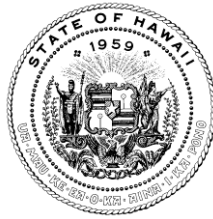


DAVID Y. IGE
GOVERNOR OF HAWAII



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

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
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Testimony of
SUZANNE D. CASE
Chairperson

Before the Senate Committee on
WATER AND LAND

Wednesday, March 27, 2019
1:20 P.M.
State Capitol, Conference Room 229

In consideration of
SENATE CONCURRENT RESOLUTION 209/SENATE RESOLUTION 168
REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF BOATING AND OCEAN RECREATION TO COLLABORATE WITH
THE COUNTY OF HAWAII TO IMPROVE AND STREAMLINE THE STATE WATERS
AND BEACH AND SHORELINE COMMERCIAL USE PERMIT PROCESSES FOR
KAHALU'U BEACH PARK ON HAWAII ISLAND

Senate Concurrent Resolution 209/Senate Resolution 168 requests the Department of Land and Natural Resources (Department), Division of Boating and Ocean Recreation (DOBOR), to collaborate with the County of Hawai'i to improve and streamline the State waters and beach, and shoreline commercial use permit processes for Kahalu'u Beach Park on Hawai'i Island. **The Department offers the following comments and amendment.**

Kahalu'u Bay has experienced significant overcrowding in recent years, particularly with the expansion of commercial surf schools and other commercial operations. These operations are launched from the beach at Kahalu'u Beach Park, under the jurisdiction of the County of Hawai'i. Once in the ocean, the activities are under the jurisdiction of DOBOR. This dual governmental oversight has been challenging for everyone – County, State, and commercial operators.

The Department, the County of Hawai'i, and other affected stakeholders have been discussing the issue since at least 2015. The result of discussions was that the County of Hawai'i would take the lead in limiting access to Kahalu'u Bay ocean waters and enforcing those limitations. The County of Hawai'i proposed – and the Department accepted - a limit of four permits for commercial surf schools that would be authorized to conduct surf school instruction from County of Hawai'i property at Kahalu'u Bay. The question of which entities would receive these

commercial permits was obviously important. The County of Hawai‘i planned to select a non-profit entity to solicit surf school bids and select the four permittees.

To implement the plan on the State side, the Department prepared changes to the applicable Hawai‘i Administrative Rules (HAR) section to support the County's initiative. These rule changes first went to the Board of Land and Natural Resources on October 9, 2015. The then-Director and Deputy Director for the Department of Parks and Recreation (DPR), County of Hawai‘i, both testified in support of the proposed HAR amendments.

After adoption of DOBOR’s Kahalu‘u Bay Ocean Waters amendments in 2016, the County of Hawai‘i then created the Kahalu‘u Beach Park Commercial Surfing Instruction Program (Program), whereby the County of Hawai‘i would select the four commercial surf instruction operators through the agreed-upon bidding process. The County of Hawai‘i contracted with The Kohala Center to manage the Program to ensure that permitted schools abide by all laws and do not harm Kahalu‘u Bay marine life.

On March 8, 2019, the current DPR Director and Deputy Director stated to the Department that DPR now intends to authorize all surf schools who meet the minimum requirements to conduct surf instruction from County property at Kahalu‘u Bay, rather than completing the plan previously agreed upon in 2015, which would have authorized only four surf schools.

There are at least seven surf schools that have now received authorization from the County of Hawai‘i to conduct surf school instruction from the beach at Kahalu‘u Beach Park. However, under current DOBOR administrative rules, only four commercial surf instruction operators can be issued a permit for commercial instruction in Kahalu‘u Bay ocean waters.

The Department realizes that this is a complex situation requiring close collaboration with County of Hawai‘i administration. The Department hopes to collaborate with the County of Hawai‘i to identify and pursue the best plan of action to meet both the County and the State’s interest in reaching a balanced solution for community and business that addresses the issues of overcrowding and safety through the commercial permitting process. Once DOBOR and DPR clarify responsibilities, the Department will move forward in addressing the issue, including amending DOBOR administrative rules, if needed.

Lastly, the Department respectfully requests these resolutions be amended as follows:

BE IT RESOLVED by the Senate of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2019, the House of Representatives concurring, that the Division of Boating and Ocean Recreation [~~is requested to collaborate with~~] and the County of Hawai‘i [to] are requested to collaborate to identify and pursue together the best plan of action moving forward given County and State adjacent jurisdictions at Kahalu‘u Bay, to meet both the County and the State’s interest in supporting a balanced solution for community and business to address issues of overcrowding and safety through [improve] improving and [streamline] streamlining the state waters and beach and shoreline commercial use permit processes for Kahalu'u Beach Park; and

Thank you for the opportunity to comment on these measures.