulu, Hawai'i 96813

Dear Chair Luke, Vice Chair Yamashita, and Members of the House Committee on Finance,

Position: Support SB3330 SD1.

The Surfrider Foundation is a national nonprofit organization dedicated to the protection and enjoyment of our ocean, waves, and beaches. Surfrider maintains a network of over 150 chapters and academic clubs nationwide, including 4 chapters in the Hawaiian Islands. The Surfrider Foundation focuses on many aspects of the environment such as coastal protection, plastic pollution, and water quality.

We support this bill which creates a three year pilot program to address natural resource impact issues currently being observed at the Pūpūkea marine life conservation district (MLCD) to: (1) assess the "carrying capacity" (i.e. the impacts to the marine life from anthropogenic uses) of sensitive areas in the MLCD, (2) monitor, document, and assess the effectiveness of mandatory and voluntary kapu or closures, and other potential restrictions, in high traffic areas; and (3) propose long-term natural resource management options to reduce human use impacts, evaluate options for restrictions on access, and (at the same time) increase education of all users to avoid impacts. If fully supported, we believe lessons from this pilot could inform statewide approaches to monitor and manage similarly threatened nearshore protected areas, fully in line with the goals of the State's 30x30 Holomua Initiative.

As the bill explains, sensitive areas of the Pūpūkea MLCD, particularly the Kapo'o Tidepools and Sharks Cove, have become overcrowded by visitors in recent years and this trend is predicted to increase. Virtually every day of the week, 50-100 people may be walking, snorkeling, and swimming in the shallow tidepool and cove area, impacting this piko or nursery for marine life of the MLCD and nearby areas. Detrimental levels of human use – or "anthropogenic impacts" – are not currently mitigated, resulting in threats to marine life and limiting the use and enjoyment of this protected area by residents. Without a rest period, kapu, or other appropriate restrictions, the Kapo'o Tidepools and Sharks Cove in particular will continue to be degraded.

Thank you for your consideration of this testimony in support of SB3330 SD1, submitted on the behalf of the Surfrider Foundation's 4 Chapters in Hawai'i and all of our members who live in the state and visit to enjoy the many coastal recreational opportunities offered by all of the islands' coastlines.

Sincerely,

Camile Cleveland
Volunteer Policy Coordinator
Surfrider Foundation, O'ahu Chapter



April 4, 2022

COMMITTEE ON FINANCE

Chair Luke

Vice Chair Yamashita

Tuesday, April 5, 2022 at 2:30 AM

VIA VIDEOCONFERENCE

Conference Room 308

State Capitol

415 South Beretania Street

Re: TESTIMONY IN STRONG SUPPORT OF SENATE BILL 3330 SD1 - RELATING TO THE PUPUKEA MARINE LIFE CONSERVATION DISTRICT.

Aloha Chair Luke and Members of the Committee on Finance,

Please accept these comments submitted by the Center for Biological Diversity (Center) in **strong support of Senate Bill 3330 SD1**, which would require the Department of Land and Natural Resources (DLNR) to establish and conduct the Pūpūkea Marine Life Conservation District carrying capacity pilot program.

The Center is a non-profit 501(c)(3) membership corporation dedicated to the protection of native, threatened, and endangered species and the habitats they depend on to survive. Through science, policy, and environmental law, the Center is actively involved in conserving marine ecosystems. The Center has more than 88,000 members throughout the United States, including Hawai'i, with a direct interest in ensuring that imperiled marine environments are properly protected. In pursuit of this mission, the Center has worked extensively to defend ocean biocultural resources in Hawai'i and nationwide from various threats. The Center is highly invested in conserving fragile and impacted Hawaiian coral reefs and the myriad of species and communities that depend on them.

The Center's members and staff have researched and observed the detrimental levels of human use throughout sensitive areas of the Pūpūkea Marine Life Conservation District (MLCD), particularly the Kapo'o Tidepools and Sharks Cove, which has become over-crowded by visitors.

