



SB376 SD2
RELATING TO THE ENVIRONMENT
House Committee on Energy & Environmental Protection

March 14, 2023

9:30 AM

Room 325

The Administration of the Office of Hawaiian Affairs (OHA) intends to recommend to the Board of Trustees to **STRONGLY SUPPORT** SB376 SD2, which would prohibit the mining, extraction, and removal of minerals from the seabed in all state marine waters while protecting the existing rights privileges, and practices of Native Hawaiians.

Hawaii State Constitution, Article XI, section 1 provides as follows: “For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawaii's natural beauty and all natural resources, including land, water, air, minerals, and energy sources, and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State. All public natural resources are held in trust by the State for the benefit of the people.”

The seabed in all state marine waters, are a part of the ceded lands¹ to Section 5(f) of the Act refers to the crown and government lands of the Hawaiian Kingdom, which had been designated “ceded” to the Republic of Hawai‘i, and then to the United States. The Act conveyed these lands to the new State of Hawai‘i with the caveat that revenues were to constitute a trust for five purposes. One of these was the betterment of the conditions of Native Hawaiians. By any measure, those conditions were sorely in need of improvement, but, by 1978, they had not changed for the better, as the state’s trust obligation went ignored.

The ceded lands, consisting of crown lands, once property of the Hawaiian monarchy, and of the government lands of the Kingdom of Hawai‘i, totaled 1.8 million acres upon annexation in 1898. Pursuant to the Joint Resolution of Annexation, all of these lands were considered transferred or “ceded” to the United States government “for the benefit of the inhabitants of the Hawaiian Islands.” Underscoring the federal trust responsibility are the findings of the US Congress in the Apology Resolution² (emphasis added):

¹ Note the term “ceded” is used to reference the classification of the lands in discussion and does not imply an acceptance of the illegal overthrow of the Hawaiian monarchy in 1893, the subsequent United States actions of annexation, territorial government and statehood. This testimony notes that the lands were ceded without the consent of or compensation to the Native Hawaiian people of Hawaii or other sovereign government (P.L. 103-15019)

² Public Law 103-150 (1993)



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“Whereas, the Republic of Hawaii also ceded 1,800,000 acres of crown, government, and public lands of the Kingdom of Hawaii, without the consent of or compensation to the Native Hawaiian people of Hawaii or their sovereign government.”

“Whereas, the indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States, either through their monarchy or through a plebiscite or referendum”

Upon statehood in 1959, the federal government returned to the State of Hawai‘i all ceded lands not set aside for its own use. Section 5(f) of the Admission Act, directed the state to hold the lands in trust, listed the following five purposes: 1. The support of public education; 2. The betterment of the conditions of native Hawaiians as defined in the Hawaiian Homes Commission Act of 1920; 3. The development of farm and home ownership; 4. The making of public improvements; and 5. The provision of lands for public use.

Thus, the Federal Government delegated a portion of its fiduciary duties to the indigenous peoples of Hawai‘i, which courts have found must be “judged by the most exacting fiduciary standards,” to the State of Hawai‘i via the Admissions Act, Section 5(f) of the public trust lands. Yet 63 years after statehood, the State does not have a complete inventory of classified public trust lands. In addition, a complete inventory of ceded lands, including classifications by former Kingdom Government and Crown lands, and by holdings by the federal, state and county governments, is critical for the federal government to uphold its federal trust responsibility to Native Hawaiians.

OHA works to advocate on behalf of the Native Hawaiian community for the protection of the Native Hawaiian culture, language, and people. The ocean and its resources are integral, not only to Native Hawaiian culture, but to the identity of the Native Hawaiian people. Protecting the health and life of the ocean is in essence, tantamount to protecting the health and life of the Native Hawaiians, Hawai‘i, and all those who call Hawai‘i home. Without the ocean, there is no life.

The global consensus on seabed mining has been moving toward a prohibition on the exploitation of seabed minerals to protect the health of the ocean, with indigenous peoples across the world leading the charge. Following a meeting of the International Group of Seven (G7) in Berlin from May 26-27, 2022, the G7 Ministers of Climate, Energy, and the Environment released



