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GOVERNOR OF  
HAWAII



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STATE PARKS

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of  
SUZANNE D. CASE  
Chairperson

Before the House Committee on  
OCEAN, MARINE RESOURCES, AND HAWAIIAN AFFAIRS

Tuesday, February 6, 2018  
9:45 A.M  
State Capitol, Conference Room 312

In consideration of  
HOUSE BILL 2381  
RELATING TO RULES GOVERNING COMMERCIAL ACTIVITY FOR OCEAN  
RECREATION AND COASTAL AREAS

House Bill 2381 proposes to amend the definition of "commercial activity" in Hawai'i Revised Statutes (HRS) § 200-4(a). **The Department of Land and Natural Resources (Department) strongly supports this Administration measure.**

The Department believes that the current definition for "commercial activity" in HRS § 200-4(a) is too broad and vague for the purposes of identifying commercial activity and regulating it. Under the current definition of "commercial activity," enforcement officers are required to observe the exchange of money in order for "commercial activity" to have taken place. The definition as proposed in this measure would be more comprehensive and would also align with the City and County of Honolulu's definition of "commercial activity."

Some examples where enforcement efforts have been hindered by the current definition are the illegal commercial operations at Hanalei on Kaua'i; Kailua, Waikīkī, and the North Shore on O'ahu; Keauhou Bay and Pohoiki on Hawai'i; and Kā'anapali on Maui. In most of these examples, the exchange of money does not occur on state property, and the Department therefore has no ability to enforce the illegal commercial activity. Because of the Department's inability to curtail illegal commercial activity, operators are able to engage in illegal commercial operations in state ocean waters without having obtained a commercial use permit from the Department.

The proposed amendment would also provide a more detailed definition of "commercial activity" that will give the public better clarity regarding which activities are considered "commercial."

Thank you for the opportunity to comment on this measure.



COMMITTEE ON OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS

Rep. Kaniela Ing, Chair

Rep. Lynn DeCoite, Vice Chair

Rep. Richard P. Creagan

Rep. Gregg Takayama

Rep. Cedric Asuega Gates

Rep. Cynthia Thielen

Rep. Calvin K.Y. Say

**LATE**

NOTICE OF HEARING

DATE: Tuesday, February 6, 2018

TIME: 9:45 a.m.

PLACE: Conference Room 312

**TESTIMONY OF THE OCEAN TOURISM COALITION IN SUPPORT OF HB2381**

**Chair Ing, Vice Chair DeCoite and Members of the OMH Committee:**

My name is James E. Coon, President of the Ocean Tourism Coalition (OTC)

**Speaking in Support of HB 2381**

The OTC represents over 300 small ocean tourism businesses state wide. Most of these are family businesses which are locally owned and operated. All of these businesses operate out of DLNR/DOBOR Facilities. We support the language in HB 2381.

Sincerely,

James E. Coon, President OTC

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