

DAVID Y. IGE
GOVERNOR OF
HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committee on
WATER AND LAND**

**Wednesday, February 7, 2018
2:46 PM
State Capitol, Conference Room 224**

**In consideration of
SENATE BILL 2808
RELATING TO RULES GOVERNING COMMERCIAL ACTIVITY FOR OCEAN
RECREATION AND COASTAL AREAS**

Senate Bill 2808 proposes to amend the definition of "commercial activity" in Section 200-4(a), Hawai'i Revised Statutes (HRS). **The Department of Land and Natural Resources (Department) strongly supports this Administration measure.**

The Department believes that the current definition for "commercial activity" in Section 200-4(a), Hawai'i Revised Statutes, HRS, 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 testify on this measure.

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
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

SB-2808

Submitted on: 2/3/2018 4:28:49 PM

Testimony for WTL on 2/7/2018 2:46:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Hawaiian Civic Club of Honolulu	Support	No

Comments:

SB-2808

Submitted on: 2/4/2018 11:32:19 AM

Testimony for WTL on 2/7/2018 2:46:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rick Gaffney	Pacific Boats & Yachts LLC	Oppose	No

Comments:

SB 2808, as written, presents potential conflicts between the State definition of Commercial and the federal definition of Commercial which is a significant problem because the majority of the vessels used in the ocean recreation industry are federally registered (US Documented) and are therefore required to operate under the dictates of their federal documentation.

This bill creates confusion, potential legal conflict and further complicates the difficult and increasingly expensive task of running an ocean recreation business in Hawaiian waters.

SB-2808

Submitted on: 2/2/2018 5:49:57 PM

Testimony for WTL on 2/7/2018 2:46:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Carl M Jellings Sr	Fishermen	Support	Yes

Comments:

In Support