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a Communiqué highlighting the G7’s position that deep-sea mining could have *“potentially devastating impacts on marine ecosystems and the functioning of the ocean as a climate regulator”* and stated that the international regulation of deep-sea mining is necessary.³ During the 2022 UN Ocean Conference in Lisbon, the nations of Palau and Fiji launched an alliance advocating for a moratorium on deep sea mining.⁴ the Prime Minister of Fiji called for a ban on deep seabed mining by 2030, and it was noted by the conference that “[c]ivil society representatives almost uniformly advocated a moratorium on deep seabed mining.”⁵ Prior to the UN-affiliated International Seabed Authority Council in Kingston, Jamaica, from October 31 – November 11, 2022, 10 of the Council’s 36 member states took positions against deep sea mining, with *Germany, France, Spain, Costa Rica, New Zealand, Chile, Panama, Fiji, and the Federated States of Micronesia demanding “a moratorium on mining due to a lack of scientific data on the areas of the seabed targeted for exploitation”*, while at the 2022 United Nations Climate Change Conference, *President Emmanuel Macron of France “called for an outright ban on deep sea mining”*.⁶

OHA supports the purpose of this measure and the spirit of the language to ensure that Hawaii will align with the growing global consensus regarding seabed mining by prohibiting such practices, this prohibition will not detract from existing Native Hawaiian rights, practices, and privileges by explicitly exempting Native Hawaiian rights, practices, and privileges from the prohibition.

³ International Group of Seven, “G7 Climate, Energy and Environment Ministers’ Communiqué”, G7 Germany 2022, May 27, 2022 (available at https://www.bmu.de/fileadmin/Daten_BMU/Download_PDF/Europa_International/g7_climate_energy_environment_ministers_communique_bf.pdf)

⁴ Catarina Demony et al, “‘Not worth the risk’: Palau, Fiji call for deep-sea mining moratorium”, Reuters, June 27, 2022 (available at <https://www.reuters.com/business/environment/not-worth-risk-palau-fiji-call-deep-sea-mining-moratorium-2022-06-27/>)

⁵ United Nations, “Report of the 2022 United Nations Conference to Support the Implementation of Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development”, UN Ocean Conference in Lisbon, Portugal, June 27 – July 1, 2022, (available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/454/51/PDF/N2245451.pdf?OpenElement>)

⁶ Woody, Todd, “More Governments Are Turning Against the Rush to Mine the Deep Sea”, Bloomberg News, November 7, 2022 (available at <https://www.bloomberg.com/news/articles/2022-11-07/more-governments-are-turning-against-the-rush-to-mine-the-deep-sea>)



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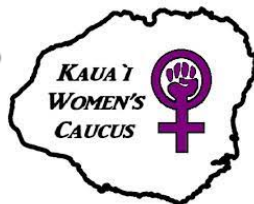
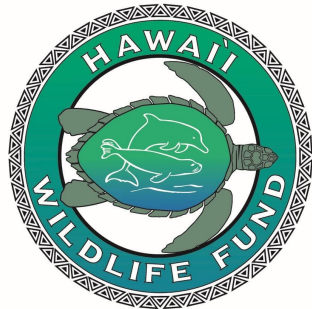
OHA appreciates the opportunity to support this measure and asks the Legislature to **PASS SB376 SD2** to preserve and protect Native Hawaiian cultural rights, practices, and traditions and our precious natural environment. Mahalo nui loa.



TE IPUKAREA SOCIETY
Caring for our Environment



Environmental Caucus of
The Democratic Party of Hawai'i



Aloha Chair Lowen, Vice Chair Cochran, and Members of the Committee:

We write to express our thanks and support for your leadership in authoring Senate Bill 376 to 1) prohibit the mining, extraction, and removal of minerals from the seabed in Hawai'i's marine waters; and 2) prohibit the issuance of any permit for or in connection with the development or operation of any facility or infrastructure associated with the mining, extraction, or removal of minerals from the seabed within state marine waters.

Every new research dive to the seafloor reveals amazing wildlife and new discoveries about the role the deep sea plays in the health of our ocean and our lives. Seabed mining directly destroys whole communities of life on the seafloor, leaving behind habitat that may never recover. Mining also creates extremely large and potentially toxic sediment plumes; as well as noise, light, and thermal pollution that disrupt marine habitats. [More than 700 ocean scientists](#) have called for a halt to seabed mining citing the risks it poses to ocean health and the well-being of coastal communities.

Hawai'i cannot afford to risk losing our social, cultural, and economic connections to the sea. The seafloor and ocean underpin Hawai'i's cultural heritage, along with its multi-billion dollar tourism and fishing industries. As the extractive industry grows, seabed mining activities pose a large-scale disruption to these important ecosystems. Seabed mining would harm commercially and recreationally important species like tuna/ahi, mahi-mahi, billfish and other species as well as the overall health of our ocean.