This three-year pilot program would assess the "carrying capacity" of these sensitive areas in the MLCD, monitor and assess the effectiveness of mandatory and voluntary kapu or area closures, and propose long-term natural resource management options to avoid impacts. There is no better time than now to gather this essential information.

Western science, indigenous knowledge, and community observations all support the finding that the Pūpūkea MLCD has a high level of marine abundance and diversity. It's health is vital to the species and community that depend on it.

The Center humbly asks these committees support and **pass SB 3330 SD1** to ensure the Pūpūkea MLCD is protected for generations to come.

Mahalo for your consideration,

/s/ Maxx Phillips

Maxx Phillips, Esq.

Hawai'i Director and Staff Attorney

Center for Biological Diversity

1188 Bishop Street, Suite 2412

Honolulu, Hawai'i 96813

MPhillips@biologicaldiversity.org

SB-3330-SD-1

Submitted on: 4/1/2022 2:33:52 PM

Testimony for FIN on 4/5/2022 2:30:00 PM

Submitted By	Organization	Testifier Position	Testify
L Basha	Individual	Support	Written Testimony Only

Comments:

Support.

SB-3330-SD-1

Submitted on: 4/1/2022 2:55:24 PM

Testimony for FIN on 4/5/2022 2:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Randolph Moore	Individual	Support	Written Testimony Only

Comments:

I live two miles from Sharks Cove and have witnessed the steady increase of visitors to the Pupukea marine life conservation district. The 3-year study of the carrying capacity of this resource proposed by this bill will provide the basis for evidence-based effective management of the area.

I encourage your support and the inclusion of sufficient funds to conduct the study.

Mahalo!

SB-3330-SD-1

Submitted on: 4/1/2022 3:19:25 PM

Testimony for FIN on 4/5/2022 2:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Ellie S. Jones	Individual	Support	Written Testimony Only

Comments:

To the committee overseeing the FIN hearing of SB3330,

My name is Ellie Jones and I testify in support of this bill as a marine scientist, conservationist, diver, fisher, and science communicator living on O‘ahu.

Shark's Cove and the Kapo‘o tide pools within the Pūpūkea Marine Life Conservation District house an abundance of marine life. Due to the presence of rocks that serve as a barrier between the cove and the open ocean, this habitat protects and provides space for important species native to Hawai‘i, including but not limited to coral, limu, fishes, sea turtles, and sharks. However, the rocky barrier enclosing the pools also makes it a more accessible area for humans to reach, even when ocean conditions on the rest of the north shore are dangerous, such as during the winter months when high surf is commonplace. Consequently, the tide pools and cove are subject to human visitation almost every single day of the year.

Constant human presence in shallow rocky tide pools is detrimental to marine life. Visitors step on and trample coral and limu, especially visitors who are not aware that coral is an animal and think instead that it might be a rock to stand on. Even visitors who are educated about coral and limu could accidentally step on it in such a shallow environment. I believe that the ocean and its natural habitats ought to be open to the public to experience and be educated about the beauty and importance of the marine environment, and I am an advocate for accessibility to these areas, but when human access goes unchecked, it can damage these wonderful ecosystems irreversibly. Coral is a slow-growing, vulnerable animal and can take years to recover from trampling. Limu, or algae, is a faster-growing species but is still killed quickly by foot traffic.

I believe strongly that the best way to continue to allow human access to these beautiful and important locations is to conduct a human carrying capacity study. This will allow us to see the amount of people that the tide pools can host each day without causing irreversible damage. After all, if we want the areas to stay open for our own enjoyment and to continue to drive revenue from tourism to the area, don't we want these environments to be healthy far into the future rather than ruined in our near lifetimes by overuse? The way to avoid either complete destruction to the environments or a full closure of the area is to conduct a study focusing on carrying capacity, so I urge you to pass this bill. It is very timely that we conduct this survey in the moment that the world is beginning to open up again after the COVID-19 pandemic, since the islands will surely see an increased influx of visitors as countries around the world open again to tourism.

