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STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621  
HONOLULU, HAWAII 96809

Testimony of  
**DAWN N. S. CHANG**  
Chairperson

Before the Senate Committee on  
**WAYS AND MEANS**

Wednesday, February 19, 2025  
10:02 AM

State Capitol, Conference Room 211 & Videoconference

In consideration of  
**SENATE BILL 841, SENATE DRAFT 1**  
**RELATING TO MARINE LIFE CONSERVATION DISTRICTS**

Senate Bill 841, Senate Draft 1 proposes to: 1) require the Department of Land and Natural Resources (Department) to establish and conduct the Marine Life Conservation District (MLCD) Carrying Capacity Program; 2) require the Department to submit a report to the Legislature and adopt administrative rules; and 3) appropriate funds. **The Department supports this bill, provided that its passage does not replace or adversely impact priorities indicated in the Executive Budget Request.**

The Department's Division of Aquatic Resources is leading the Holomua Marine 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 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.

Events such as the 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 that we better understand these impacts and human-use thresholds so we can prevent precious and unique areas like the state's MLCDs from being "loved to death."

There are currently ten designated MLCDs statewide:

**DAWN N.S. CHANG**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

**RYAN K.P. KANAKA'OLE**  
FIRST DEPUTY

**CIARA W.K. KAHAHANE**  
DEPUTY DIRECTOR - WATER

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

- Hanauma Bay MLCD, O‘ahu
- Pūpūkea MLCD, O‘ahu
- Waikīkī MLCD, O‘ahu
- Kealakekua Bay MLCD, Hawai‘i
- Lapakahi MLCD, Hawai‘i
- Old Kona Airport MLCD, Hawai‘i
- Waialea Bay MLCD, Hawai‘i
- Honolua – Mokulē‘ia MCLD, Maui
- Molokini Shoal MLCD, Maui
- Mānele – Hulopo‘e MLCD, Lāna‘i

A carrying capacity study has recently been conducted for Hanauma Bay, and a study is currently being conducted for Pūpūkea. For the remaining eight MLCDs, the Department estimates that a well-designed carrying capacity study program would cost around \$300,000 per MLCD to conduct. The Department would not be able to effectively conduct carrying capacity studies at all eight MLCDs simultaneously due to limited staff and contractor capacity. Establishing such a program requires a long-term commitment of resources. The best course of action is to build a team, form a plan, set priorities, and conduct one carrying capacity study per year on a continuous cycle. These studies have a maximum shelf life of 10 years as conditions change, so updates need to be done regularly.

The Department agrees that carrying capacity studies should be conducted in consultation with affected stakeholders and subject matter experts, including the counties, University of Hawai‘i researchers, and community groups. The Department also intends to engage with commercial operators such as SCUBA and snorkel charters and surf schools to ensure that all affected stakeholders are included in the process.

Mahalo for the opportunity to provide testimony in support of this measure.



Testimony Before The  
Senate Committee on Ways and Means (WAM)  
**IN SUPPORT OF SB841 SD1**  
February 19, 2025, 10:02 a.m., Room 211 & Videoconference

We are Olan Leimomi Fisher and Kevin Chang, Kua'āina Advocate and Executive Director, respectively, testifying on behalf of [Kua'āina Ulu 'Auamo \(or KUA\)](#). "Kua'āina Ulu 'Auamo" stands for "grassroots growing through shared responsibility," and our acronym "KUA" means "backbone." **Our mission is to connect and empower communities to improve their quality of life through the collective care for their biocultural (natural and cultural) heritage, serving as a "backbone organization" that supports creative, community-driven solutions to problems stemming from environmental degradation.** Hawai'i's biocultural resources continue to be negatively impacted by political, economic, and social changes, and the increasing dangers of climate change make fostering and empowering resilient communities acutely critical.

Currently KUA supports three major networks of: (1) over 40 mālama 'āina (caring for our 'āina or "that which feeds") community groups collectively referred to as E Alu Pū (moving forward together); (2) over 60 loko i'a (fishpond aquaculture systems unique to Hawai'i) and wai 'ōpae (anchialine pool systems) sites in varying stages of restoration and development, with numerous caretakers, stakeholders, and volunteers known as the Hui Mālama Loko I'a ("caretakers of fishponds"); and (3) the Limu Hui made up of over 50 loea (traditional experts) and practitioners in all things "limu" or locally-grown "seaweed." **Our shared vision is to once again experience what our kūpuna (ancestors) referred to as 'ĀINA MOMONA – abundant and healthy ecological systems that sustain our community resilience and well-being.**

**KUA supports SB841 SD1 as an incremental step towards 'āina momona.**

This bill would require the Department of Land and Natural Resources to establish and conduct a Marine Life Conservation District (MLCD) Carrying Capacity Program to establish best practices and appropriate uses for all of the state's eleven MLCDs. **These Marine Protected Areas aim to conserve and replenish the i'a (marine animals), limu (various underwater plants), 'āko'ako'a (coral), and all life in specially designated places across the state, acting as safe havens and essentially nurseries for these lifeforms that may have little to no protections in surrounding areas.** Threats to MLCDs include overuse by uninformed and/or irresponsible tourists and locals, as well as increased environmental changes and disasters, pollution, and invasive species, to name a few. We are familiar with the carrying capacity study at the Pūpūkea MLCD, and see the great value of this bill to propose long-term management options to reduce the negative impacts of uninformed humans on the health and abundance in MLCDs, and especially when the surrounding communities are involved. **We urge you to ensure that this bill, and the program itself, incorporates the comments from the organizations, Native Hawaiians, and kama'āina on-the-ground dedicated to caring for these places.** Of course, as required by our state constitution and caselaw, any rulemaking required through this bill is also subject to the *Ka Pa'akai* analysis.