The State of California passed a ban on seabed mining in state waters last year in 2022, following Washington's seabed mining ban in 2021 and Oregon's in 1991. The undersigned organizations urge Hawai'i to do the same and ensure passage of SB376 to protect Hawai'i's coastal waters.

Thank you.

Sincerely,

Koda Daily
Executive Director
Sustainable Ocean Alliance Hawai'i

Kahi Picarro
Director
Parley for the Oceans, Hawai'i

Wayne Tanaka
Director
Sierra Club of Hawai'i

Dyson Chee
Executive Director
Hawai'i Youth Climate Coalition

Megan Lamson
President
Hawai'i Wildlife Fund

Denise Antolini
Director
Mālama Pūpūkea-Waimea

Ted Bohlen
Co-founder
Hawai'i Reef and Ocean Coalition

Arnie Saiki
Management
Deep Sea Mining Campaign

Sherry Pollack
Co-founder
350Hawai'i

Alan Burdick & Melodie Aduja
Co-chairs
Environmental Caucus of the Democratic
Party of Hawai'i

Nina Jensen
Chief Executive Officer
Rev Ocean

Lisa Bishop
President
Friends of Hanauma Bay

Carissa Cabrera
Chief Executive Officer
The Conservationist Collective

Lance Morgan
President
Marine Conservation Institute

Laurel Brier
Chair
Kauai Women's Caucus

Donna Wong
Executive Director
Hawai'i's Thousand Friends

Rafael Bergstrom
Executive Director
Sustainable Coastlines Hawai'i

Neal Desai
Senior Director of Field Operations, Pacific
National Parks Conservation Association

Courtney Vail
Director of Strategic Campaigns
Oceanic Preservation Society

Lauren Blickley
Hawai'i Regional Manager
Surfrider Hawai'i

Stan Rowland
CEO; Chairman
Blue Climate Initiative; Tetiaroa Society

Douglas McCauley
Director
Benioff Ocean Science Laboratory

Jeff Boehm
Chief External Relations Officer
The Marine Mammal Center

Bobbi-Jo Dobush
Legal Officer
The Ocean Foundation

John Hocevar
Oceans Campaign Director
Greenpeace USA

Rob Culbertson
Member
HULIPAC

Kelvin Passfield
Technical Director
Te Ipukarea Society



To: The Honorable Chair Nicole Lowen,
The Honorable Vice Chair Elle Cochran
Members of the Committee on Energy & Environmental Protection

Re: **SB 376 – Relating to Environmental Protection; Seabed Mining; Permits; Prohibition**

Position: **Strong Support**

Aloha Chair Lowen, Vice Chair Cochran, and Members of the Committee,

Thank you for your leadership on this bill, SB 376, prohibiting the mining, extraction, and removal of minerals from the seabed in all state marine waters; and the issuance of any permit for or in connection with the development or operation of any facility or infrastructure associated with the mining, extraction, or removal of minerals from the seabed within state marine waters. I appreciate the opportunity to testify and express my strong support for this bill. Every new research dive to the seafloor reveals amazing wildlife and new discoveries about the role the deep sea plays in the health of our ocean and our lives. Seabed mining directly destroys whole communities of life on the seafloor, leaving behind habitat that may never recover. Mining also creates extremely large and potentially toxic sediment plumes; as well as noise, light, and thermal pollution that disrupt marine habitats. [More than 700 ocean scientists](#) have called for a halt to seabed mining citing the risks it poses to ocean health and the well-being of coastal communities. [Major companies](#) including Google, BMW, Philips, Volkswagen, and more also support an international moratorium, [alongside major NGOs](#) such as World Wildlife Fund, The Nature Conservancy, Conservation International, Pew Charitable Trusts, and many others.

This extractive industry of seabed mining poses many risks that are yet to be fully understood. The fishing and tourism industries are likely to feel the impacts of mining, even mining that happens in the high seas outside of the Hawaiian EEZ. I ask that you please pass this bill, reinforcing Hawai'i's role as leaders in environmental stewardship. Thank you for this opportunity.

Sincerely,
Douglas McCauley

A handwritten signature in black ink that reads "Douglas McCauley". The signature is written in a cursive, flowing style.

Director, Benioff Ocean Science Laboratory



To: The Honorable Chair Nicole Lowen, Vice-chair Elle Cochran, and members of the House Committee on Energy and Environment

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

Re: Hearing **SB376 SD2 RELATING TO THE ENVIRONMENT**

Hearing: Tuesday, March 14, 2023, 9:30 a.m. CR325

Aloha Chair Lowen, Vice Chair Cochran, and members of the Committee:

Hawai'i Reef and Ocean Coalition STRONGLY SUPPORTS SB376 SD2.

