

From: [Ginger Kwan](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for agenda item F-1
Date: Tuesday, December 5, 2023 7:02:37 AM

Aloha Chair Chang and members of the Board of Land and Natural Resources,

I kindly urge the board to approve the final adoption of the Ocean Stewardship Fee rules. With millions of people visiting and enjoying our ocean waters every year, when implemented, this fee will help generate much needed funds to support Hawai'i's marine conservation and protection, and importantly the Department of Land and Natural Resources' work.

While Kanaka Maoli, locals, and visitors may value ocean waters for different reasons, all can agree that this precious resource is important to everyone. The \$1 ocean user fee for each customer of a commercial vessel, watercraft, or water sports equipment operator is a practical way to help fund the protection of this essential resource.

Our nearshore waters are a key foundation of Hawai'i's environment, culture, climate resiliency, and economy and deserve proper management to ensure our island's health for generations to come.

Thank you for this opportunity to testify on this important matter.

Sincerely,
Ginger Kwan

From: [Lori Poaipuni](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for agenda item F-1
Date: Monday, December 4, 2023 7:43:27 PM

Aloha Chair Chang and members of the Board of Land and Natural Resources,

I kindly urge the board to approve the final adoption of the Ocean Stewardship Fee rules. With millions of people visiting and enjoying our ocean waters every year, when implemented, this fee will help generate much needed funds to support Hawai'i's marine conservation and protection, and importantly the Department of Land and Natural Resources' work.

Our nearshore waters are a key foundation of Hawai'i's environment, culture, climate resiliency, and economy and deserve proper management to ensure our island's health for generations to come.

Thank you for this opportunity to testify on this important matter.

Sincerely,

Loriann N. Poaipuni

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SIERRA CLUB OF HAWAI'I

Testimony to
BOARD OF LAND AND NATURAL RESOURCES

December 7, 2023

In SUPPORT of F-1:

**REQUEST FOR FINAL APPROVAL TO ADOPT A NEW CHAPTER UNDER HAWAII
ADMINISTRATIVE RULES AS TITLE 13, CHAPTER 13-78, "OCEAN STEWARDSHIP
USER FEE"**

Aloha Chair Chang and members of the Board of Land and Natural Resources,

The Sierra Club offers testimony in **SUPPORT** of the Ocean Stewardship User Fee rules, which would provide a **mechanism for generating substantial and dedicated revenues to support the conservation, restoration, and enhancement of the state's public trust marine resources.**

The Hawai'i State Constitution appropriately recognizes several constitutional and fiduciary duties on the part of state agencies, including and in particular the Board of Land and Natural Resources (BLNR), in the management and stewardship of our nearshore waters and resources. For example, our nearshore natural and cultural resources are safeguarded under the public trust established under Article XI Section 1.¹ Submerged lands are also part of the public land trust established under the Admission Act and reaffirmed under Art. XII Sec. 4. These trust provisions require a high standard of care in maintaining and perpetuating their respective trust corpuses. Article XII Sec. 7 also requires the state and its agencies to protect and enforce Native Hawaiian rights, including traditional and customary practices associated with, and dependent upon, carefully managed and abundant nearshore resources.²

Unfortunately, the **BLNR has faced resource limitations** that have hindered its ability to fulfill its constitutional and fiduciary responsibilities in protecting and managing our nearshore waters. The continued decline of our marine environment due to inadequate

¹ HAW. CONST. ART. XI § 1, 6.

² HAW. CONST. ART. XII § 7.

management capacity poses a substantial threat to the well-being of our islands, and it may signify a failure to fulfill the state's constitutional obligations.³

The introduction of an ocean user fee will supply the BLNR with a crucial and potentially revolutionary source of sustainable funding. This financial support will empower the BLNR and Division of Aquatic Resources staff to fulfill the state's fiduciary and constitutional duties in safeguarding and managing Hawai'i's invaluable nearshore waters. Additionally, by ensuring an equitable distribution of these fees, taking into account the submerged lands' "ceded" status and their place in the public land trust, it will contribute to improving conditions for native Hawaiians and further actualize the state's commitment to restorative justice for Kānaka 'Ōiwi.

The Sierra Club of Hawai'i does ask that the BLNR urge that staff prioritize this funding for the facilitation of community-based marine stewardship initiatives. The Sierra Club appreciates the Division of Aquatic Resources' growing recognition of the critical role that subsistence communities play in sustaining their nearshore resources and associated traditional and customary practices, through the application of generational knowledge and culturally grounded values and management strategies. **Leveraging the willingness of such communities to take part in the management of their local waters will not only multiply the impact of this revenue source, but also further the BLNR's obligation to protect and enforce native Hawaiian traditional and customary practices associated with a healthy marine ecosystem.**

Therefore, the Sierra Club respectfully urges the BLNR to grant final approval the proposed adoption of Hawai'i Administrative Rules (HAR) Title 13, Chapter 78 to implement the Ocean Stewardship User Fee.

Mahalo nui loa for the opportunity to testify on this matter.

³ Ingram, R. J., Oleson, K. L., & Gove, J. M. (2018). Revealing complex social-ecological interactions through participatory modeling to support ecosystem-based management in Hawai'i. *Marine Policy*, 94, 180-188.