

# SB2878

[SB2878](#)



(?)

Submit Testimony

**Measure Title:** RELATING TO THE HAWAIIAN ISLANDS HUMPBACK WHALE NATIONAL MARINE SANCTUARY.

**Report Title:** Hawaiian Islands Humpback Whale National Marine Sanctuary

**Description:** Recognizes the State's role in co-managing the Hawaiian Islands Humpback Whale National Marine Sanctuary in the Hawaii Revised Statutes.

**Companion:** [HB2328](#)

**Package:** Governor

**Current Referral:** WTL/ENE

**Introducer(s):** KIM (Introduced by request of another party)

<a href="#">Sort by Date</a>		Status Text
1/23/2014	S	Introduced.
1/23/2014	S	Passed First Reading.
1/23/2014	S	Referred to WTL/ENE.
2/5/2014	S	The committee(s) on WTL/ENE has scheduled a public hearing on 02-12-14 1:15PM in conference room 225.

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
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**Testimony of  
WILLIAM J. AILA, JR.  
Chairperson**

**Before the Senate Committees on  
WATER & LAND  
and  
ENERGY & ENVIRONMENT**

**Wednesday, February 12, 2014  
1:15 pm  
State Capitol, Conference Room 225**

**In consideration of  
SENATE BILL 2878  
RELATING TO THE HAWAIIAN ISLANDS HUMPBACK WHALE NATIONAL  
MARINE SANCTUARY**

Senate Bill 2878 proposes to recognize the State's role in co-managing the Hawaiian Islands Humpback Whale National Marine Sanctuary (Sanctuary). **The Department of Land and Natural Resources (Department) strongly supports this Administration bill.**

The Sanctuary is co-managed by the National Oceanic and Atmospheric Administration (NOAA) the State of Hawaii (State) by way of the "Compact Agreement for Coordinated Management of Hawaiian Islands Humpback Whale National Marine Sanctuary" signed May 4, 1998. The State entered into the co-management agreement with NOAA to improve interagency coordination and enhance the management of Hawaii's humpback whales and other marine resources.

The Sanctuary has achieved many successes over the last fifteen years, including disentangling nearly twenty humpback whales, conducting cutting-edge research, and developing nationally-recognized education and outreach programs. However, the Sanctuary and the State's co-management program have never been formally established under state law.

State recognition of co-management is critical to maintain state sovereignty and to underscore the State's commitment to co-management over the long-term.

The Department will continue to work with NOAA on more equitable funding, but to engage successfully in the management of the Sanctuary, State recognition and support must occur and should have happened years ago.

**WILLIAM J. AILA, JR.**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**ESTER KIA'AINA**  
FIRST DEPUTY

**WILLIAM M. TAM**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
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HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**Testimony of Leimana DaMate  
Aha Moku Advisory Committee**

Before the Senate Committees on  
Water and Land  
Energy and Environment

Wednesday, February 12, 2014  
1:15 P.M.  
State Capitol, Conference Room 225

**In Support of  
S.B. 2878**

**RELATING TO THE HAWAIIAN ISLANDS HUMPBACK WHALE NATIONAL  
MARINE SANCTUARY**

Senate Bill 2878 recognizes the State's role in co-managing the Hawaiian Islands Humpback Whale National Marine Sanctuary in the Hawaii Revised Statutes.

The Aha Moku Advisory Committee (AMAC) acknowledges and strongly supports the Legislature's recognition of the State's role as co-manager of the Hawaiian Islands Humpback Whale National Marine Sanctuary.

The Sanctuary is co-managed by the National Oceanic and Atmospheric Administration (NOAA), and the State of Hawaii through the "Compact Agreement for Coordinated Management of Hawaiian Islands Humpback Whale National Marine Sanctuary" put into place in 1998. However, the Sanctuary and the State's co-management program have never been formally established under state law.

The Sanctuary jurisdiction touches on many of the Native Hawaiian areas of ocean subsistence and fishing practices. In their Draft Management Plan, they focus on "Perpetuating Cultural Heritage", "Sustainability" and "Special Sanctuary Areas" such as Ni'ihau, Pila'a on Kauai, and Ma'alaea on Maui.

Of all the people in Hawaii, our Native Hawaiians are impacted the most. The State has constitutional mandates to protect the well-being of the Native Hawaiian people. Based on our dependence on the State to manage our cultural and natural resources, and how the Sanctuary areas integrate with Hawaiian cultural and natural resource areas, we support this bill and ask that it be passed.

Respectfully yours,  
Leimana DaMate  
Executive Director  
Aha Moku Advisory Committee

February 10, 2014

Aloha Senate Committee Members on Water & Land and Energy & Environment:

I understand that your committees will consider SB2878 (companion bill HB2328) on February 12, 2014 to formally recognize the State of Hawaii's role (and responsibility) in co-managing the Hawaiian Islands Humpback Whale National Marine Sanctuary (Sanctuary). I strongly urge you to support this bill.

I am an Associate Professor at University of Hawai'i at Hilo. I am also the elected Chair of the Advisory Council for the Sanctuary. However, for my testimony I am representing myself as a marine mammal scientist living and working in Hawai'i. For the past 20 years together with students and interns, I have conducted field studies of humpback whales in Hawaiian waters off Maui, Hawai'i Island and Oahu. I have published numerous scientific articles on humpback whales and their conservation including a 2013 paper summarizing the historical data through present time of collisions between vessels and humpback whales in Hawaiian waters (Lammers, Pack et al., 2013).