The Hawai'i Reef and Ocean Coalition (HIROC) is a group of scientists, educators, filmmakers and environmental advocates who have been working since 2017 to protect Hawaii's coral reefs and ocean.

This Act would prohibit the mining, extraction and removal of minerals from the seabed in all state marine waters or the issuance of any permit for infrastructure or operation related to seabed mining in state waters.

Seabed mining poses an unacceptably high risk of damage and disruption to the marine environment, including our globally significant ecosystems that host thousands of species. It may harm coral reefs, release stored carbon dioxide, and its noise may disrupt whales, dolphins and other marine mammals. It also may

harm ocean-dependent industries such as commercial and recreational fishing and tourism. The Legislatures of California, Oregon, and Washington have all passed similar legislation.

We thank the committee for hearing this important measure! We respectfully urge your passage of SB376 SD2 in order to protect our marine ecosystems and ocean-dependent industries.

Mahalo!

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



Environmental Caucus of The Democratic Party of Hawai'i

EEP_03-14-23 9:00AM SB 376

TO: THE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Rep. Nicole E. Lowen, Chair
Rep. Elle Cochran, Vice Chair

CONCERNING: SB 376 SD2 (SSCR864) Relating to the Environment

ALOHA Chair Lowen, Vice Chair Cochran, and members of the committee

The Environmental Caucus has an enrolled membership of more than 7,000 politically active Hawaii voters and we strongly support any bill that protects our oceans and sea-life.

We join with the many other organizations and agencies, private, academic, and governmental, which agree that any form of mining of the ocean sea beds must be prohibited.

This bill will protect Hawaiian State waters as least and we can only hope that laws of this kind are or will be passed protecting the deep waters of all oceans worldwide.

We can only add that protecting our ocean from mining will only help in part if we continue to allow other businesses and the US military to improperly dispose of pollution and poisonous substances so that they can be washed into the sea with every serious rain storm. Even more questionable is allowing any enterprise to deliberately dispose of waste materials into our ocean.

Please pass this bill and any others which will protect our ocean waters and thereby our ocean life.

Thank you

Martha E Randolph,
SCC Representative for the Environmental Caucus
And on behalf of the Environmental Caucus

SB-376-SD-2

Submitted on: 3/11/2023 8:28:53 PM

Testimony for EEP on 3/14/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|----------------------|---------------------------|---------------------------|
| laurel brier | Kauai women's caucus | Support | Written Testimony Only |

Comments:

Protect our most precious of nature resources. Ours to use and preserve for all times for all people



House Committee on Energy and Environmental Protection
Chair Nicole Lowen
Vice Chair Elle Cochran
415 South Beretania St.
Honolulu, HI 96813

Via email

March 12, 2023

RE: Letter in support of SB 376

Dear Committee Members and Chairs:

We write to support our full endorsement and support for Senate Bill 376 that will prohibit the mining, extraction and removal of minerals from the seabed in Hawai'i's marine waters; and prohibit the issuance of any permit for the development or operation of any facility or infrastructure associated with the mining, extraction, or removal of minerals from the seabed in state marine waters.

Oceanic Preservation Society (OPS) endorsed and supported recent legislation in California effectively banning seabed mining. On September 19, 2022, California enacted the [Seabed Mining Prevention Act](#) (AB 1832), after the bill received unanimous and bipartisan support in the state legislature and Governor Gavin Newsom's signature. AB 1832 prevents seabed mining for hard minerals in state waters that extend from shore to three nautical miles out.

Originally introduced by Assemblymember Luz Rivas, this important piece of legislation safeguards more than 2,500 square miles of the state's seafloor by protecting not only marine life, but tourism, ocean recreation, and fishing industries that contribute over \$27 billion annually to the California economy.

With the successful passage of AB 1832, California joins Oregon and Washington to create a west coast coalition of states committed to protecting its ocean life from environmentally devastating seabed mining practices.

Deep ocean and seafloor ecosystems harbor as much biodiversity as tropical rainforests and provide food, shelter, and nursery habitat for a huge range of life, from forage fish to whales. Some scientists believe that the deep sea and its water column may be the largest carbon sink on Earth, and with each dive new species are found.