Finally, I appeal to your understanding of the corals and algae in these tide pools as vital to the continued wellbeing of Hawai'i's future. Coral acts as a natural barrier to damage from incoming storms and large swells. Algae provides food for commercially important fish species as well as people living on the islands. These marine ecosystems are intricately connected to thriving life on the islands, and it is imperative that we continue to protect them into the future. Please take this testimony as evidence of the importance of a carrying capacity study for the Pūpūkea Marine Life Conservation District.

Thank you for your time and consideration, Ellie S. Jones

SB-3330-SD-1

Submitted on: 4/1/2022 4:42:01 PM

Testimony for FIN on 4/5/2022 2:30:00 PM

Submitted By	Organization	Testifier Position	Testify
John Thielst	Individual	Support	Written Testimony Only

Comments:

I support this bill to preserve a marine sanctuary for today and future generations to come. Please limit use going forward to let nature cleanse itself and remain a place that all of Hawaii can be proud of and show the rest of the world what can be done to protect and preserve important environmental areas.

Thank you, Regards

John Thielst

35 year resident North Shore Oahu

SB-3330-SD-1

Submitted on: 4/2/2022 4:14:59 PM

Testimony for FIN on 4/5/2022 2:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Bill Quinlan	Individual	Support	Written Testimony Only

Comments:

Sharks Cove is a vital part of our coastline within the MLCD.

It is vital to defending this special place that SB3330 is passed.

SB-3330-SD-1

Submitted on: 4/2/2022 4:16:36 PM

Testimony for FIN on 4/5/2022 2:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Chip Hartman	Individual	Support	Written Testimony Only

Comments:

Aloha,

I support this bill and I'm asking you to please support it also. Pupukea MLCDC is showing signs of over use, so a program to limit the number of users or days of use might be a win-win for the marine life and the people wanting to experience a healthy marine environment.

Mahalo,

Chip Hartman PH: 398-2742

SB-3330-SD-1

Submitted on: 4/3/2022 6:15:58 PM

Testimony for FIN on 4/5/2022 2:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Lea Albert	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Lea Albert and since 1968, I have lived in Sunset Beach on the North Shore of Oahu. Over the last 50 plus years I have seen the changes at what is now the Marine Life Conservation District. Many, many more visitors come daily to this beautiful nursery for fish and other ocean life. These visitors unintentionally, and sometimes intentionally, do significant harm. I am a retired public school educator and am fully aware of the importance of the Marine Life Conservation District as a gift to future generations of children as place to learn, care for, and conserve the ocean and ocean sea creatures. I am in full support of SB3330 which would create a study to determine whether there is overuse of the district. The study is long overdue,as well as critical now to the preservation as the well-being of this area for the future. Thank you

SB-3330-SD-1

Submitted on: 4/3/2022 7:03:29 PM

Testimony for FIN on 4/5/2022 2:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Rexann Dubiel Shanahan	Individual	Support	Written Testimony Only

Comments:

The MLCD at Pupukea is a treasure.

Please, preserve it!

Thank you.

SB-3330-SD-1

Submitted on: 4/3/2022 7:47:04 PM

Testimony for FIN on 4/5/2022 2:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Cynthia Hunter	Individual	Support	Written Testimony Only

Comments:

Please vote for SB3330 to conduct a Pūpūkea Marine Life Conservation District Carrying Capacity pilot program. I am a marine biologist and have conducted surveys of corals, other invertebrates, and limu in the Pūpūkea MLCD. We found that this area harbors a high diversity and abundance of organisms. It is also an important nursery habitat with high cultural, recreational, and food value. However, the MLCD is increasingly threatened by excessive human use, illegal fishing, invasive algae, and land-based pollution. A carrying capacity pilot program for the Pūpūkea MLCD is the necessary next step in the long-term preservation of this area.

Thank you for your leadership in protecting the remaining special places in Hawai‘i!

Cynthia L. Hunter, Ph. D.