The Hawaiian Islands are the principal breeding and calving grounds for North Pacific humpback whales. This population is still listed as endangered. The Sanctuary has been instrumental in the protection and conservation of these whales and their marine habitat. The State, under the original compact agreement with the Federal Government has always had co-management responsibilities for the Sanctuary. However, at this important juncture, while a management plan review process is taking place, it is important for the legislature to formally recognize the State's partnership with the Federal government in managing the Sanctuary. To this end, I strongly recommend that you consider permanent State funding to fully support the positions of the DLNR Sanctuary Co-Manager and the Manager's staff together with a reasonable annual budget.

I appreciate your time and interest in Hawaii's humpback whales and this important issue regarding the Sanctuary. Again, I urge you to support SB2878 but also that you go further and consider the State's responsibility to financially support its Sanctuary manager and staff as well as the activities of these personnel. In closing, it is incumbent on all of us who call Hawai'i home to take to heart the words "Malama i ke kai, a malama ke kai ia oe!" meaning "care for the ocean and the ocean will care for you".

Mahalo,



Adam A. Pack, Ph.D.

1178 North Kumuaina Place  
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**Subject:** Submitted testimony for SB2878 on Feb 12, 2014 13:15PM  
**Date:** Sunday, February 09, 2014 5:14:51 PM

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**SB2878**

Submitted on: 2/9/2014

Testimony for WTL/ENE on Feb 12, 2014 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara Barry	Individual	Support	No

Comments: Please include all cetacean's to cover all whales, large and small, Odontoceti and Mysticeti. Yes Hawaii must be a part of protecting these magnificent creatures. Thank you, Barbara Barry

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**SB2878**

Submitted on: 2/9/2014

Testimony for WTL/ENE on Feb 12, 2014 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dave Kisor	Individual	Support	No

Comments: Instead of just humpback whales, the sanctuary should be renamed The National Cetacean Sanctuary, in order to protect all whales, large and small, both Odontoceti (toothed whales) and Mysticeti (baleen whales).

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**Date:** Monday, February 10, 2014 2:18:51 PM

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Dear Senate Committees on Water & Land and Energy & Environment:

I understand your committees will be hearing SB2878 this Wednesday afternoon (Feb 12).

I am a member of the Sanctuary Advisory Council for the Hawaiian Islands Humpback Whale National Marine Sanctuary (Sanctuary), and I hold the research seat on this body, and also function as its Secretary. I urge you to support SB2878 , which formally recognizes the State's role in co-managing the Sanctuary in the Hawaii Revised Statutes.

The sanctuary is currently co-managed by the State of Hawai'i and the National Oceanic and Atmospheric Administration (NOAA) as a result of a 1998 compact agreement. However, the sanctuary and co-management have never been formally recognized by the legislature in the Hawaii Revised Statutes. It is important that this collaboratively managed area, which provides numerous socioeconomic, cultural, and ecological benefits to the state, be officially recognized by the state. Sanctuaries that are similarly co-managed (such as the Florida Keys Nat'l Marine Sanctuary) also have arrangements that are formally recognized . Recognition will benefit the managers from both the state and the federal government , as well as the constituencies that these agencies serve. If passed, this bill will also formalize the co-management arrangement at a critical time, as the Sanctuary is currently going through a review and refresh of its management plan, taking into account the important cultural values of Hawaii as well as our unique ecosystems and species.

I therefore humbly urge you to support this important bill. Thank you for your time and consideration.

John N. (Jack) Kittinger, PhD  
Social Science Fellow, [Stanford University, Center for Ocean Solutions](#)  
Science Advisor, [Hawai'i Fish Trust, Conservation International](#)  
[jkittinger@gmail.com](mailto:jkittinger@gmail.com)

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**SB2878**

Submitted on: 2/6/2014

Testimony for WTL/ENE on Feb 12, 2014 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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**Date:** Tuesday, February 11, 2014 12:17:05 PM

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**SB2878**

Submitted on: 2/11/2014

Testimony for WTL/ENE on Feb 12, 2014 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nina Monasevitch	Individual	Support	No

Comments: I fully support this long over-due measure. Our oceans are in peril. The state and the sanctuary need to work together to address the many problems.  
Mahalo

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**SB2878**

Submitted on: 2/10/2014

Testimony for WTL/ENE on Feb 12, 2014 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Robin Newbold	Individual	Support	No

Comments: I encourage you to support HB2328. I have been involved with and supportive of the NMS since 1995, during the public vetting process prior to the Sanctuary being formally established in Hawaii. Since 1997 I have personally observed, and experienced at the community level, the many benefits of co-management. As co-founder and current Chair of the Maui Nui Marine Resource Council I have worked closely with the HIHWNMS (NMS) staff on a regular basis on a wide variety of issues. As a multi-term member of the Sanctuary Advisory Council I have experienced the benefits of having the State at the table where we work side-by-side with the federal representatives for the highest good of our marine resources. Co-management between the federal government and DLNR ensures that Hawaii's concerns are equally represented, local input is heard and connection to communities is maintained. This partnership is unique in the NMS system, as Hawaii is unique among states. I encourage you demonstrate your support of co-management by voting "yes" on this bill.

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**SB2878**

Submitted on: 2/9/2014

Testimony for WTL/ENE on Feb 12, 2014 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shannon Rudolph	Individual	Support	No

Comments: Support.

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**SB2878**

Submitted on: 2/9/2014

Testimony for WTL/ENE on Feb 12, 2014 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
sherrian witt	Individual	Support	No

Comments:

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**SB2878**

Submitted on: 2/6/2014

Testimony for WTL/ENE on Feb 12, 2014 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Teresa Parsons	Individual	Support	No

Comments: Senators, I stand in strong support of this bill. We must be good stewards of the oceans and the creatures living in it.

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