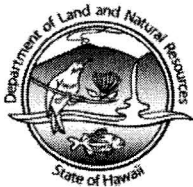


LINDA LINGLE
GOVERNOR OF HAWAII



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

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**Testimony of
LAURA H. THIELEN
Chairperson**

**Before the House Committee on
JUDICIARY**

**Thursday, March 25, 2010
2:45 PM
State Capitol, Conference Room 325**

**In Consideration of
SENATE BILL 2409, HOUSE DRAFT 2
RELATING TO MARINE LIFE CONSERVATION DISTRICTS**

Senate Bill 2409, House Draft 2 would require that 90 days written notice be provided by the Department of Land and Natural Resources (Department) for any changes in the conditions of permits issued for take or marine life, boating, or other activities in Marine Life Conservation Districts (MLCDs), except where needed to protect the conservation district. The Department considers the current measure to be a marked improvement over the original bill, but does not support the measure and asks that it be held in committee.

Instead, the Department suggests that these issues involving management of MLCDs should be more appropriately advanced in the form resolutions that are currently being considered, rather than as a time requirement in statute as proposed in the current measure. The Department is willing to work with the Committee on these resolutions.

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



Ocean Tourism Coalition

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March 25, 2010

Testimony To: House Committee on Judiciary
Representative Jon Riki Karamatsu, Chair

Presented By: Tim Lyons, CAE
Executive Director

Subject: S.B. 2409, HD 2 - RELATING TO MARINE LIFE CONSERVATION DISTRICTS.

Chair Karamatsu and Members of the Committee:

I am Tim Lyons, Executive Director of the Ocean Tourism Coalition and we support the passage of this bill.

This bill relates to the fact that commercial boat operators who operate at Molikini were recently given the "short end of the stick" when it comes to renewal of their conditional use permits for Molokini Shoals. The new permits contained a variety of new conditions that many operators felt had not been ever discussed or had not been properly vetted.

Additionally, because the new permit conditions were set to expire on December 16, 2009 and were extended for a month but then operators were urged to return their signed permits

agreeing to the conditions by January 4, 2010, there was not sufficient time, particularly over the holidays in order to discuss them, let alone react to and incorporate them.

As a result operators feel that the conditions of these use permits should be discussed prior to implementation so that there is sufficient notice and discussion of new permit conditions.

Based on the above, we concur and recommend your support.

Thank you.