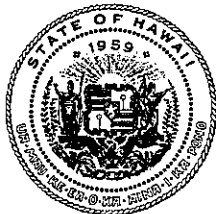
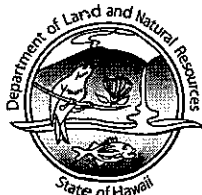


LINDA LINGLE
GOVERNOR OF HAWAII



**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

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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
KAIHOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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

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

**BEFORE THE SENATE COMMITTEE ON
WAYS AND MEANS**

February 25, 2008

Senate Bill 2196, Senate 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 or public property will be very burdensome and difficult to enforce.

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.

testimony

From: Mike Sakamoto [fishingtales@hawaiiantel.net]
Sent: Friday, February 22, 2008 6:17 PM
To: testimony
Subject: Fw: SB2196, SD-1 Ocean Comm. Activities

----- Original Message -----

From: Mike Sakamoto
To: WAMtestimony@capitol.hawaii.gov
Sent: Friday, February 22, 2008 5:20 PM
Subject: SB2196, SD-1 Ocean Comm. Activities

TESTIMONY

SB2196,SD-1

Relating to Commercial Activities on Ocean Waters

Date: Monday, Feb. 25,2008

Time:10:30am

Place: Conference Room #211 State Capitol, 415 South Beretania Street. Hon.Hi.

COMMITTEE ON WAYS AND MEANS.

To Senator Rosalyn Baker: Chair

Senator Shan S. Tsutsui: V.Chair

And Committee Members.

Subject: SUPPORT OF SB2196, SD-1.

My name is Mike Sakamoto and I'm a long time fisherman and diver and have lived my entire life in Hawaii. I treasure and respect the shoreline and ocean and would like to see it taken care of for my grand children.

My experience with commercial tourist activities, such a tour snorkelling, scuba diving on tour boats, spinner dolphin tours, whale watching, night manta diving tours, and many other water related activities like jet skis and wind surfing have shown me that they are out of control and need to be severely regulated or a "limited entry" policy should be implemented.

Reason is that our reefs are being crushed under the weight of so many people that don't realize that without the coral on the reefs, the fish die and disappear. (Nat.Area Reserve: Ahihi-Kinau has 700+snorkellers/day) Yes; I know that they love to see fish, but "they are loving our reefs to death". Beautiful coral reefs I grew up with are being smashed to bits by people that know nothing about how delicate our reefs are, and about how important they are to our people and our culture.

So I strongly support SB 2196,SD-1 and hope you pass it thru WAM.
Thank you for the Consideration,
Mike Sakamoto
Hilo Fisherman
=====

testimony

From: RawcoHI@cs.com
Sent: Friday, February 22, 2008 8:21 PM
To: testimony
Subject: Testimony in oposition to SB2196 SD1

Testimony is Opposition to SB2196 SD1 as Written and Directed

Senate Committee Ways and Means
Monday, 25 February 2008 at 1030 in Room 211

Chair Baker and Respected Members of the Senate Ways and Means Committee;

My name is Reg White. I speak to you as one who has been actively operating passenger boats in the Oahu and Maui tourist industries for over thirty five years. While this bill is well intended, and seeks to somehow control the operations of vessels that do not already have state permits or pay fees to operate in our near costal waters, it will also drastically affect the operations of our state permitted tourism fleet as well. We cannot afford yet another layer of permits and fees let alone the bureaucratic procrastination that comes along with adding this additional layer. This will not accomplish the original purpose of the bill, which was to force accountability onto some few new comers to the business who operate from private marinas in the state and so cannot be held to the same standards of behavior, accountability and operation as those of us who must annually qualify to renew our permits in order to continue in business. Sadly, as written this cannot be accomplished without also penalizing those existing already permitted businesses by adding new permit areas, permitted activities, and the accompanying new fees added on top of those we already pay.

This act, as written, also misses the fact that the commercial operators of Hawaii are the number one supporters of maintaining and preserving our natural resources. These resources are their future! It is only the cruise passenger who is personally supervised while entering the water to view our natural resources. It is only the cruise passenger who is given a personal briefing prior to being allowed to enter our waters. This briefing makes them aware of the actions that must be avoided so as not to endanger our resources. The industry's standard is "Take only pictures and leave only bubbles". Each operator has a well trained crew that not only guards the resource, but who also brief their charges as to why they too want to protect the resource. This cannot be said of the general, non commercial visitor to these same sites, but this bill does not do anything to address this oversight.

Sadly, I agree with the original goal of this bill, which was to preserve our natural resources from damage by humans, but as written it attacks only the folks who have been given the informational orientation and stimulated to take a personal interest in the preservation of these resources and who are under constant professional supervision at all times while in the water. This is not true of the general public, which this bill ignores. Sadly it also cannot attack the unpermitted operators coming from private marinas without also doing damage to the already permitted and fee paying operators coming from the state facilities.

Please do not pass this bill out from this committee unless you can repair these defects.

Sincerely,

Reg White
Vice president, project development
Paradise Cruise, Ltd.
1540 S. King St.
Honolulu, HI 96826-1919
(808) 222-9794
RawcoHI@cs.com

2/22/2008

testimony

From: carl [mjellings@hawaii.rr.com]
Sent: Friday, February 22, 2008 4:03 PM
To: testimony
Subject: Fw: SB 2196, SD1

SB 2196, SD1

RELATING

TO COMMERCIAL ACTIVITIES ON OCEAN WATERS.

DATE: Monday, February 25, 2008

TIME: 10:30 a.m.

PLACE: Conference Room 211

State Capitol

415 South Beretania Street

**COMMITTEE ON WAYS AND
MEANS**

**Senator Rosalyn H. Baker,
Chair**

**Senator Shan S. Tsutsui,
Vice Chair**

***Aloha Senator Chairperson of WAM Rosalyn H Baker Vice Chair
Shan S Tsutui and Honorable Committee Members***

***My name is Carl P Jellings Life long Waianae resident it is with
great Sincerity I write testimony in **SUPPORT** of SB 2196,, Ocean
going Commercial activities have been long Over due for some
regulation I've witnessed over these last ten year"s **UNSUSTAINED
GROWTH** of this industry and the wide ranging impacts from it ,it is
with great sincerity that I ask that you pass this measure Aloha and
Mahalo Carl P Jellings***

Senator Rosalyn H. Baker, Chair
Senator Shan S. Tsutsui, Vice-Chair
Ways and Means Committee
Tuesday, February 25, 2008
10:30am
Conference Room 211

Strong support of S.B. 2196 SD1 Relating to Commercial Activities on Ocean Waters

Chair Baker, Vice-chair Tsutsui, and Honorable Members of the Senate Ways and Means Committee, I am Roy Morioka, a retiree and fisherman from Waialae-iki, Oahu and in strong support of S.B. 2196 as it provides the department of land and natural resources (DLNR) the needed authority to consistently and fairly 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 beaches, harbors 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 and west coastlines. 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 and equitably manage all commercial activities in ocean waters to protect through regulation, the near shore marine ecosystem and I therefore strongly urge you to approve this bill. Thank you for this opportunity to testify and for your consideration in support.

Sincerely,
Roy N. Morioka

Senator Rosalyn H. Baker, Chair, Committee on Ways and Means

Monday, February 25, 2008
10:30 a.m., Conference Room 211

Testimony in strong support of SB 2196 SD1.

Chair Baker, 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. I am not opposed to creating language which would satisfy OTC's concerns about double charging existing State Harbor Commercial Permittees or limiting it just to O'ahu. We need a start.

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 SD1 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.

Mahalo for the opportunity to testify in favor of SB 2196 SD1.