Scientists have warned that deep seabed mining would cause permanent loss of biodiversity in marine ecosystems, but the scale of the loss is currently unknown. Most of the species and ecosystems in the areas where mining would occur have not been well studied, nor have the potential consequences of mining to these and wider ocean systems. What's more, despite mining industry's claims to sustainability, deep seabed minerals cannot support a green transition.

It's past time for a global moratorium on seabed mining, especially without a rigorous, transparent, and equitable process.



We hope that Hawai'i will join those other states that have adopted forward-thinking legislation that will be imperative to safeguarding the future health of our oceans.

Thank you for your leadership and support.

Warm regards,

Courtney Vail
Campaign Director

SB-376-SD-2

Submitted on: 3/12/2023 3:29:28 PM

Testimony for EEP on 3/14/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Kelvin Passfield | Te Ipukarea Society | Support | Written Testimony Only |

Comments:

Thank you very much for the opportunity to submit comments on this proposal.

The world's oceans are under extreme stress from pollution (plastics, pesticide and fertiliser run off, sewage discharge, noise, industrial fishing etc, and from climate change. The last thing we should be doing is adding further stress to our ocean from the impacts of deep sea mining.

SB-376-SD-2

Submitted on: 3/12/2023 3:59:10 PM

Testimony for EEP on 3/14/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|------------------------|---------------------------|---------------------------|
| Lisa Bishop | Friends of Hanauma Bay | Support | Written Testimony Only |

Comments:

Aloha,

Mahalo for the opportunity of testifying in **STRONG SUPPORT** of this bill which prohibits the mining, extraction, and removal of minerals from the seabed in all state marine waters. Prohibits the issuance of any permit for or in connection with the development or operation of any facility or infrastructure associated with the mining, extraction, or removal of minerals from the seabed within state marine waters.

Lisa Bishop

President

Friends of Hanauma Bay



Aloha Committee Chair Lowen, Vice Chair Cochran, and members of the Committee,

I submit written testimony supporting SB376 as a marine biologist focused on the little-known habitats and animals of the deep ocean, and how our actions are impacting them. Although now based at the Benioff Ocean Science Laboratory at the University of California, Santa Barbara, I spent many years as a researcher at the School of Ocean and Earth Science and Technology at the University of Hawai'i at Manoa.

Thank you for the opportunity to testify and express my strong support for SB376 1) Prohibiting the mining, extraction, and removal of minerals from the seabed in all state marine waters; and 2) Prohibiting the issuance of any permit for or in connection with the development or operation of any facility or infrastructure associated with the mining, extraction, or removal of minerals from the seabed within state marine waters.

Most of Hawai'i's deep sea is unexplored and poorly understood, but despite this, we know it is home to incredible biodiversity. This includes some of the world's oldest gold and black corals, aged at many thousands of years old. The richness and diversity of life in Hawai'i's deep sea supports ecosystem processes necessary for ocean and planetary systems to function, and is connected to Hawai'i's shallow seas, coasts and land. It is also an integral part of the culture and well-being of local communities, as well as ocean-dependent industries.

Deep-sea mining would result in the irreversible loss of biodiversity, ecosystems and their functioning before we know, understand and value them. These impacts could have far-reaching effects, from the potential contamination of commercially important species of food fish, such as ahi and opah, to impacts on carbon sequestration dynamics and climate regulation.

As a scientist, I deeply value evidence-based decision making, especially in instances as consequential as a decision to open up an entirely new frontier of the ocean to large-scale industrial resource exploitation. This is why [more than 700 scientists](#) have signed a statement calling for a delay to the start of deep-sea mining in international waters. The sheer importance of the ocean to Hawai'i's planet and people, and the risk of large-scale and permanent loss of biodiversity and ecosystems necessitates a pause of all efforts to begin mining of the deep sea, in line with the precautionary principle, and an acceleration of research so that we can gain a better understanding of what is at stake.



Sincerely,

A handwritten signature in black ink, appearing to read "Diva Amon". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Diva Amon, Ph.D.

Science Advisor

Benioff Ocean Science Laboratory & Deep Ocean Stewardship Initiative

SB-376-SD-2

Submitted on: 3/13/2023 8:16:53 AM

Testimony for EEP on 3/14/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|----------------------------|---------------------------|------------------------|
| Mark Haver | Sustainable Ocean Alliance | Support | Written Testimony Only |

Comments:

We write to express our thanks and support for SB376 to 1) prohibit the mining, extraction, and removal of minerals from the seabed in Hawai‘i’s marine waters; and 2) prohibit the issuance of any permit for or in connection with the development or operation of any facility or infrastructure associated with the mining, extraction, or removal of minerals from the seabed within state marine waters.

