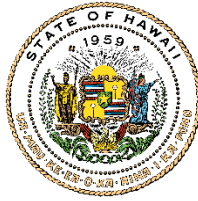


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

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

P.O. BOX 621
HONOLULU, HAWAII 96809

Testimony of
DAWN N. S. CHANG
Chairperson

Before the House Committee on
WATER AND LAND

Thursday, February 1, 2024
9:00 AM
State Capitol, Conference Room 430

In consideration of
HOUSE BILL 2475
RELATING TO COMMERCIAL OCEAN ACTIVITY

House Bill 2475 proposes to include advertisements and offers in the definition of "commercial activity" as used in chapter 200, Hawaii Revised Statutes, and provides that advertisements or offers for commercial activity are prima facie evidence that the owner made such advertisements and that the commercial activity is being operated at the location being advertised. **The Department strongly supports this administration measure.**

There has been a rapid expansion of commercial ocean recreational activity within a relatively short period of time, leading to overuse of boating facilities, strain on natural resources, and user conflicts between recreational and commercial ocean users. Many illegal commercial ocean operators claim that their customers are friends and/or family who are not paying for services, which hinders the Department's efforts to enforce illegal commercial ocean activity.

This measure expands on the authority provided by Act 232, Session Laws of Hawai'i 2023 (Act 232). The scope of Act 232 was restricted to Kāne'ōhe Bay ocean waters, and the Department believes that expanding the scope statewide will greatly assist the Department's efforts to enforce illegal commercial activity.

Thank you for the opportunity to testify on this measure.

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

DEAN D. UYENO
ACTING 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

HB-2475

Submitted on: 1/30/2024 4:04:05 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Richard Kersten	Sea Paradise Scuba Inc.	Oppose	Written Testimony Only

Comments:

Strong opposition to this bill! Commercial activities are already defined upon renewal of permits.

Richard Kersten

President

HB-2475

Submitted on: 1/30/2024 4:14:51 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Blake Moore	Teralani Sailing Adventures	Oppose	In Person

Comments:

Opposition to HB2475 - Relating to Commercial Ocean Activity

Dear Chair and Committee Members,

I am writing to express my strong opposition to House Bill 2475, titled "Relating to Commercial Ocean Activity," which proposes to include advertisements and offers in the definition of "commercial activity" as used in chapter 200, HRS. Additionally, the bill suggests that advertisements or offers for commercial activity would be considered prima facie evidence that the owner disseminated or directed the dissemination of such materials.

Upon reviewing the details of this measure, I am concerned about the potential implications it may have on businesses engaged in commercial ocean activity. While I acknowledge the importance of regulating commercial activities to ensure public safety and ethical business practices, the proposed inclusion of advertisements and offers within the definition of "commercial activity" raises questions about the scope and potential unintended consequences of this broad categorization.

By considering advertisements or offers as prima facie evidence of the owner's responsibility, there is a risk of unfairly penalizing businesses for the content disseminated without due consideration for factors beyond their control. This approach may disproportionately impact businesses that rely on various marketing channels and platforms, potentially stifling their ability to promote services and compete in the market.

I urge the committee to carefully reassess the provisions outlined in HB2475 and to engage in open dialogue with stakeholders in the commercial ocean activity sector to develop a more nuanced and balanced approach. Collaborative discussions could help address concerns related to consumer protection and industry practices without unduly burdening businesses with unintended consequences.

Thank you for your attention to this matter, and I would appreciate the opportunity to discuss my concerns further during any upcoming hearings or meetings related to HB2475.

Sincerely,

Blake Moore

HB-2475

Submitted on: 1/30/2024 6:23:22 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Inca Robbin	Hula Girl Sailing Charters	Oppose	Written Testimony Only

Comments:

We oppose this bill.

Thank you,

Inca Robbin

President

Hula Girl Sailing Charters

HB-2475

Submitted on: 1/30/2024 6:37:02 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Virginia Armstrong	Splashers Ocean Adventures DBA Kona Snorkel Trips	Oppose	Written Testimony Only

Comments:

The failures of the agency to direct commerce activities are not reason to legislate newly, more a call to action to legislate correctly and enforce the rules appropriately. A founding pillar of the united states legal system is that the you are innocent until proven guilty - The burden of proof shall be on a person charged with a violation of commercial activity restrictions under this chapter or rules adopted by the department to establish that vessels or equipment, or both, are not being used for unpermitted commercial activity or that the person's conduct is authorized pursuant to a permit, lease, or license issued by the department. This statement appears to be in direct contradiction with that premise.

