

Honolulu, Hawaii

FEB 16, 2024

RE: H.B. No. 2476  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Sir:

Your Committee on Water & Land, to which was referred H.B. No. 2476 entitled:

"A BILL FOR AN ACT RELATING TO OCEAN RECREATION MANAGEMENT,"

begs leave to report as follows:

The purpose of this measure is to revise the law regarding Ocean Recreation Management Areas (ORMAs) to provide better management tools to the Division of Boating and Ocean Recreation by:

- (1) Creating a uniform designation of ORMAs;
- (2) Prohibiting commercial activity in ORMAs, except by use permit; and
- (3) Prohibiting commercial activities in ORMAs statewide on weekends, state holidays, and federal holidays, unless authorized by the Board of Land and Natural Resources.

Your Committee received testimony in support of this measure from the Department of Business, Economic Development & Tourism; Hawaii Reef and Ocean Coalition; and five individuals. Your Committee received testimony in opposition to this measure from Lahaina Divers Inc.; Aquatic Life Divers; Maui Classic Charters, Inc.; Explore Kauai Scuba; Quicksilver Charters; Pacific Boats &



Yachts; Redline Rafting; Holo Holo Charters Inc.; UFO Chuting of Hawaii, Inc.; Sea Paradise Scuba Inc.; Sailing Maui Inc.; Teralani Sailing Adventures; Hawaii Ocean Rafting; Fair Wind, Inc.; Kona Diving Company; Snuba Big Island; Hualalai Investors, LLC; Trilogy Excursions; Hula Girl Sailing Charters; Sailing Shipps, Ltd. dba Gemini Charters; Na Pali Experience; Sail Maui; Malolo Charters; Ocean Tourism Coalition; Hawaii Adventure Diving; Kohala Divers; Komohana Charters; Hawaiian Rafting Adventures Inc.; GungHo Sailing; Explore Kauai Scuba, LLC; Kaua'i Chamber of Commerce; Atlantis Submarines; Liquid Hawaii; Frogman Charters; Blue Water Maui LLC; South Pacific Ocean Tours, Inc.; Activities and Attractions Association of Hawaii; Open Sea Sportfishing Inc.; Body Glove Cruises; Jack's Diving Locker; Hanalei Charters, Inc.; Starn O'Toole Marcus & Fisher; Big Island Divers; Holualoa Enterprises, LLC; Best Big Island Tours LLC; Husk Til Dusk; Li'i Makau Inc.; Coral Reef Adventures; Kohala Blue Sail Hawaii; The Kona Boat Club dba Kona Boat Rentals; Captain Steve's Rafting; Honu Sail Charters; Kona-Kohala Chamber of Commerce; Maui Chamber of Commerce; Kohala Coast Resort Association; HST Windsurfing & Kitesurfing Lessons; Foxylady Sportfishing; Makana Lani Fishing LLC; Captain Zodiac Kona; G-10 Corp; Country Marine Services; Camelot Sport Fishing; High Noon Charters, Inc.; Bayside Catering LLC; Bob Marlin Charters; Pacific Marlin Club; Archery Adventures Hawaii; North Shore Sailing Adventures; Travel Visions Aloha for the Blind; Captain Woody's Maui; Banyan Tree Divers Maui; Maui Pacific Divers; Maui Diving - Scuba & Snorkel Center; Pygmy Whale Shark Scuba, LLC; Kona Snorkel Trips; NeverDry LLC; a petition signed by numerous individuals; and numerous individuals. Your Committee received comments on this measure from the Department of Land and Natural Resources and one individual.

Your Committee finds that this measure will provide the Department of Land and Natural Resources with more clarity on ocean recreation restrictions as well as flexibility and options in overseeing, maintaining, and improving the management of ocean recreation.

Your Committee has amended this measure by:

- (1) Clarifying that commercial activities originating from the shoreline are prohibited in ORMAS statewide on weekends, state holidays, and federal holidays, except for certain specified commercial activities;



- (2) Providing that any person who holds a valid commercial use permit on July 1, 2024, may continue to renew the commercial use permit; provided that the Department of Land and Natural Resources may terminate a commercial use permit for cause or may deny renewal or reissuance if:
  - (A) The commercial use permit has been terminated or nonrenewed for cause; or
  - (B) The commercial use permit is not renewed before its expiration date, including any applicable extensions of the expiration date;
- (3) Changing its effective date to July 1, 3000, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee notes that the amendments proposed in testimony limit commercial activity originating from the shoreline on weekends and state and federal holidays. Thus, your Committee on Judiciary & Hawaiian Affairs, should it choose to deliberate on this measure, may wish to consider reinstating the provisions of sections 200-37(g), 200-37(h), and 200-38, Hawaii Revised Statutes, for Maunalua Bay and section 200-39(e), Hawaii Revised Statutes, for Kaneohe Bay.

As affirmed by the record of votes of the members of your Committee on Water & Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2476, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2476, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.



Respectfully submitted on  
behalf of the members of the  
Committee on Water & Land,

  

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LINDA ICHIYAMA, Chair



**Record of Votes of the Committee on Water & Land**

<b>Bill/Resolution No.:</b> HB2476	<b>Committee Referral:</b> WAL, JHA	<b>Date:</b> 02/06/2024		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
WAL Members	Ayes	Ayes (WR)	Nays	Excused
1. ICHIYAMA, Linda (C)	✓			
2. POEPOE, Mahina (VC)	✓			
3. CHUN, Cory M.	✓			
4. GANADEN, Sonny	✓			
5. HASHEM, Mark J.	✓			
6. MIZUNO, May Besario	✓			
7. MORIKAWA, Dee		✓		
8. TAKAYAMA, Gregg	✓			
9. SOUZA, Kanani		✓		
<b>TOTAL (9)</b>	7	2		
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align:center">committee acronym(s)</div>				
<b>Vice Chair's or designee's signature:</b>				
<b>Distribution:</b> Original (White) – Committee      Duplicate (Yellow) – Chief Clerk's Office      Duplicate (Pink) – HMSO				