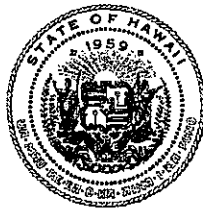
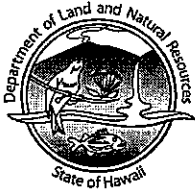


NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
WILLIAM J. AILA, JR.  
Chairperson**

**Before the House Committee on  
FINANCE**

**Tuesday, April 3, 2012  
2:00 P.M.**

**State Capitol, Conference Room 308**

**In consideration of  
SENATE BILL 580, SENATE DRAFT 2, HOUSE DRAFT 1  
RELATING TO AQUATIC LIFE**

Senate Bill 580, Senate Draft 2, House Draft 1 proposes to: 1) Require the Department of Land and Natural Resources (Department) to report on a review of the effectiveness of the two Maui Marine Life Conservation Districts (MLCDs) to the 2013 Legislature and to continue that review of Maui MLCD effectiveness every 5 years in PART I; and 2) Statutorily establish the Division of Aquatic Resources within the Department in PART II. The Department has concerns with PART I and does not oppose Part II.

**PART I**

Recent cuts to staffing and budget have severely limited the Department's capacity to start new projects. In essence, the effort to monitor the two Maui MLCDs and prepare a report in collaboration with the community through public meetings and hearings, and to do this every five years thereafter, as called for in this measure would require significant resources.

**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  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-SIXTH LEGISLATURE, 2012**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 580, S.D. 2, H.D. 1, RELATING TO AQUATIC LIFE.

**BEFORE THE:**

HOUSE COMMITTEE ON FINANCE

**DATE:** Tuesday, April 3, 2012

**TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 308

**TESTIFIER(S):** David M. Louie, Attorney General, or  
Colin J. Lau, Deputy Attorney General

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Chair Oshiro and Members of the Committee:

The Department of the Attorney General provides the following comments on this bill:

The bill in its current form at section 1, page 1, lines 11-14, requires the Department of Land and Natural Resources (DLNR) to “hold public informational meetings and hearings pursuant to chapter 91 to ensure community participation and involvement in the reviews.” (Emphasis added.)

Chapter 91, Hawaii Revised Statutes (HRS), is otherwise known as the Hawaii Administrative Procedure Act, and governs rulemaking and contested case hearings. The only public informational meetings requirement contained in chapter 91, HRS, pertains to the adoption of rules by executive agencies. “Agency hearing” is a term of art defined in section 91-1, and “refers only to such hearing held by an agency immediately prior to a judicial review of a contested case as provided in section 91-14.”

As the drafters of the bill do not appear to have intended DLNR to conduct either rulemaking proceedings or to grant a contested case, we respectfully ask the Committee to remove reference to chapter 91 from this bill.



**DEPARTMENT OF BUSINESS,  
ECONOMIC DEVELOPMENT & TOURISM**

NEIL ABERCROMBIE  
GOVERNOR

RICHARD C. LIM  
DIRECTOR

MARY ALICE EVANS  
DEPUTY DIRECTOR

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Statement of  
**RICHARD C. LIM**  
Director  
Department of Business, Economic Development, and Tourism  
before the  
**HOUSE COMMITTEE ON FINANCE**  
and  
Tuesday, April 3 2012  
2 PM  
State Capitol, Conference Room 308  
  
in consideration of  
**SB 580, SD2, HD1**  
**RELATING TO AQUATIC LIFE.**

Chair Oshiro, Vice Chair Lee, and Members of the Committee.

The Department of Business, Economic Development, and Tourism (DBEDT) **offers comments** on SB580, SD2, HD1, which requires the Department of Land and Natural Resources (DLNR) to conduct a review of the effectiveness of the two existing marine life conservation districts on Maui.

As this is an aquatic life measure, DBEDT defers to the agency in charge of administering marine life conservation districts.

HD1 removed the language mandating the creation of two new marine life conservation districts, which would create additional regulatory, and therefore economic, barriers to the development and implementation of both off-shore and on-shore renewable energy projects. Such projects are vital to the State meeting its mandated clean energy goals.

Thank you for the opportunity to offer these comments.

March 30, 2012

Honorable Members of the House Committee on Finance

Aloha Chair Oshiro, Vice Chair Lee, and Members:

**Subject: SB580 S.D. 2 H.D. 1 RELATING TO AQUATIC LIFE**

**Hearing Date and Time: Tuesday, April 3, 2012 3:00 pm**

I testify in strong support of PART II of the bill as it proposes to statutorily establish a Division of Aquatic Resources within the Department of Land and Natural Resources. This provides our ocean resources the management structure and capability to perform the scientific research and investigation, observation and monitoring necessary to ensure the sustainability of these unique and precious resources.

I find PART I SECTION 2. of this bill, to be redundant and superfluous as SECTION 1. provides:

*"The department of land and natural resources shall hold public informational meetings and hearings pursuant to chapter 91 to ensure community participation and involvement in the reviews."*

I therefore recommend the deletion of PART I SECTION 2., since all interested parties will have had an opportunity to participate in the public informational meetings and hearings for the review that will be provided in the report.

Thank you for your consideration.

Most Respectfully Yours,

Roy N. Morioka

349-9297

## FINTestimony

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**n:** mailinglist@capitol.hawaii.gov  
**t:** Sunday, April 01, 2012 11:49 AM  
**To:** FINTestimony  
**Cc:** papafarm@hawaii.rr.com  
**Subject:** Testimony for SB580 on 4/3/2012 2:00:00 PM

Testimony for FIN 4/3/2012 2:00:00 PM SB580

Conference room: 308  
Testifier position: Support  
Testifier will be present: Yes  
Submitted by: Frank Farm  
Organization: Alii Holo Kai  
E-mail: [papafarm@hawaii.rr.com](mailto:papafarm@hawaii.rr.com)  
Submitted on: 4/1/2012

### Comments:

Strong support for establishing statutorily DAR under DLNR. This Division requires an Administrator with leadership capability and scientific background knowledge to manage its responsibility to look after and sustain Hawaii's ocean marine and freshwater natural resources.

Frank Farm, President Alii Holo Kai- a fishing, diving club established in 1972.

## FINTestimony

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**From:** mailinglist@capitol.hawaii.gov  
**ent:** Monday, April 02, 2012 11:25 AM  
**To:** FINTestimony  
**Cc:** tony@pop-hawaii.com  
**Subject:** Testimony for SB580 on 4/3/2012 2:00:00 PM

Testimony for FIN 4/3/2012 2:00:00 PM SB580

Conference room: 308  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Tony Costa  
Organization: Hawaii Nearshore Fishermen  
E-mail: [tony@pop-hawaii.com](mailto:tony@pop-hawaii.com)  
Submitted on: 4/2/2012

**Comments:**

HNF are in support of establishing the Department of Aquatic Resources as a stand alone Division under DLNR.

Thank you for your positive consideration in passing this assurance.

Respectfully submitted,

Tony Costa