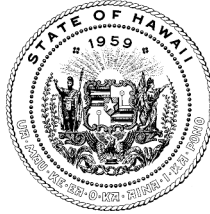


HB 2682, HD 1

EDT/WLH

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
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
WILLIAM J. AILA, JR.
Chairperson**

**Before the Senate Committees on
ECONOMIC DEVELOPMENT AND TECHNOLOGY
and
WATER, LAND, AND HOUSING**

**Monday, March 19, 2012
1:45 P.M.
State Capitol, Conference Room 016**

**In consideration of
HOUSE BILL 2682, HOUSE DRAFT 1
RELATING TO COMMERCIAL ACTIVITIES ON OCEAN WATERS**

House Bill 2682, House Draft 1 proposes to authorize the Department of Land and Natural Resources (Department) to regulate the commercial use of state waters and marine resources. The Department supports this measure as drafted.

March 15, 2012

Senate Committee on Economic Development and Technology
Senator Carol Fukunaga, Chair
Senate Committee on Water, Land and Housing
Senator Donovan Dela Cruz, Chair

Public Hearing: March 19, 2012, 1:45 p.m., Conf. Room 016

Re: HB2682 HD1, Relating to Commercial Activities on Ocean Waters.

Dear Chairs Fukunaga, Dela Cruz and members of the Committees on Economic Development and Technology and Water, Land and Housing:

The Environmental Caucus of the Democratic Party of Hawaii supports HB 2682 HD1 which provides that all commercial activities that occur on our ocean waters receive permits and not just those which depart from state harbors or marinas.

The mission of DLNR is to:

“Enhance, protect, conserve and manage Hawaii’s unique and limited natural, cultural and historic resources held in public trust for current and future generations of visitors and the people of Hawaii nei in partnership with others from the public and private sectors.”

Without the complete and total tools to allow DLNR to manage our natural resources by understanding and controlling the uses of our resources may contribute to their inability to fulfill their mission.

All commercial users of our common ocean resources should operate by the same rules. It is not proper that some individuals who do not use public resources for either launching their boats or mooring their vessels should be allowed to circumvent the management of DLNR on our common ocean resources.

DLNR needs the tools to be able to do their job, protect our resources now and for future generations.

Thank you for the opportunity to testify.

Cynthia K.L. Rezentes
Environmental Caucus of the Democratic Party of Hawai’ i

fukunaga2 - Ashley-Jane

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 14, 2012 3:20 PM
To: EDTTestimony
Cc: tony@pop-hawaii.com
Subject: Testimony for HB2682 on 3/19/2012 1:45:00 PM

Testimony for EDT/WLH 3/19/2012 1:45:00 PM HB2682

Conference room: 016
Testifier position: Support
Testifier will be present: No
Submitted by: Tony Costa
Organization: Hawaii Nearshore Fishermen
E-mail: tony@pop-hawaii.com
Submitted on: 3/14/2012

Comments:
Thank you

March 15, 2012

Senate Committee on Economic Development and Technology
Senator Carol Fukunaga, Chair
Senate Committee on Water, Land and Housing
Senator Donovan Dela Cruz, Chair

Public Hearing: March 19, 2012, 1:45 p.m., Conf. Room 016

Re: HB2682 HD1, Relating to Commercial Activities on Ocean Waters.

Dear Chairs Fukunaga, Dela Cruz and members of the Committees on Economic Development and Technology and Water, Land and Housing:

Thank you for scheduling this bill for a hearing. I support HB 2682 HD1 which provides that commercial activities that occur on our ocean waters receive permits and not just those which depart from state harbors or marinas.

It is my understanding that the mission of DLNR is to:

“Enhance, protect, conserve and manage Hawaii’s unique and limited natural, cultural and historic resources held in public trust for current and future generations of visitors and the people of Hawaii nei in partnership with others from the public and private sectors.”

Without the complete and total tools to allow DLNR to manage our natural resources by understanding and controlling the uses of our resources may contribute to their inability to fulfill their mission.

Currently, along the Wai`anae coast it is very popular for commercial activities to occur for dolphin watching and snorkeling from various vendors, those who utilize the Wai`anae boat harbor and those who utilize a private marina for their boat launching. As an example of how busy our shorelines may become, on Saturday, February 11, 2012, I counted seven boats within a half mile length of Farrington Highway all within the relative same area of Kahe Point which is popular for dolphin watching, snorkeling and visiting a turtle cleaning station. Some of these boats were from the Wai`anae boat harbor and others not. Consistent pressure such as this has, in the past, resulted in less resources within an area. Without the ability to manage the impacts by controlling the number of vessels permitted to conduct commercial activities within the near shore waters, we may be doing our current ocean users and future generations a dis-service with the impacts that we allow to happen.

A specific case in point was a number of years ago there was a kayak business that launched off of Makua Beach Park. During the time this operation was on-going, the local commercial fishermen could not find the schools of *akule* that are common in that area. Within one week after the kayaks were banned from launching off the beach, a local commercial fisherman was again able to harvest a portion of a large school of *akule*. Just this one example demonstrates how little we know and how large an impact may be occurring without our managing our resources with the anecdotal information that is handed down via generational knowledge or personal experience.

