

HEARING OF THE SENATE COMMITTEE ON WATER AND LAND

ATTN: CHAIR LORRAINE INOUE & VICE CHAIR GILBERT KEITH-AGARAN

Testimony Supporting Senate Resolution 198

Requesting the Legislative Reference Bureau, in Consultation with the Department of Land and Natural Resources Division of Boating & Ocean Recreation and Kaneohe Bay Regional Council, to Conduct a Study of Commercial Activity on Kaneohe Bay to Quantify the Amount of Non-Permitted Commercial Activity that is Operating in Violation of the Kaneohe Bay Master Plan

**Wednesday March 30, 2022, 1:00 p.m.
Conference Room 229 & Via Videoconference**

Aloha Chair Inouye, Vice Chair Keith-Agaran, and Members of the Committee on Water and Land:

My name is Elena Bryant and I write to you today in **strong support** of Senate Resolution No. 198. I offer this testimony in my personal capacity as a seventh-generation, lifelong resident of Ko'olaupoko, O'ahu, who has had the privilege to grow up in and around Kāne'ōhe Bay. Kāne'ōhe Bay is an important cultural and ecological resource for our community. Like other 'ohana in our community, my 'ohana has utilized Kāne'ōhe Bay and its resources for subsistence-based, cultural, commercial, and recreational purposes for many generations and continue to do so to this day.

The Kāne'ōhe Bay Master Plan – carefully and thoughtfully developed through 3,700 volunteer hours and extensive public participation from a broad cross section of the community, including members of the public, commercial operators, and state officials – provides a roadmap to government leaders and decision-makers tasked with the management of Kāne'ōhe Bay of the values, priorities, and concerns that are important to our community. The foundation for the recommendations contained in the Master Plan is centered on the “**sustainable use** of the resources of the Bay” and “the need to accommodate a variety of interests and existing uses **within the limits of sustainability**.” (Master Plan at p. i; emphasis added) The Master Plan identifies three overall goals: (1) to “[p]reserve and protect the unique natural resources of Kane'ōhe Bay for the continued use and enjoyment of the general public and future generations,” (2) to “[r]esolve conflict among various uses of the Bay: including the general public, anglers, and commercial ocean recreation operations,” and (3) to “[a]ssess the environmental and ecological impacts of activities on the Bay and in the watershed.” (Master Plan at p. 14)

With specific regard to commercial activity in Kāne'ōhe Bay, the Master Plan recognizes that “[c]ommercial recreation has the potential to affect a number of qualities, resources, and public values in Kane'ōhe Bay” and that many of these concerns “become problems as the numbers and sizes of commercial operations grow.” (Master Plan at p. 40) In order to eliminate the objectionable and harmful aspects of commercial uses while maintaining the economic viability of Kāne'ōhe Bay's commercial recreation industry, the Master Plan sets forth a commercial

recreation plan, with general management principles that include but are not limited to the following:

- **Caps on the total number of permits and operations;**
- **Limits on the capacity of each permitted operation and daily customer allowances;**
- **Limits on the types of allowable activities;**
- **Limits on the locations for allowable activities;**
- **Limits on allowable times for activities; and**
- **A prohibition of “[n]o new commercial uses introduced without demonstrating consistency with the long-term management goals for the Bay”**

(Master Plan at p. 42)

Today, existing limits on commercial activity have been exceeded by activities not previously envisioned under the Master Plan. Social media has contributed to the proliferation of unchecked, unpermitted, and illegal commercial activity on the Bay. Growing up in and around Kāne‘ohe Bay, I have seen first-hand the detrimental effects of unpermitted commercial uses on the Bay and its resources – from the hordes of tourists dragging ocean kayaks and trampling our fragile coral reefs to the reef wildlife being extracted for ornamental purposes in unsustainable numbers. At current levels, these exploitative and extractive commercial activities tax our finite resources, destroy our reefs, upset Kāne‘ohe Bay’s fragile ecosystem, and are not compatible with the local values and lifestyles of our community.

Senate Resolution No. 198 is a crucial and necessary step in the process toward restoring commercial activities to the sustainable limits the drafters of the Master Plan originally envisioned. Quantifying the amount of non-permitted commercial activity that is operating in violation of the Master Plan, thoughtfully considering challenges to enforcement against illegal commercial activity, and recommending ways to improve compliance with the Master Plan is key in realizing the overall goal of the Master Plan to “[p]reserve and protect the unique natural resources of Kane‘ohe Bay for the continued use and enjoyment of the general public and future generations.”

The Senate Committee on Water and Land has the opportunity to take this first crucial step toward ensuring that the intent of the Kāne‘ohe Bay Master Plan is realized, and that this rich cultural, ecological, and public trust treasure may be preserved for present and future generations. **I respectfully ask for your support of Senate Resolution No. 198.**

Mahalo for your time and consideration,

/s/ Elena Bryant