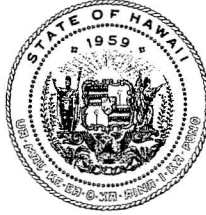


LINDA LINGLE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
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

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

**On Senate Bill 2196, Senate Draft 2, House Draft 1 – Relating To Commercial
Activities On Ocean Waters**

**BEFORE THE HOUSE COMMITTEE ON
FINANCE**

March 31, 2008

Senate Bill 2196, Senate Draft 2, House Draft 1 proposes to allow the Department of Land and Natural Resources (Department) the ability to regulate commercial activities originating from governmental and private boating facilities as well as occurring on the ocean waters of the State. The Department does not support this measure.

The Department currently issues commercial use permits for the State small boat harbors, launch ramps, and related facilities as well as requiring all equipment used for commercial purposes on State waters to be registered with the Department. Requiring the Department to regulate commercial activities originating on private boating facilities will be very difficult to enforce as the Department does not have the personnel at this time to undertake this effort due to other pressing needs.

The Department has established 10 Ocean Recreation Management Areas (ORMA) around the State for the purpose of reducing user conflicts both recreationally and commercially. This allows the Department to regulate various activities on a case-by-case basis and allows the Department the ability to amend ORMA's by administrative rules.

Section 200-4(5), Hawaii Revised Statutes, states, "To regulate and control recreational and commercial use of small boat harbors, launching ramps, and other boating facilities owned or controlled by the State and the ocean waters and navigable streams of the State;" The statute already authorizes the Department to regulate commercial activities taking place in state waters making additional revisions to the existing statute unnecessary.



Ocean Tourism Coalition

The Voice for Hawaii's Ocean Tourism Industry
820 Mililani Street, Ste. 810 Honolulu, HI 96813-2038
(808) 205-1745 Phone (808) 533-2739 Fax
office@oceantourism.org

March 31, 2008

Testimony To: House Committee on Finance
Representative Marcus R. Oshiro, Chair

Presented By: James E. Coon, President
Ocean Tourism Coalition

Tim Lyons, CAE
Executive Director

Subject: S.B. 2196, SD 2, HD 1 – RELATING TO COMMERCIAL ACTIVITIES ON
OCEAN WATERS.

Chair Oshiro and Members of the Committee:

The Ocean Tourism Coalition (OTC) represents the 300 small commercial passenger vessels operating out of state harbor facilities and we can support this bill based on the amendments made in the last Committee.

We would agree that this bill is targeted to close a loophole and the regulatory net. We are hopeful that the amendments that were made will capture that without imposing any additional new regulations or regulatory area on the commercially permitted boating industry. We believe the amendments as they read do not do that and they accomplish the intended purpose of this bill.

Based on the above, we are in support of this bill.

Thank you.

Rep. Marcus Oshiro, Chair, Committee on Finance

March 31, 2008

2:00 pm, Conference Room 308

Testimony in strong support of SB 2196 SD2 HD1.

Chair Oshiro, 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 and on State beaches.

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, manage ocean resources and avoid future conflicts, DLNR has to have statutory clarity.

SB 2196 SD2 HD1 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 one hand tied behind its back.

I am not opposed to an amendment, which would exempt permittees currently permitted by DLNR from additional permit requirements. The goal is to manage all ocean users and close the unintended loop hole for commercial operators originating from private property.

Mahalo for the opportunity to testify in favor of SB 2196 SD2 HD1.

HOUSE FINANCE COMMITTEE

Rep. Marcus Oshiro, Chair
Rep. Marilyn Lee, Vice Chair

March 30, 2008

RE: S.B. 2196 SD2, HD1 scheduled to be heard by FIN on Monday,
3/31/08 at 2:00 pm in conference room 308.

My name is Brian F. Funai and I am testifying in support of S.B. 2196 SD2, HD1.

As a resident of Hawaii Kai for 30 years and now a resident of Kaneohe for 15, I have seen many changes and the gradual increase in the use of our bays for commercial recreational purposes. I would urge the legislature to pass this bill in support of managing our marine resources in a fair and equal manner for all residents of our State. As a fisherman, I am concerned that habitat is being or already has been altered significantly enough to change behavior of certain fish which have used the bays for thousands of years and no longer can because of this increased activity.

I support this bill for these reasons and ask that you please pass S.B. 2196 SD2, HD1. .

Thank you for your time and allowing me to testify.

Brian F. Funai
Kaneohe, HI 96744

FINTestimony

From: carl [mjellings@hawaii.rr.com]
Sent: Saturday, March 29, 2008 9:28 PM
To: FINTestimony
Subject: SB 2196, SD2, HD1

SB 2196, SD2, HD1

DATE: Monday, March 31, 2008
TIME: 2:00 P.M.
PLACE: Conference Room 308

**RELATING TO COMMERCIAL
ACTIVITIES ON OCEAN
WATERS.**

COMMITTEE ON FINANCE

Honorable Rep. Marcus R.
Oshiro, Chair
Honorable Rep. Marilyn B. Lee,
ViceChair

Honorable Rep. Karen Awana

Honorable Committee Members

Aloha my name is Carl P Jellings Sr Life long resident of Nanakuli ,Makaha, I have been a full time subsistance /Commercial fisherman specialized in the art of akule net fishing for many years it is with much Hope that I testify in SUPPORT of SB 2196, SD2, HD1 as this simple Language change will help DLNR"s devision of Boating perhaps limit Commercial Ocean Tourism vessels thru a permitting process for vessels departing from Private Marina"s,

