

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

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CHAIRPERSON
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DEPUTY DIRECTOR - WATER

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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N. S. CHANG
Chairperson

Before the Senate Committee on
JUDICIARY

Thursday, February 23, 2023
9:35 AM

State Capitol, Conference Room 016 & Videoconference

In consideration of
SENATE BILL 89, SENATE DRAFT 1
RELATING TO MARINE MANAGEMENT AREAS

Senate Bill 89, Senate Draft 1 proposes to require the Department of Land and Natural Resources (Department) to comply with Chapter 91, Hawaii Revised Statutes (HRS), when designating marine management areas (MMAs). **The Department respectfully opposes this measure because it is unnecessary.**

Section 190-3, HRS, expressly requires the Department to comply with the Chapter 91, HRS, administrative rulemaking process when adopting rules to designate MMAs. Furthermore, Chapter 91, HRS, itself requires compliance with the Chapter 91, HRS, process when designating MMAs (“prior to the adoption of any rule authorized by law, or the amendment or repeal thereof, the adopting agency shall [comply with the notice and hearing requirements set forth in Chapter 91, HRS.]”) Section 91-3(a), HRS.

The Department recognizes that Chapter 91, HRS, is a valuable procedural requirement that ensures that agencies provide adequate notice and opportunity for public hearing in the development of rules. The Department will continue to comply with the Chapter 91, HRS, rulemaking process when designating marine management areas. Therefore, this bill is unnecessary.

Mahalo for the opportunity to provide testimony in opposition to this measure.



THE THIRTY-SECOND LEGISLATURE
REGULAR SESSION OF 2023

COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

NOTICE OF DECISION MAKING

DATE: Thursday, February 23, 2023
TIME: 9:35 AM
PLACE: Conference Room 016 & Videoconference
State Capitol
415 South Beretania Street

TESTIMONY OF OCEAN TOURISM COALITION IN SUPPORT OF SB89 SD1

The Ocean Tourism Coalition (OTC) represents over 300 ocean tour operators statewide. OTC is writing in support of SB89 SD1 and the requirement that DLNR go through Chapter 91 rulemaking when designating marine management areas.

It is important that the Department of Land and Natural Resources (DLNR) complies with the requirements of Chapter 91 when designating MMAs. By doing so, DLNR can ensure that the designation process is transparent, fair, and provide assurance to stakeholders that the designated MMAs are based on the best available science and are consistent with state and federal laws.

OTC supports the passing of SB89 SD1.

Sincerely,

Denver S. Coon

Director

OTC

SB-89-SD-1

Submitted on: 2/18/2023 8:47:42 AM

Testimony for JDC on 2/23/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Gary P. Beals	Individual	Support	Written Testimony Only

Comments:

I strongly support SB89 SD1.

SB-89-SD-1

Submitted on: 2/18/2023 9:24:59 AM

Testimony for JDC on 2/23/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Ronald Tam	Individual	Support	Written Testimony Only

Comments:

The proposed legislation provides clarity. The current "...understanding and long standing practice...." do not equate to legal requirement.

SB-89-SD-1

Submitted on: 2/18/2023 9:30:39 AM

Testimony for JDC on 2/23/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Brian F. Funai	Individual	Support	Written Testimony Only

Comments:

I am in support of this bill. The Dept. needs to do the job that the Legislature required it to do by requiring the Ch 91 process when creating new rules or taking management actions.

SB-89-SD-1

Submitted on: 2/19/2023 9:18:16 AM

Testimony for JDC on 2/23/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
William K. Chang	Individual	Support	Written Testimony Only

Comments:

I support SB89

SB-89-SD-1

Submitted on: 2/22/2023 10:30:37 AM

Testimony for JDC on 2/23/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Randall Nishimura	Individual	Support	Written Testimony Only

Comments:

I am writing in support of SC89 SD1. The measure will help to ensure appropriate rules are utilized in designating both fishery management areas and marine life conservation districts. It will ensure that the processes go hand in hand to avoid confusion and loop holes from public input and will help standardize the processes for both measures.

Mahalo