

LINDA LINGLE
GOVERNOR OF HAWAII



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

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BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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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 – Relating To Commercial Activities On Ocean
Waters**

**BEFORE THE HOUSE COMMITTEE ON
JUDICIARY**

March 18, 2008

Senate Bill 2196, Senate Draft 2 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.

C00141



Ocean Tourism Coalition

The Voice for Hawaii's Ocean Tourism Industry
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office@oceantourism.org

March 18, 2008

Testimony To: House Committee on Judiciary
Representative Tommy Waters, Chair

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

Tim Lyons, CAE
Executive Director

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

Chair Waters 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, yet they do accomplish the intended purpose of this bill.

Based on the above, we are in support of this bill as it was amended.

Thank you.

C00142

Rep. Tommy Waters, Chair, Committee on Judiciary

March 18, 2008

3:45 pm, Conference Room 325

Testimony in strong support of SB 2196 SD2.

Chair Waters, 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 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.

000143

JUDtestimony

From: carl [REDACTED]
Sent: Sunday, March 16, 2008 9:57 AM
To: JUDtestimony
Subject: Fw: SB2196 SD2

DATE: Tuesday, March 18, 2008
TIME: 3:45pm
PLACE: Conference Room 325

S.B. 2196

SD2

COMMITTEE ON JUDICIARY

*Honorable Rep. Tommy Waters, Chair
Honorable Rep. Blake K. Oshiro, Vice Chair*

Honorable Committee Member 's

Aloha Honorable Represenative Tommy Waters Chair Of Judiciary

Relating to Commercial Activities

on Ocean Waters

My Name is Carl P Jellings Sr. Life Long resident and fishermen from Waianae asking for Your Support

Mahalo Nui for hearing S.B. 2196 SD2 In Strong Support this Bill is crucial for the Akule and Opelu Fishery especially Off the Waianae Coast , I have been fishing for akule for 37 years , We are seeing dramatic shifts in traditional aggregate patterns for the akule and opelu species, Vessel Noise from increased High speed transitting ,Largely from Eco tourism offshore are contributing to natural habitat changes such as resource displacement and space place displacement off our coast,, One way to help mitigate these changes would be limiting permitting for these kind"s of activities , Your Support of SB 2196 SD 2 will help to achieve just that.

Mahalo Nui for allowing me to testify Carl Paoo

Jellings Sr

00044

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

COMMITTEE ON JUDICIARY

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Rep. Blake K. Oshiro, Vice Chair

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Rep. Alex M. Sonson	Rep. Cynthia Thielen

NOTICE OF HEARING

DATE: Tuesday, March 18, 2008
TIME: 3:45pm
PLACE: Conference Room 325
State Capitol
415 South Beretania Street

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

Chair Waters, Vice-chair Oshiro, and Honorable Members of the Committee on Judiciary, I am Roy Morioka, a retiree and fisherman from Waialae-iki, Oahu and I thank you for allowing me to testify in strong support of S.B. 2196 SD2, as it provides the department of land and natural resources (DLNR) much needed authority to consistently manage and fairly regulate commercial activities in and on ocean waters to effectively have power over our coastal marine ecosystem. This bill provides for the managing of the increasing impacts to the coastal marine ecosystem through regulation, commercially permitted uses of both governmental and private boating facilities, and commercial activity in and from private marinas.

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 south and west coastlines. The probable increase in 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 (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

000145

Cynthia K.L. Rezentes

Wai`anae, HI 96792-3154

email: [REDACTED]

March 18, 2008

Representative Tommy Waters, Chair
Committee on Judiciary

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

Dear Chair Waters and members of the Committee:

I **strongly support** SB 2196, SD2.

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.

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

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