We are proud to have Mālama Pūpūkea-Waimea as a valued member of our KUA community, and have seen the incredible work that this small organization does to steward the Pūpūkea MLCDC since 2011, as well as leading the implementation of the Carrying Capacity Program created through Act 31 (2022). As such, we strongly support the cautionary comments of Mālama Pūpūkea-Waimea, as well as testimony from Ho'āla Kealakekua Nui and any other community groups and individuals dedicated to protecting MLCDCs that may come forward.

The communities we work with are committed to ensuring the long-term health of our biocultural resources. They have depended on them for generations. **Our environment, the foundation of our very existence, is about long-term investment and a vision of 'āina momona.** To get there it requires greater self-sufficiency including development of innovative and sustainable career pathways, mindsets, relationships, and resource flows for mālama 'āina. Passing this bill out of your committee will open an essential 'auwai system toward reaching this vision.

Mahalo nui loa for considering our testimony. Please **PASS** SB841 SD1.

**Aloha 'Āina Momona no nā kau ā kau.**



THE SENATE  
KA 'AHA KENEKOA

THE THIRTY-THIRD LEGISLATURE  
REGULAR SESSION OF 2025

COMMITTEE ON WAYS AND MEANS

Senator Donovan M. Dela Cruz, Chair  
Senator Sharon Y. Moriwaki, Vice Chair

NOTICE OF DECISION MAKING

DATE: Wednesday, February 19, 2025  
TIME: 10:02 AM  
PLACE: Conference Room 211 & Videoconference  
State Capitol  
415 South Beretania Street  
TIMESLOT: WAM

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**TESTIMONY OF THE OCEAN TOURISM COALITION ON SB841 SD1.**

Dear Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Committee on Ways and Means:

My name is Denver Coon. I am the president of the Ocean Tourism Coalition (“OTC”). OTC represents hundreds of locally owned ocean tourism businesses statewide, many being family businesses. SB841 SD1, seeks to establish the Marine Life Conservation District (MLCD) Carrying Capacity Program under the Department of Land and Natural Resources (DLNR). I respectfully request an amendment to Section 2(b) to require the State to consult with permitted commercial operators actively operating within MLCDs.

**JUSTIFICATION FOR AMENDMENT**

Currently, Section 2(b) of the bill mandates consultation with the counties, the University of Hawaii (including the Hawaii Institute of Marine Biology), and nonprofit community organizations. However, it does not include consultation with currently permitted operators who have extensive, firsthand knowledge of MLCDs and the daily interactions between ocean users and marine life. These operators—many of whom have decades of experience—can offer invaluable insights on responsible management practices, sustainable tourism, and enforcement challenges. Their expertise should be utilized to create effective and practical management strategies.

**PROPOSED AMENDMENT**

I propose amending Section 2(b) as follows (addition in **bold**):

“(b) In establishing and conducting the marine life conservation district carrying capacity program, the department of land and natural resources shall consult with the counties; the university of Hawaii, including the Hawaii institute of marine biology; **permitted commercial operators actively operating within MLCDs**; and nonprofit community organizations in the State.”

#### **REASONS TO INCLUDE CURRENTLY PERMITTED OPERATORS**

1. **Operational Knowledge & Experience** – Permitted operators have a deep understanding of MLCDs, including visitor behaviors, seasonal changes, and the impact of different activities on marine life.
2. **Sustainable Management** – Many operators have voluntarily implemented best practices to minimize human impact on MLCDs and can share these measures with DLNR to enhance conservation efforts.
3. **Community-Based Collaboration** – By engaging with existing permit holders, the State ensures a more inclusive approach that balances conservation goals with responsible access and commercial use.
4. **Enforcement & Compliance Insights** – Operators regularly witness non-compliant behavior and can provide valuable input on enforcement strategies and educational outreach to improve compliance with MLC D regulations.

#### **CONCLUSION**

By incorporating currently permitted operators into the consultation process, this bill will better achieve its goal of establishing best practices for the long-term sustainability of Hawaii’s MLCDs. I urge the committee to adopt the proposed amendment to SB841 SD1.

Sincerely,



Denver S. Coon  
President, Ocean Tourism Coalition

**SB-841-SD-1**

Submitted on: 2/16/2025 2:33:32 PM

Testimony for WAM on 2/19/2025 10:02:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Philip Fernandez	Individual	Support	Written Testimony Only

Comments:

I support SB841 SD1.

I am an ocean user and fisherman. MLCDs may be an appropriate management tool, however, some MLCDs were established many years ago and their effectiveness may be unknown. Effectiveness can only be measured when Goals and Objectives of MLCDs are known - some MLCDs do not have a stated goal that are measurable.

The study should not only review human use of the MLCD, but whether the ecology within the MLCD is in balance with the needs and desires of the people of Hawaii. To accomplish and understand the needs and desires of the people of Hawaii, DLNR should convene an advisory panel, including fishermen. Part of any carrying capacity study should determine where fishing should be allowed - if the ecosystem is healthy and the fish population is strong, the study should determine if there is an amount of fish that can be sustainably caught for food. It is also possible that the ecology is out of balance and certain species have overtaken a MLCD, if so, this fact should also be studied.

Please support this bill.

Phil Fernandez