



Ocean Tourism Coalition

The Voice for Hawaii's Ocean Tourism Industry
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March 12, 2008

Testimony To: House Committee on Water, Land, Ocean Resources & Hawaiian Affairs
Representative Ken Ito, 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 Ito 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.

From: carl [mailto:mjellings@hawaii.rr.com]
Sent: Monday, March 10, 2008 9:51 PM
To: WLHtestimony
Subject: SB2196 SD2

S.B. 2196 SD2

Committee on Water, Land, Ocean Resources and Hawaiian Affairs

Wednesday, March 12, 2008

9:00am, House Conference Room 312

Honorable Representative Ken Ito, Chair

Honorable Representative Jon Riki Karamatsu, Vice Chair

Honorable Committee Members

Relating to Commercial Activities on Ocean Waters

Aloha Honorable Chair Ken Ito

Mahalo Nui for hearing S.B. 2196 SD2 this Bill is crucial to the Akule and Opelu Fishery especially Off the Waianae and Ewa Coastlines, Every Year We come and fight to preserve Our fishing grounds every year one or two more Comm tours establish themselves off our coast, our coast has nomore room it is already at a level of OVERUSE ,I have been fishing for akule for 37 years 32 of these years full time commercial , we've been working these shores way before any tours came to be, We are seeing dramatic shifts in traditional aggregate patterns for the akule and opelu species, How can we grow anything if it's trampled on a daily basis this Bill is a common sense Bill we are not asking to ban anyone but to simply impliment laws that will help to preserve our ecosystems / Fishing Grounds but most important the resource and the natural habitat that they so much depend on,,

testify Carl P Jellings Sr

Mahalo Nui for allowing me to

From: carl [mailto:mjellings@hawaii.rr.com]
Sent: Monday, March 10, 2008 9:55 PM
To: WLHtestimony
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Committee on Water, Land, Ocean Resources and Hawaiian Affairs

Wednesday, March 12, 2008

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Honorable Representative Ken Ito, Chair

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Honorable Committee Members

Relating to Commercial Activities on Ocean Waters

Aloha Honorable Chair Ken Ito

Mahalo Nui for hearing S.B. 2196 SD2 In Strong Support this Bill is crucial to the Akule and Opelu Fishery especially Off the Waianae and Ewa Coastlines, Every Year We come and fight to preserve Our fishing grounds every year one or two more Comm tours establish themselves off our coast, our coast has nomore room it is already at a level of OVERUSE ,I have been fishing for akule for 37 years 32 of these years full time commercial , we"ve been working these shores way before any tours came to be, We are seeing dramatic shifts in traditional aggregate patterns for the akule and opelu species, How can we grow anything if it"s trampled on a daily basis this Bill is a common sense Bill we are not asking to ban anyone but to simply impliment laws that will help to preserve our ecosystems / Fishing Grounds but most important the resource and the natural habitat that they so much depend on,,

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Representative Ken Ito, Chair
Representative Jon Riki Karamatsu, Vice Chair
Committee on Water, Land, Ocean Resources and Hawaiian Affairs

Wednesday, March 12, 2008
9:00am, House Conference Room 312

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

Chair Ito, Vice-chair Karamatsu, and Honorable Members of the Committee on Water, Land, Ocean Resources and Hawaiian Affairs, 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, 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 oversee our coastal marine ecosystem.

This bill addresses the management through regulation, the increasing impacts to the coastal marine ecosystem by commercial activities originating from private beaches and 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 again for this opportunity to testify and for your consideration in support.

Sincerely,
Roy N. Morioka

House Committee on Water, Land and Ocean Resources and Hawaiian Affairs
Chair ken Ito
Vice Chair Jon Karamatsu

Testimony in support of **SB 2196**

Re: "Commercial Activity on Ocean Waters"

Of the dozen or so bills moving through the legislature this year, this may be the only one that makes a difference in terms of closing the lopp holes that are responsible for what legislators are calling, "a twenty year old problem." At the moment there is major disagreement within DLNR itself as to how to go about regulating ocean commercial activity that originates from private property. I would remind this committee that DLNR opposed the CDUP requirements HB 2332 would have made on the so-called roving industries. This only confirms to me that DLNR is culpable in this whole problem. Boating Division is currently tasked with the responsibility to regulate not just the commercial boating activity but resort areas, small boat harbors, and neighborhoods, all of which have become staging areas for certain types of businesses. DOBOR is partly to blame for this because the division had decided years ago to overlook state law requiring permitting on these types of industries. Some of the problems DOBOR has encountered (to be fair) are of a different nature than previously envisioned by those who drafted the current Administrative Rules. Land Division for example, seems to be in constant conflict with DOBOR over whose office should get involved in issuing permits or citations where the divisions intersect. Waikiki is a perfect example of this. The Chairpersons rebuttal to SB 2196 and HB 2332 does not address how DLNR would otherwise propose to close the loop holes on ocean related commercial activity, especially the sort that originates from non-boating and or private properties such as hotels. The governor's package (which the Chair did not reference in her testimony) does increase civil penalties for violations occurring on public lands, but somehow fails to actually identify the loop holese that created these problems in the first place. This is critical because the smallest omission could leave the door open for the abuse to continue, first by the shoreline hotels in Waikiki, and next by everyone else, including DLNR officials. As long as the hotels are allowed to break the law, other's will no doubt want the same treatment. DOBOR is also tasked with planning community hearings pursuant to Chapter 91. This will prove very difficult because for one such a process must level the playing field in terms of who gets permits. This is difficult to imagine because the Division continues to claim that staff shortages are limiting their ability to manage even the boating programs. I'm concerned that if this bill expands DOBOR responsibilities to include additional ones, how will they manage with any efficiency, except to hire additional staff and perhaps to appoint a special regulatory agent to deal exclusively with commercial permitting. If SB 2196 would include wording to this effect I'm sure it would simplify DOBOR's approach to regulation. If not I predict that nothing lawmakers decide

this year will have real impact on the situation. DLNR will have found a way to convince lawmakers that they are finally dealing with this when in reality they are about maintaining the status quo. The move to regulate these industries will no doubt mean some will lose what they have come to rely on in terms making a living on the ocean, and this I'm told is one of the reasons DLNR hesitates to act on the law. "We're not in the business of destroying peoples livelihoods" is what I was once told by staff. So why do DOBOR Administrators believe theirs to be the correct way to address the problem? Are they aware of the Governors package? If so does it mean they have come to the same conclusion I have, that the Governors package does not go far enough to address the problem!? I have stated in other testimony that I believe the Governors package to be faulty because it fails to address the grandfather situation in Waikiki. This, I say again, is no small omission. HB 2196, like the Governors package, are all well intended but neither of these speak directly to the Waikiki situation, this to me is suspicious. If its possible, I would like you to ask DLNR officials if Waikiki is the target of any of their legislation this year? If the answer is no, than I would ask them to explain, why not? Waikiki cannot be ignored because for one, no other area draws more complaints, in fact within this one area are some of the worst examples of abuse in the entire state! DLNR has contributed to the abuse because they have actively sheltered what has amounted to a whole industry being exempt from permitting requirements. Please consider adding wording to this bill that clearly addresses Waikiki shoreline encroachment.