SB-3330-SD-1

Submitted on: 4/3/2022 10:47:00 PM

Testimony for FIN on 4/5/2022 2:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Andrea Woods	Individual	Support	Written Testimony Only

Comments:

I am in support of SB3330 SD1. Fish populations and coral health have been negatively affected due to the overabundance of humans visiting this reef. As Hawai`i fully opens back up to tourism, we need impact studies like this so we can responsibly set rules that limits the negative impact of tourism on our precious natural resources. I urge you to vote in favor of this bill. Thank you.

SB-3330-SD-1

Submitted on: 4/3/2022 11:02:57 PM

Testimony for FIN on 4/5/2022 2:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Jenny Yagodich	Individual	Support	Written Testimony Only

Comments:

Re: **Strong, Desperate Support for SB3330 SD1** from a unique perspective.

Aloha Chair Luke, Vice Chair Yamashita, and the House Committee Finance,

My name is Jenny Yagodich and I work as Director of Educational Programs and Makai Watch Coordinator for Mālama Pūpūkea-Waimea (MPW), the community non-profit organization that cares for, educates about, and protects the Pūpūkea Marine Life Conservation District (MLCD) out here on the North Shore of O‘ahu. I have had an intimate relationship with this special place since I was a child and am deeply committed to helping to ensure abundant resources now, and for future generations.

The Kapo‘o Tidepools area of the Pūpūkea Marine Life Conservation District is an amazing, unique, and important shallow-water, nursery-type habitat for marine life including fish, corals, limu, turtles, sharks, seals, and so much more. Sadly, this fragile area within the marine sanctuary is subject to a rapidly increasing and unregulated number of users and their presence is literally killing the marine life that should be abundant there.

During the Covid lockdown in 2020, we were able to get in the water and conduct biological surveys. Like many other places throughout our islands, once given a break from thousands of feet a day, the ecosystem rebounded quickly, and marine life were once again thriving and abundant. Submerged rocks in the shallow-water areas were again covered in turf algae (an important food source for many fish and other critters). Corals regained their color. Urchins, sea cucumbers, nudibranchs, anemone, sea stars, shrimps, crabs, octopus, eels, and an array of other marine life were once again out and about. Schools of juvenile fish moved back in and even sea turtles and rays took advantage of the unique and diverse ecosystem within the Kapo‘o Tidepools. This is, of course, what we would expect to see in a Marine Life Conservation District.

Once restrictions lifted, however, and visitors returned to Kapo‘o and the other shallow-water areas of the MLCD, all of that amazing biological progress was quickly undone. Today, the submerged surfaces are no longer covered in turf algae, but rather bare due to thousands of feet scrubbing them clean and preventing new growth. Corals are bleaching and some have died completely. Critters aren’t out and about, but rather hiding deep in holes, cracks, and crevasses. Crushed urchin skeletons are a common site. Fish are scarce and schools are dispersed.

For the past twelve years, I have taken students of all ages into the tidepools to learn about the marine environment and have first-hand knowledge of the condition and health of the MLCD. It is getting worse by the minute. MPW has conducted human-use counts since 2005 using “point-in-time” methods. For comparison, in 2012 (ten years ago), on a busy Saturday in March, at noon, there were 27 humans inside the Kapo‘o tidepools and 35 on the beach. This year, in March, on a random Monday, there were over 90 humans in the tidepools and another 140 on the beach. Multiply those numbers by a turnover of about every 30 minutes and you’re looking at over 2000 people a day impacting the fragile, shallow-water areas of the Pūpūkea MLCD. Holidays, weekends, Spring Break, and other occasions see an even higher increase in use.

Historically, the Kapo‘o Tidepool area would receive a break from use in the winter months when surf was high. In recent years, however, we’ve actually seen an increase in use during this time which means unless the waves are over twelve or so feet, the area is not getting a break. In 2012, on January 7th, during a point-in-time count, there were 17 humans in the Tidepools. This year on January 16th, during 8-12 foot surf, there were 47. This is a 176.47% increase!

The constant trampling and other negative cumulative impacts are resulting in a dramatic decline in the health and abundance of marine life in a place that is supposed to be a protected area for fish and other marine species so that they can grow and reproduce. SB3330 SD1 will require DLNR to establish and conduct a *much-needed* biological carrying capacity to determine the best balance between human-use and the marine environment itself. We are in full, desperate support.