Without the management of DLNR on all commercial activities on our ocean waters the future of our resources may become at risk of survival. This is something that no one wishes to see since it may affect not only the visitor industry but also our local commercial and subsistence gathering.

DLNR needs tools to be able to do their job, protecting our resources now and for future generations. I urge your support of this measure to allow DLNR to do what their mission calls for.

Thank you for the opportunity to testify.

Cynthia K.L. Rezendes
Wai`anae Coast resident
rezentesc@aol.com

fukunaga2 - Ashley-Jane

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 17, 2012 1:30 PM
To: EDTTestimony
Cc: mjellings@hawaii.rr.com
Subject: Testimony for HB2682 on 3/19/2012 1:45:00 PM

Testimony for EDT/WLH 3/19/2012 1:45:00 PM HB2682

Conference room: 016
Testifier position: Support
Testifier will be present: No
Submitted by: Carl P Jellings Sr
Organization: Individual
E-mail: mjellings@hawaii.rr.com
Submitted on: 3/17/2012

Comments:
Thank You Honorable Senator's for hearing

HB2682

Carl P Jellings Sr. In Support of

HB 2682

fukunaga2 - Ashley-Jane

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 14, 2012 3:50 PM
To: EDTTestimony
Cc: kawamotok008@hawaii.rr.com
Subject: Testimony for HB2682 on 3/19/2012 1:45:00 PM

Testimony for EDT/WLH 3/19/2012 1:45:00 PM HB2682

Conference room: 016
Testifier position: Support
Testifier will be present: No
Submitted by: Kurt Kawamoto
Organization: Individual
E-mail: kawamotok008@hawaii.rr.com
Submitted on: 3/14/2012

Comments:

fukunaga2 - Ashley-Jane

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 15, 2012 12:58 PM
To: EDTTestimony
Cc: rnvfishing@gmail.com
Subject: Testimony for HB2682 on 3/19/2012 1:45:00 PM

Testimony for EDT/WLH 3/19/2012 1:45:00 PM HB2682

Conference room: 016
Testifier position: Support
Testifier will be present: No
Submitted by: Roy Morioka
Organization: Individual
E-mail: rnvfishing@gmail.com
Submitted on: 3/15/2012

Comments:

Chair Fukunaga, Vice Chair Wakai and members of the COMMITTEE ON ECONOMIC DEVELOPMENT AND TECHNOLOGY and

Chair Dela Cruz, Vice Chair Solomon and members of the COMMITTEE ON WATER, LAND, AND HOUSING

I strongly support HB2682 as it proposes to include regulating those commercial entities that operate out of private marinas who are currently exempt from regulations regarding the commercial use of state waters and marine resources.

The inclusion of commercial activities originating from private marinas is of particular importance as it provides consistency with operators originating from public facilities requiring compliance in particular with SECTION 3. Section 200-4, Hawaii Revised Statutes:

“a) The chairperson may adopt rules necessary:

(1) To regulate the manner in which all vessels may enter the ocean waters and navigable streams of the State and moor, anchor, or dock at small boat harbors, launching ramps, and other boating facilities owned or controlled by the State;

As an example, currently, commercial activities originating from private marinas on the west coast of Oahu are transiting within the schooling and spawning zones of akule (*Selar crumenophthalmus*) or bigeye scad and opelu (*Decapterus sanctae-helenae*), and are negatively impacting the behavior and sustainability of these species, while operators originating from public facilities have been following an agreement with local fishermen by transiting outside these zones keeping intact the habitat areas preferred by these species.

Respectfully,
Roy N. Morioka

fukunaga2 - Ashley-Jane

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 14, 2012 2:33 PM
To: EDTTestimony
Cc: courtlandp@hotmail.com
Subject: Testimony for HB2682 on 3/19/2012 1:45:00 PM

Testimony for EDT/WLH 3/19/2012 1:45:00 PM HB2682

Conference room: 016
Testifier position: Support
Testifier will be present: No
Submitted by: Courtland Pang
Organization: Individual
E-mail: courtlandp@hotmail.com
Submitted on: 3/14/2012

Comments:

I support this proposal to regulate commercial activities originating from private marinas for the greater public benefit. Our waters, especially nearshore, must be managed wisely to avoid detriment to fish habitat and reproduction as for akule and opelu, and that management must apply to ALL, not withstanding the origin of the activity.

fukunaga2 - Ashley-Jane

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 15, 2012 9:23 AM
To: EDTTestimony
Cc: Fishingready@gmail.com
Subject: Testimony for HB2682 on 3/19/2012 1:45:00 PM

Testimony for EDT/WLH 3/19/2012 1:45:00 PM HB2682

Conference room: 016
Testifier position: Support
Testifier will be present: No
Submitted by: Ronald Tam
Organization: Individual
E-mail: Fishingready@gmail.com
Submitted on: 3/15/2012

Comments:

fukunaga2 - Ashley-Jane

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 14, 2012 10:28 PM
To: EDTTestimony
Cc: Kendall.wong@gmail.com
Subject: Testimony for HB2682 on 3/19/2012 1:45:00 PM

Testimony for EDT/WLH 3/19/2012 1:45:00 PM HB2682

Conference room: 016
Testifier position: Support
Testifier will be present: No
Submitted by: Kendall Wong
Organization: Individual
E-mail: Kendall.wong@gmail.com
Submitted on: 3/14/2012

Comments: