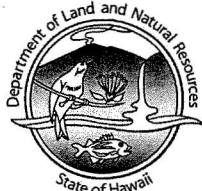


LINDA LINGLE
GOVERNOR OF HAWAII



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

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HONOLULU, HAWAII 96809

LAURA H. THIELEN
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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
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
WATER, LAND, OCEAN RESOURCES, AND HAWAIIAN AFFAIRS**

March 12, 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.

Rep. Ken Ito, Chair Committee on Water, Land, Ocean Resources & Hawaiian Affairs

Wednesday, March 12, 2008

9:00 a.m., Conference Room 312 State Capitol

In Support of SB2196, SD2 Relating to Commercial Activities on Ocean Waters

Chair Ito and members of the committees:

I Georgette Jordan, support SB 2196, SD2

Currently the State regulates activities who utilize our state facilities we do not regulate those who launch from private facilities all of whom utilize the ocean waters which DLNR is incharged with managing. We must manage our natural resources wisely, provide for sustainable uses of our natural resources, wildlife-watching coexisting with fishing coexisting with snorkeling, etc. To do that we must manage all of the commercial activities in our ocean waters which cause the majority of the pressures on our natural resources and have the potential to affect our life-styles and the treasure that we all enjoy.

Therefore, I urge the committee to support SB2196, SD2.

Thank you for the opportunity to testify.

Georgette Jordan
Waianae community member

Cynthia K.L. Rezentes

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March 10, 2008

Representative Ken Ito, Chair
Committee on Water, Land, Ocean Resources & Hawaiian Affairs

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

Dear Chair Ito 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.

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

Olinda L. Fisher
89-639 Nanakuli Avenue
Waianae, HI 96792

March 12, 2008

Representative Ken Ito, Chair
Representative Riki Karamatsu, Vice Chair
and members of the
Committee on Water, Land, Ocean Resources & Hawaiian Affairs

Dear Members of the Water, Land, Ocean Resources & Hawaiian Affairs:

I am in **strong support** of SB 2196, SD2.

Do to the increase of the commercial activities on the ocean, conflicts between commercial fisherman's, who make their living in fishing and commercial business activities, such as jet skis, parasails, speed water sledding, kite surfing, wind surfing, mammal watching (whale, dolphin) etc. has cause major conflicts among themselves as well as the people who live in the area.

I have lived on the Wai`anae Coast for the past 45 years, and have observed the changes on our coast growing up the ocean was our families **ice box** as well as many other families, we took only what was to be eaten.

There needs to be accountability on our coast and this bill will ensure that clarity. The amendment provides the public such as the many families who have fished and gathered resources for generations from the ocean for their family livelihood the opportunity to assist with management and suggestions and to hold the Department of Land and Natural Resources (DLNR) accountable.

Being that this bill gives the Department of Land and Natural Resources the ability to regulate commercial activities that occurs on the ocean waters of the State this should help to ease the conflicts which are occurring out of the private property and or private marinas. Permits for commercial activities should be limited throughout the State of Hawaii regardless if it's for fishing and or activities on the water if there is no enforcement or accountability for those who misuse and or abuse the system there will be nothing left for the Ka Po`e Aina (People of the Land).

I ask you all too please support SB 2196, SD2

Representative Ken Ito, Chair, Committee on Water, Land, and Hawaiian Affairs

Wednesday, March 12, 2008

9:00 a.m., Conference Room 312

Testimony in strong support of SB 2196 SD2.

Chair Ito, 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 open to creating language which would clarify that current commercial permittees be exempt from a having to obtain a separate offshore permit, or even limiting the effect of this bill 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 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.

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