HB-2475

Submitted on: 1/30/2024 6:46:18 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
George F. Garnes III	Gemini Charters	Oppose	Written Testimony Only

Comments:

Subject: Opposition Testimony for HB2475

George F Garnes III, 142 Kupuohi St Unit F5, Lahaina, HI 96761 808-283-8043

To whom it may concern,

RE: HB 2475

I am writing to express my strong opposition to HB2475, which proposes significant restrictions on commercial ocean activities in state waters, particularly on weekends and holidays. As a sailing catamaran company, these proposed regulations would have a severe impact on our operations and completely jeopardize our ability to remain viable.

I understand the importance of effective ocean recreation management, and I appreciate efforts to strike a balance between conservation and commercial activities. However, the current language of the bill fails to consider the practical implications on businesses like mine, which are unfairly targeted and constantly blamed for various issues.

The boating industry on Maui is often unfairly singled out for environmental concerns, safety issues, or other challenges that are not solely within our control. While we are committed to responsible practices, this bill unfairly places the burden on our industry without considering the broader context and the shared responsibility of all stakeholders.

I urge the committee to reconsider the proposed restrictions and work towards a solution that accommodates the interests of both conservation and the local business community. Collaborative discussions with stakeholders could lead to a more balanced approach that achieves the intended goals without unfairly scapegoating our industry.

I would appreciate the opportunity to further discuss my concerns during any upcoming hearings or meetings regarding this bill. Thank you for considering my testimony, and I hope that we can find a mutually beneficial resolution.

Sincerely,

George F Garnes III, Vice President Gemini Charters



January 30, 2024

Committee Chair's Full Name
Committee Name
State Capitol
Honolulu, HI. 96813

RE: Opposition Testimony for HB 2475

To Whom It May Concern:

I am writing to express my strong opposition to HB2475, which proposes expanding the definition of "commercial operator". As a commercial operator, these proposed regulations would have a severe negative impact on our operations, would leave our company without a voice, and potentially jeopardize our ability to remain viable.

I oppose HB2475 due to its overexpansion of the definition of commercial activity. This change risks unfairly burdening small businesses and local entrepreneurs, crucial to our community's economic health. Such broad regulation could hinder small-scale and informal activities, stifling innovation and creating unnecessary barriers for start-ups. It's vital to maintain a balanced approach that supports sustainable growth without imposing excessive constraints on the very businesses that enrich our community.

Sail Maui, originally Paragon Sailing Charters Maui, has been in business since 1985 and I've worked for the company for 5 years, but I've worked within the Maui boating industry for 25 years. This bill would severely limit our company's ability to operate, provide jobs for our employees, Maui residents, pay a livable wage, positively impact our local economy, and provide our residents, friends, family and visitors with wonderful lifelong memories while snorkeling, sailing, and whale watching along the coastlines of Maui and Lana'i.

I understand the importance of effective ocean recreation management, and I appreciate the efforts to strike a balance between conservation and commercial activities. However, the current language of the bill fails to consider the practical implications on businesses like the one I work for, which are unfairly targeted and constantly blamed for various issues.

P.O. Box 10399
Lahaina, HI 96761
www.SailMaui.com



PERFORMANCE SAILING
HAWAII, USA

The commercial boating industry is often unfairly singled out for environmental concerns, safety issues, or other challenges that are not solely within our control. While we are committed to responsible practices, this bill unfairly places the burden on our industry without considering the broader context and the shared responsibility of all stakeholders.

I urge the committee to reconsider the proposed restrictions and work towards a solution that accommodates the interests of both conservation and the local business community. Collaborative discussions with stakeholders could lead to a more balanced approach that achieves the intended goals without unfairly scapegoating our industry.

I would appreciate the opportunity to further discuss my concerns during any upcoming hearings or meetings regarding this bill. Thank you for considering my testimony, and I hope that we can find a mutually beneficial resolution.

Sincerely,

A handwritten signature in black ink that reads "CKinkade".

