

LINDA LINGLE  
GOVERNOR OF HAWAII



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

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LAND  
STATE PARKS

**TESTIMONY OF THE CHAIRPERSON  
OF THE BOARD OF LAND AND NATURAL RESOURCES**

**On Senate Bill 2196 – Relating To Commercial Activities On Ocean Waters**

**BEFORE THE SENATE COMMITTEES ON  
ECONOMIC DEVELOPMENT AND TAXATION  
and  
WATER AND LAND**

**February 12, 2008**

Senate Bill 2196 proposes to allow the Department of Land and Natural Resources (Department) the ability to regulate commercial activities occurring on the ocean waters of the State. The Department supports the intent of this measure but notes that the operation of commercial vessels on the navigable waters of the State is regulated by Federal law, namely, the Code of Federal Regulations and the United States Coast Guard (USCG).

The Department is currently meeting with the USCG to determine the best course of action for regulating commercial vessels. The Department can impose reasonable regulations but cannot prevent a federally licensed vessel from transiting the ocean waters of the State.

Senator Carol Fukunaga, Chair, Committee on Economic Development and Taxation

Senator Clayton Hee, Chair, Committee on Water and Land

Tuesday, February 12, 2008

10:45 a.m., Conference Room 224

**Testimony in strong support of SB 2196.**

Chair Fukunaga, Chair Hee, and members of the committees:

My name is William J. Aila Jr. I am an employee with DLNR however this testimony is that of my own based upon many years of observing the changes occurring in our ocean waters.

Increased commercial passenger uses such as surf schools, jet skis, parasails, high speed water sledding, kite surfing, wind surfing, and mammal watching tours, are causing conflicts among themselves as well as with other users, including traditional users.

In the past most if not all of these activities originated from State beaches or facilities. Presently there are more and more of these activities originating out of private property or private marinas.

In order that DLNR can respond to easing of the user conflicts and in a proactive manner avoid future conflicts, DLNR has to have statutory clarity.

SB 2196 provides this clarity. By amending chapter 200 the legislature removes any ambiguity created at the time the Boating Division was transferred from DOT to DLNR.

This amendment also provides the public with an opportunity to assist with management suggestions and to hold DLNR accountable for the management of the State's Ocean Waters as a public trust resource.

Without this amendment DLNR is managing the State's Ocean Waters with on hand tied behind its back.

Mahalo for the opportunity to testify in favor of SB 2196.

Senator Carol Fukunaga, Chair  
Senator Will Espero, Vice-Chair  
Committee on Economic Development and Taxation  
Senator Clayton Hee, Chair  
Senator Russell S. Kokubun, Vice Chair  
Committee on Water and Land  
Tuesday, February 12, 2008  
10:45AM  
Conference Room 224

### Strong support of S.B. 2196 Relating to Commercial Activities on Ocean Waters

Chairs Fukunaga and Hee, Vice-chairs Espero and Kokubun, and members of the Senate Committee on EDT/WTL, I am Roy Morioka, a retiree and fisherman from Waiālae-iki, Oahu and in strong support of S.B. 2196 as it provides the department of land and natural resources (DLNR) the needed authority regulate commercial activities in ocean waters for the effective management of our marine resources.

This bill addresses the management through regulation the increasing impacts to the coastal marine ecosystem by commercial activities originating from isolated beaches and private marinas that currently avoid the regulation experienced by operations originating from State harbor and boat ramp facilities. The current Hawaii-Kai Marina, KoOlina Marina, and soon to be opened Haseko Hoakalei Marina with its 1,400 slips, six launching ramps, and associated marina facilities, plus the proposed Disney Resort at KoOlina present the potential for tremendous increase in commercial activities along Oahu's leeward coastline. The near shore transiting by boat based and related commercial activities have the potential of severe adverse impacts on the ecosystem and environment of precious coastal habitats and fisheries including the valuable near shore pelagic species such as opelu and akule.

I have observed and experienced the impacts of such activities on the coast of Maunalua Bay, Oahu. There are no longer large schooling aggregations of akule and the opelu schools have diminished significantly in these waters with the increased para-sailing, dive-tour, jet-skiing and other commercial activities in the bay.

The DLNR requires this legislative authority to effectively manage all commercial activities in ocean waters to protect through regulation, the near shore marine ecosystem and I therefore strongly urge you to pass this bill. Thank you for this opportunity to testify and for your consideration in support.

Sincerely,  
Roy N. Morioka

**testimony**

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**From:** carl [mjellings@hawaii.rr.com]  
**Sent:** Sunday, February 10, 2008 10:28 PM  
**To:** testimony  
**Subject:** SB 2196

**DATE:** Tuesday, February 12, 2008  
**TIME:** 10:45 a.m.  
**PLACE:** Conference Room 224

***SB 2196***

**Carl Pao Jellings In Strong Support SB 2196**

**COMMITTEE ON ECONOMIC DEVELOPMENT AND TAXATION**

Senator Carol Fukunaga, Chair  
Senator Will Espero, Vice Chair

**COMMITTEE ON WATER AND LAND**

Senator Clayton Hee, Chair  
Senator Russell S. Kokubun, Vice Chair

***Aloha Chairs and Committee members***

***Aloha Chair Person Senator Carol Fukunaga and Chairman Senator Clayton Hee My Name is Carl Pao Jellings ,, Pertaining to all vessels( commercial activities ) comming out of All harbors within State waters and State jurisdiction, The State Dept of Land and Natural Resources must have in thier powers the means to control commercial activities within these boundaries, Right now it is a free for all from private marina" s, at this time a moritorium for commercial***

*activities from State harbor facilities are currently controlling the number of tours coming from state harbor's there are NO means to control numbers of vessels coming from private marina's.*

*Over 13 tours exist off the Waianae Coast 6 from Koolina's Private facilities and 7 from Waianae Boat Harbor. Akule and Opelu fishermen are having substantial loses from direct and indirect consequences from the 10''s of thousands of transits per year from these increasing numbers of tours causing shorter seasons and space place displacement of these important resources. We are not against buissness but without rules to curtail these increases. Our fisheries and we fishermen will NOT be able to survive,*

*if You like fresh fish from Hawaii, and the fact that we feed thousands of Hawaii residents, Please pass out SB 2196 ,Mahalo  
Carl Pao Jellings*

*From fishermen to market to consumer 1000 pounds of akule generates  
\$7,450.00*

*1000 pounds of opelu generates \$6,750.00*

*Believe Me Our ocean can generate millions and We all can prosper but there must be a balance, Less Boats and more tourists per boat = less transits but = same revenue''s*