from 1996 till 2008 the Waianae Coast has seen Ocean tourism grow Ten fold, This explosion in growth has had serious impacts on our Coast and treatens access of mono pelagic coastal species such as opelu and akule, Waianae well known for it"s high productivity of nearshore and deep sea pelagic food fish are under stress of overuse , heavy transitting and an all to consistent bonbardment of recreational tourism and constant use will forever change traditional migration

patterns, spawning cycles, spawning frequencies, and crucial traditional settlement habitat areas for the entire coast, the Waianae Coast and all of its surrounding waters for the time that I have been fishing to the time of my father and his father and for centuries have given life sustenance to our people, Our source of food are being treated, Makaha in English "The Gate" defined for its arrivals of huge schools of fish feed entire island communities now known as just another tourist snorkel destination/ surf spot, The entire State's nearshore Waters are under siege Kona, Kehei, Waianae, Maunaloa, Napali,

We are growing more and more dependant on foreign goods, when was the last time you ate akule and poi.

Mahalo for the opportunity to

testify Carl P Jellings Sr,

Cynthia K.L. Rezentes

87-149 Maipela Street
Wai`anae, HI 96792-3154
(808) 696-0131
email: rezentesc@aol.com

March 18, 2008

Representative Marcus R. Oshiro, Chair
Committee on Finance

RE: **Support** for SB 2196 SD2 HD1 RELATING TO COMMERCIAL ACTIVITIES ON OCEAN WATERS.

Dear Chair Oshiro and members of the Committee:

I strongly support SB 2196 SD2 HD1.

As a resident of the Wai`anae Coast and a former member of the Wai`anae Coast Neighborhood Board No. 24, I have heard of the numerous concerns brought forward by our fishermen regarding the increased near shore activities that occur along the Coast, especially the increase of non-fishing commercial activity i.e. marine mammal watching, snorkeling, diving, etc. Along with the increase of the near shore activities, user conflicts have increased not only with the traditional fishing operations but also among the visitor industry ocean users competing to access specific natural resource areas, i.e. the areas common to resting spinner dolphins, and prime diving spots like the Mahi.

The KoOlina Marina has over 400 slips, of which over six businesses operate these tours along the Wai`anae Coast. When the Ocean Pointe Marina opens, it will house another approximately 1400 slips. If we take a conservative approach and factor the same ratio for businesses coming out of the Ocean Pointe Marina, that could mean another 21 vessels attracted to the same small confined area.

Currently, DLNR regulates commercial operators utilizing state facilities to access ocean waters but does not regulate commercial operators launching from private harbors, property or marinas.

This bill, by amending Chapter 200, would rectify that oversight and allow for better management of our ocean waters by the one agency that is charged with the stewardship of our ocean waters at all three levels, surface water, water, and submerged lands.

Although you will hear that federally registered vessels are allowed to transit our waters, it should not mean that we abdicate our responsibility as a State to manage our natural resources to the best of our abilities.

Therefore, I urge you to pass this bill to allow DLNR to do the total job they are charged with in providing the needed stewardship of our ocean water natural resources.

Sincerely,



Cynthia K.L. Rezentes
Wai`anae Resident

HOUSE OF REPRESENTATIVES
THE TWENTY-FOURTH LEGISLATURE
REGULAR SESSION OF 2008

COMMITTEE ON FINANCE

Rep. Marcus R. Oshiro, Chair
Rep. Marilyn B. Lee, Vice Chair

| | | | |
|--------------------------|-------------------------|---------------------------|---------------------------|
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| Rep. Mele Carroll | Rep. Joey Manahan | Rep. James Kunane Tokioka | |
| Rep. Faye P. Hanohano | Rep. John Mizuno | Rep. Colleen Rose Meyer | |

NOTICE OF HEARING

DATE: Monday, March 31, 2008
TIME: 2:00 P.M.
PLACE: Conference Room 308
State Capitol
415 South Beretania Street

Strong support of S.B. 2196 SD2, HD1 Relating to Commercial Activities on Ocean Waters

Chair Oshiro, Vice-chair Lee, and Honorable Members of the Committee on Finance, I am Roy Morioka, a retiree and fisherman from Waialae-iki, Oahu and I thank you for hearing this important measure and allowing me to testify in strong support of S.B. 2196 SD2, HD1 as it provides the department of land and natural resources (DLNR) much needed authority to consistently manage and fairly regulate all types of commercial activities in and on ocean waters to effectively oversee our coastal marine ecosystem. This bill provides for the comprehensive management of activities that increase impacts to the coastal marine ecosystem through the regulation of commercially permitted uses of both governmental and private boating facilities, and commercial activities in and from private marinas not currently regulated by any other chapter.

The current 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 ocean-based activities along Oahu's southwest coastline. The unregulated increase in near shore activities by boat based and related commercial activities will cause severe adverse and irreparable impacts on the coastal ecosystem and environment of precious 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. Already the unregulated dolphin and whale watching cruises that ply the southwest coastline are disrupting the schooling aggregations of akule thus adversely impacting the ecosystem.

The DLNR requires this legislative authority to effectively and equitably manage all commercial activities in ocean waters (commercial fishermen are already regulated by the DLNR) to protect the near shore marine ecosystem through comprehensive regulation and I therefore strongly urge you to approve this bill. Thank you again for this opportunity to testify and to humbly seek your consideration in support.

Sincerely,
Roy N. Morioka