We know you share in our commitment to protect Hawai‘i’s sensitive marine areas and we thank you for supporting SB3330 SD1.

Mahalo!

Jenny Yagodich, Director of Educational Programs, Mālama Pūpūkea-Waimea

SB-3330-SD-1

Submitted on: 4/3/2022 11:11:08 PM

Testimony for FIN on 4/5/2022 2:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Roberts "Bob" Leinau	Individual	Support	Written Testimony Only

Comments:

Myself, and many associates, strongly support adopting SB3330 SD1 . Hawaii's popular natural destinations are suffering from a lack of effective stewardship. We badly need a pilot program that explores the best way to preserve and protect natures gifts in a user friendly way. Neglect and decline are unacceptable..

Mahalo for your attention to this important opportunity,

Bob Leinau

SB-3330-SD-1

Submitted on: 4/4/2022 8:15:31 AM

Testimony for FIN on 4/5/2022 2:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Ellen Godbey Carson	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill. As a fan of SCUBA diving, I've enjoyed diving at Pupukea over 100 times. It is one of our state's most beautiful and accessible snorkeling and diving areas. It serves as a nursery for many of our reef fishes, and has a rich biodiversity of sea life, from crabs, lobsters, octopi and crustaceans, to prolific schools of fish, and many green sea turtles. When we first started diving there over 30 years ago, spear-fishers were pulling out dozens of octopi, eel and various reef fishes each time we were there. Over time, the octopi and eels virtually disappeared, and the schools of reef fish and turtles seemed to diminish in the areas where we frequented. Given that we have so few successful nursery areas on our islands, it is critical to help protect them so that our sea life can flourish. This would better protect our environment and biodiversity. It would also enhance the joy of many who could see these lovely and fascinating critters, rather than trying to kill and eat them.

Many divers and snorkelers try to help preserve the area, but there are many others who are unaware or don't care about the impact of human activity on the sealife there. The existing signage could provide a much better explanation and education about what hurts versus helps the reef. People still fish and spear-fish within the marine preserve area, despite existing signage. I've been "caught" by a fishhook lodging in my wetsuit while diving in the marine preserve area, and could have been seriously injured when the fisherman started trying to trying to reel me in. Sadly, it seems fishers and spear-hunters are permitted to be in and transverse the marine preserve area with their hunting equipment and bounty, making it very difficult to enforce since it's hard to prove whether they have caught their fish in the preserve area (as we can see them do from underwater).

While Pupukea is in name a marine preserve, my experience has been that it has not been adequately funded nor well designed and managed to help preserve that function. This study would help determine what type of approach may be best to preserve this valuable natural resource, for the benefit of all.

Thank you for consideration of this measure and my testimony.

SB-3330-SD-1

Submitted on: 4/4/2022 9:55:56 AM

Testimony for FIN on 4/5/2022 2:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Larry McElheny	Individual	Support	Written Testimony Only

Comments:

Aloha

Please support this critically important bill.

Mahalo

Larry McElheny

(808) 237-9354

SB-3330-SD-1

Submitted on: 4/4/2022 11:12:34 AM

Testimony for FIN on 4/5/2022 2:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Marilyn Cole	Individual	Support	Written Testimony Only

Comments:

I strongly support SB 3330 as being of the utmost importance to sustaining the health of the Pūpūkea Waimea MLCD now and for future generations. It has been seriously overused and misused by human traffic for so many recent years. A plan for environmental (e.g. runoff) and crowd control and education are sorely needed.

Mahalo, Marilyn

SB-3330-SD-1

Submitted on: 4/4/2022 11:49:51 AM

Testimony for FIN on 4/5/2022 2:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Keelan Barcina	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Luke, Vice Chair Yamashita, and Members of FIN:

Mahalo for the opportunity to provide testimony **in full support** for establishing and conducting a carrying capacity pilot program for the Pūpūkea Marine Life Conservation District (MLCD) as represented in **SB3330 SD1**.