Every new research dive to the seafloor reveals amazing wildlife and new discoveries about the role the deep sea plays in the health of our ocean and our lives. Seabed mining directly destroys whole communities of life on the seafloor, leaving behind habitat that may never recover. Mining also creates extremely large and potentially toxic sediment plumes; as well as noise, light, and thermal pollution that disrupt marine habitats. More than 700 ocean scientists have called for a halt to seabed mining citing the risks it poses to ocean health and the well-being of coastal communities.

Hawai‘i cannot afford to risk losing our social, cultural, and economic connections to the sea. The seafloor and ocean underpin Hawai‘i’s cultural heritage, along with its multi-billion dollar tourism and fishing industries. As the extractive industry grows, seabed mining activities pose a large-scale disruption to these important ecosystems. Seabed mining would harm commercially and recreationally important species like tuna/ahi, mahi-mahi, billfish and other species as well as the overall health of our ocean.

The State of California passed a ban on seabed mining in state waters last year in 2022, following Washington’s seabed mining ban in 2021 and Oregon’s in 1991. We urge Hawai‘i to do the same and ensure passage of SB376 to protect Hawai‘i’s coastal waters.

Sustainable Ocean Alliance

- Mark Haver, North America Regional Representative

- Koda Daily, SOA Hawai‘i Executive Director



Environmental Caucus of
The Democratic Party of Hawai'i

To: The Honorable Nicole E. Lowen, Chair
The Honorable Elle Cochran, Vice Chair
Members of the Committee on Energy and Environmental Protection

Re: **SB 376 SD2 – RELATING TO THE ENVIRONMENT**
Hearing: Tuesday, March 14, 2023, 9:30 a.m., Conference Room 325 & Videoconference

Position: **Strong support**

Aloha, Chair Lowen, Vice Chair Cochran and Members of the Committee on Energy and Environmental Protection:

The Environmental Caucus of the Democratic Party of Hawai'i and its 7,500 members stand in strong support of SB 376, SD2. This measure would prohibit the mining, extraction, and removal of minerals from the seabed in all state marine waters and it prohibits the issuance of any permit for or in connection with the development or operation of any facility or infrastructure associated with the mining, extraction, or removal of minerals from the seabed within state marine waters.

As provided in the Democratic Party of Hawai'i Platform adopted at the DPH State Convention on May 28, 2022, our policy is to “protect and preserve Hawai'i's environment and achieve energy sustainability, advance measures to re-establish a healthy climate and environment for humans and fellow species, including actions to urgently address climate change, and work towards 100% renewable energy goals.

We believe that all people have the right to live in a clean, healthy and safe environment. We believe that the preservation of our natural environment and its ecological well-being is essential to ensuring a safe, healthy, bountiful life for future generations in Hawai'i. We support policies that create a more sustainable society. We support the restoration, preservation, and protection of native ecosystems.

We believe in the resource management principles outlined in the Public Trust Doctrine of [Article XI, Section 1 of] the Hawai'i State Constitution. [State Constitution – LRB Legislative Reference Bureau \(hawaii.gov\)](#) We support policy that incorporates indigenous resource-management practices and technologies such as the Ahupua'a System in modern urban planning and development to create an ecologically sustainable balance between the needs of the people and the rights of nature. [OUR PLATFORM | DPH \(hawaiidemocrats.org\)](#)



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Prohibiting the mining, extraction, and removal of minerals from the seabed in all state marine waters and prohibiting the issuance of any permit for or in connection with the development or operation of any facility or infrastructure associated with the mining, extraction, or removal of minerals from the seabed within state marine waters are consistent with the Public Trust Doctrine and the policies of the Democratic Party of Hawaii Environmental Platform plank, to wit, that (1) all people have the right to live in a clean, healthy and safe environment; (2) that the preservation of our natural environment and its ecological well-being is essential to ensuring a safe, healthy, bountiful life for future generations in Hawai'i; and (3) that enrolled members support the restoration, preservation, and protection of native ecosystems.

Here, mining, extracting, and removing minerals from the seabed in all state marine waters would be inconsistent with the Democratic Party of Hawaii Platform environmental plank that calls for the restoration, preservation, and protection our native ecosystems.

Please support and pass this measure.

/s/ Melodie Aduja & Alan Burdick

Co-Chairs, Environmental Caucus of the Democratic Party of Hawai'i

SB-376-SD-2

Submitted on: 3/13/2023 11:10:49 AM

Testimony for EEP on 3/14/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|---|--------------------|-----------|
| Inga Gibson | Animal Welfare Institute, For the Fishes | Support | In Person |

Comments:

RE: SUPPORT SB376 SD2 RELATING TO THE ENVIRONMENT; Seabed Mining

Dear Chair Lowen and Members of the House Environmental Protection Committee

Opening our waters to ocean/seabed mining could have far-reaching detrimental impacts to many marine species, from fish to marine mammals. In addition to potential direct negative environmental impacts such as pollution and sedimentation clouds, the practice of mining itself could create noise pollution for many highly sensitive species, even disrupting larval dispersal.

Further, recent research suggests that deep-sea mining activities could impact species present from the surface of the ocean through the seabed, with deep-sea species being particularly vulnerable since they use natural sound to perform functions like detect food, and are not accustomed to anthropogenic noise at a close range. Many deep-sea species are also sessile, which means they wouldn't be able to evade the noise created by deep-sea mining activities. Even migratory species like whales, dolphins and turtles could be impacted, even if only briefly passing through a mining area to feed or breed.

Our marine resources and their sensitive, interconnected ecosystems are far too valuable to be subjected to such dangerous, extractive activities.

We urge the Committee's support of SB376.

Thank you, Inga Gibson

On behalf of

Animal Welfare Institute

For the Fishes

Inga Gibson, Policy Director
Pono Advocacy LLC
808.922.9910
PonoAdvocacy@gmail.com
www.PonoAdvocacy.com

THE OCEAN FOUNDATION

13 March 2023

Aloha Chair Lowen, Vice Chair Cochran, and Members of the Committee:

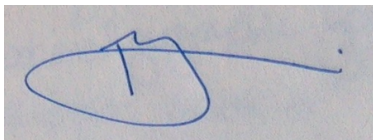
We write to express our thanks and support for Senate Bill 376 to 1) prohibit the mining, extraction, and removal of minerals from the seabed in Hawai'i's marine waters; and 2) prohibit the issuance of any permit for or in connection with the development or operation of any facility or infrastructure associated with the mining, extraction, or removal of minerals from the seabed within state marine waters.

Deep seabed mining (DSM) is not necessary to transition away from fossil fuels. DSM is not a smart and sustainable investment. DSM will not result in the equitable distribution of benefits.

We know more and more about the devastation that DSM would cause our ocean. Prospective miners tell the public that we have a hard choice: in order to decarbonize we must pillage the land, or the sea. They often [compare the negative effects of DSM](#) to terrestrial mining. There is no indication that DSM would replace terrestrial mining; there is much evidence that it would not. No terrestrial mining interests have agreed or offered to close or scale back their operations if someone else makes money on DSM. A study commissioned by the ISA found that [DSM would not cause overproduction of minerals globally](#). Scholars have contended that [DSM could end up exacerbating terrestrial mining](#) and its many problems. The concern is, in part, that a "slight decline in prices" could drive down safety and environmental management standards in land-based mining. Despite a buoyant public facade, [the same miners admit](#) that "[i]t may also not be possible to definitively say whether the impact of nodule collection on global biodiversity will be less significant than those estimated for land-based mining.

The State of California passed a ban on seabed mining in state waters last year in 2022, following Washington's seabed mining ban in 2021 and Oregon's in 1991. We urge Hawai'i to do the same and ensure passage of SB376 to protect Hawai'i's coastal waters.

Thank you.



Bobbi-Jo Dobush, Legal Officer
The Ocean Foundation

SB-376-SD-2

Submitted on: 3/10/2023 4:25:49 PM

Testimony for EEP on 3/14/2023 9:30:00 AM

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

Comments:

Strong support for SB376 SD2

SB-376-SD-2

Submitted on: 3/10/2023 5:55:20 PM

Testimony for EEP on 3/14/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Virginia Tincher | Individual | Support | Written Testimony Only |

Comments:

Members of the EEP Committee,

Mahalo for hearing this important bill.

Mining the ocean floor results in long lasting environmental degradation that far outweighs any benefits including disruption to the vertical aquatic animal food chain, releases stored CO2 and impacts water quality.

Hawaii can set a precedent to reject ocean floor mining.

I urge you to pass SB376.

Virginia Tincher, Oahu

SB-376-SD-2

Submitted on: 3/10/2023 7:27:51 PM

Testimony for EEP on 3/14/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Nancy Davlantes | Individual | Support | Written Testimony Only |

Comments:

Happy to support this bill!