In my home community of Pūpūkea, the MLCD is where I fostered my passion for responsible coastal and marine management and conservation, and where I continue to observe, daily, heavier than usual unregulated human use of the MLCD and adjacent County beach parks.

Extractive and non-extractive recreational activities can have detrimental impacts on Hawai‘i’s coastal resources if not managed sustainably. There is a limited understanding of how unregulated human use and presence may be impacting Pūpūkea and Waimea’s fishes, corals, turtles, and other marine life, specifically within Kapo‘o (or Pūpūkea) Tidepool — a popular year-round attraction for tourists and locals, and nursery for Hawai‘i’s unique marine biodiversity.

We first need to understand our recreational impact on the Pūpūkea MLCD’s cultural, recreational, and natural resources through such a program as identified in this measure to inform balanced management for coastal and economic resilience of the community and State.

A high return on investment is possible from a very reasonable three (3)-year (\$100,000 per year) carrying capacity pilot program, as requested by DLNR, in the form of economic benefits to local fisheries and tourism industry by informing long-term and sustainable management of the Pūpūkea MLCD’s natural marine and cultural resources. Sustainable anthropogenic use of natural resources can offer a more resilient and diversified economy.

I would also like to thank and acknowledge the committee’s support of 2022 bills relating to aquatic resources. **This committee has demonstrated sustained support for sound and effective marine management solutions during this Legislative Session and can continue to do so through the passage of SB3330 SD1.** Thank you for your thoughtful consideration.

Respectfully,

Keelan Barcina, Pūpūkea Resident

SB-3330-SD-1

Submitted on: 4/4/2022 2:29:23 PM

Testimony for FIN on 4/5/2022 2:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Angela Huntemer	Individual	Support	Written Testimony Only

Comments:

As an avid North Shore swimmer and snorkeler I have witnessed first hand the proliferation of life in the Pupukea MLCD during the lock down and it subsequent destruction during the summers of 2020 and 2021. Based on my personal experience I would advocate for a complete shut down of the Sharks Cove/Three Tables area for the maximum time attainable. At the very least there should be a system similar to that of Haunama Bay. Although it may be ostensibly more complicated to close off the entrance to the Sharks Cove and Three Tables area, a temporary solution would be movable riot control fencing that the city or state must have somewhere. It was a horror show in the MLCD during the period of high tourist use over the last few years. Hoards of people were trampling over the coral, trying to touch and ride on turtles, swimming straight into schools of fish and deliberately dismembering urchins and other organisms in the tide pools. I tried to calmly inform and redirect but honestly it took a huge toll on me emotionally to watch the destruction of this important marine area first hand. We HAVE TO find a solution for protecting the MLCD better. The destruction that has been inflicted since Summer 2020 by the overuse will take years to recover from. The food truck park owned by Hanopohaku opposite Sharks Cove is a significant source of first time, uneducated "snorkelers" who rent equipment from the businesses there. They are specifically given reef walkers instead of fins. This means that they stand and walk on the coral. The businesses at Hanopohaku are the source of a significant propotion of the trash in the bins and on the ground in the public park at Sharks Cove. (One of my best friends picks up trash there on a very regular basis - here 808 cleanups spot) Foodland Pupukea also sells items that could be used illegally such as nets, with no explanation of the prohibition of disturbing wildlife or rocks in the MLCD. There is SO MUCH work to be done to insure that the Pupukea-Waimea MLCD gets the protection it deserves as a world class dive and snorkel site but more mportantly a varied ecosystem with the kind of biodiversity that seeds surrounding waters. Please pass this bill. Mahalo. Angela Huntemer MEd, Kahuku

SB-3330-SD-1

Submitted on: 4/5/2022 1:05:24 PM

Testimony for FIN on 4/5/2022 2:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Stuart Coleman	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair and Committee Members,

My name is Stuart Coleman, and I am writing in strong support of SB3330 SD1. Sorry for the late testimony and thanks for your consideration of this important and needed bill.

Aloha, Stuart Coleman, 2927 Hibiscus Pl., Hon., HI 96815