SB-376-SD-2

Submitted on: 3/10/2023 9:27:27 PM

Testimony for EEP on 3/14/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Dana Keawe | Individual | Support | Written Testimony Only |

Comments:

Support

SB-376-SD-2

Submitted on: 3/11/2023 5:02:59 PM

Testimony for EEP on 3/14/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Mark Hixon | Individual | Support | Written Testimony Only |

Comments:

Aloha-- As a professional marine biologist, who has personally studied deep-sea ecosystems, I urge you to pass SB376 to ban deep-sea mining in Hawaiian waters. The deep sea is home to a substantial proportion of Earth's biodiversity, with most species yet to be discovered. The diversity of organisms in the deep sea supports ecosystem processes necessary for the Earth's natural systems to function. The deep ocean also constitutes more than 90% of the biosphere, and plays a key role in climate regulation, fisheries production, and elemental cycling. However, deep-sea ecosystems are currently under stress from a number of human-caused stressors, including climate change, bottom trawling, and pollution. Deep-sea mining would add to these stressors, resulting in the loss of biodiversity and ecosystem functioning that would be irreversible on multi-generational timescales. Please pass SB376. Mahalo.

SB-376-SD-2

Submitted on: 3/12/2023 8:17:09 AM

Testimony for EEP on 3/14/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Helen Cox | Individual | Support | Written Testimony Only |

Comments:

I strongly support SB376. Deep Sea Mining has no place in our oceans. We must do all we can to protect the valuable resources that our ocean and its corals and animals and limu provide us.

SB-376-SD-2

Submitted on: 3/12/2023 11:41:22 AM

Testimony for EEP on 3/14/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Caroline Azelski | Individual | Support | Written Testimony Only |

Comments:

In support of SD2. Thank you.

SB-376-SD-2

Submitted on: 3/12/2023 12:35:10 PM

Testimony for EEP on 3/14/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Shannon Rudolph | Individual | Support | Written Testimony Only |

Comments:

Support

SB-376-SD-2

Submitted on: 3/12/2023 11:21:07 PM

Testimony for EEP on 3/14/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Sherry Pollack | Individual | Support | Written Testimony Only |

Comments:

The rising ocean temperatures and increased acidification have already damaged Hawaii's coral reefs and marine ecosystems. Seabed mining poses an unacceptably high risk of further damage and disruption to the marine environment of the State. It is imperative that action be taken to ensure the protection of our environment for present and future generations. Please support this important measure.

SB-376-SD-2

Submitted on: 3/13/2023 8:53:10 AM

Testimony for EEP on 3/14/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Carissa Cabrera | Individual | Support | Written Testimony Only |

Comments:

Chair, Vice Chair, and Members of the Committee,

I am writing in strong support of SB376 which would ban deep sea mining in Hawai'i state waters and protect the deep sea ecosystem we know very little about. Scientists have been urging global leaders to adopt a deep sea mining moratorium to protect our largest carbon sink, the deep ocean. This bill specifically would protect our ocean because Hawai'i is near the Clarion-Clipperton Zone, a hotspot of polymetallic nodules that are being scouted by mining corporations. By passing this bill, we could limit the corporations that base their operations out of Hawai'i to destroy this zone. As we accelerate to a clean energy grid, we must not put other ecosystems at risk that generate ecosystem benefits that foster a habitable planet.

Mahalo for your time,

Carissa Cabrera

SB-376-SD-2

Submitted on: 3/13/2023 9:43:03 AM

Testimony for EEP on 3/14/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Will Caron | Individual | Support | Written Testimony Only |

Comments:

Seabed mineral mining is not consistent with the public interest, including the right that each person has to a clean and healthy environment as enshrined in Article XI, section 9, of the State Constitution. Seabed mining poses an unacceptably high risk of damage and disruption to the marine environment of the state. It is in the best interest of the people and ecosystems of Hawai'i that leasing for hard mineral mining on the seafloor be prohibited. Please support SB376 SD2.

SB-376-SD-2

Submitted on: 3/13/2023 10:26:37 AM

Testimony for EEP on 3/14/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| B.A. McClintock | Individual | Support | Written Testimony Only |

Comments:

Please support this important bill. Mahalo.

SB-376-SD-2

Submitted on: 3/13/2023 11:30:19 AM

Testimony for EEP on 3/14/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Patricia Blair | Individual | Support | Written Testimony Only |

Comments:

Oppose disturbing the seabed for minerals.