Carrie Kinkade
Director of Administration & Human Resources
Sail Maui
Carrie@SailMaui.com
c: 808-866-6210

P.O. Box 10399
Lahaina, HI 96761
www.SailMaui.com

HB-2475

Submitted on: 1/30/2024 7:56:47 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Peter Colombo	Hawaii Ocean Rafting	Oppose	Written Testimony Only

Comments:

TESTIMONY (HB2475):

Subject: Opposition Testimony for HB2475

**Peter Colombo, 5095 Napilihau Street, 109B #242, Lahaina, HI, 96761.
peter@hawaiiocceanrafting.com. (808) 446-2492. January 30th, 2024.**

RE: 2475 HB RELATING TO COMMERCIAL OCEAN ACTIVITY.

I am writing to express my strong opposition to 2475 HB RELATING TO COMMERCIAL OCEAN ACTIVITY, expands the definition of commercial activity. As a small native Hawaiian business owner with a tour boat operation, these proposed regulations would have a severe impact on our operations and potentially jeopardize our ability to remain viable.

After losing our home, shop, place of business and small boats in the Lahaina Fire, our hope of rebuilding remains in us being treated fairly. As a small native Hawaiian owned tour business I am being lumped in with everyone else. This is the issue I see over and over again. The persons submitting these bills are out of touch with who is actually operating commercial business, many are like me (local, small businesses) that are eco-conscious and sustainable. Instead of expanding the definition of commercial activity, it should be better defined, so smaller businesses and native owned businesses are not treated the same as large corporations or large group operations. Can the goal be to make commercial tourism more sustainable instead of making it more difficult for the small business operators like me to continue working by increasing fees and permit gross receipt minimums? All that does is drive big business, commercialism and quantity over quality.

When changes are made to support smaller operations, we will know decisions are being made for the people that live and work in the community, not just for the state's profit.

The issue of too many unpermitted companies operating does not get resolved by putting restrictions on those of us that operate on permits and within all regulations or monitoring social media. What needs to happen is more enforcement. The \$1 per person OSF or the 3% in harbor taxes that we are paying now should go to funding DLNR officers to visit areas and verify permits. It is not complicated.

As a native Hawaiian, I would be forced to leave my home and island because decisions are being made by a group that has no accountability to the people they are making the decisions for. There is no benefit to this bill for the community, especially native Hawaiian's like myself. Find a way for these positions to be elected and with a term instead of giving them more power.

I understand the importance of effective ocean recreation management, and I appreciate efforts to strike a balance between conservation and commercial activities. However, the current language of the bill fails to consider the practical implications on businesses like mine, which are unfairly targeted and constantly blamed for various issues.

The ocean recreation industry is often unfairly singled out for environmental concerns, safety issues, or other challenges that are not solely within our control. While we are a small, eco-minded native owned business committed to responsible practices, this bill unfairly places the burden on our industry without considering the broader context and the shared responsibility of all stakeholders.

I urge the committee to reconsider the proposed restrictions and work towards a solution that accommodates the interests of both conservation and the local business community. Collaborative discussions with stakeholders could lead to a more balanced approach that achieves the intended goals without unfairly scapegoating our industry.

I would appreciate the opportunity to further discuss my concerns during any upcoming hearings or meetings regarding this bill. Thank you for considering my testimony, and I hope that we can find a mutually beneficial resolution.

Sincerely,

Peter Colombo, President, Lahaina Charter Boats Inc. DBA, Hawaii Ocean Rafting.

HB-2475

Submitted on: 1/30/2024 8:01:20 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Christopher Kasper	Malolo Charters	Oppose	Written Testimony Only

Comments:

Aloha

I strongly oppose this bill. It will put undue financial stress on impacted businesses and their employees. It will not solve any commercial recreation issues.

Mahalo

HB-2475

Submitted on: 1/30/2024 8:06:47 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jennifer Kasper	Malolo Charters	Oppose	Written Testimony Only

Comments:

Aloha

I strongly oppose this bill. It will put undue financial stress on impacted businesses and their employees. It will not solve any commercial recreation issues.

Mahalo

HB-2475

Submitted on: 1/30/2024 8:32:58 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Koa Fuller	Komohana charters	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill

HB-2475

Submitted on: 1/30/2024 8:35:56 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nichlas holm	Hawaiian rafting adventures Inc	Oppose	Written Testimony Only

Comments:

I oppose this bill.



Testimony Before the House Committee on Water & Land
Tuesday, February 1st, 9:00 a.m. HST
Conference Room 430 & Via Video Conference
State Capitol, 415 South Beretania Street, Honolulu, HI 96813

RE: Opposition to Bill HB2475

To the Honorable Chair Linda Ichiyama, Vice Chair Mahina Poepoe, and Members of the Committee:

I am compelled to express the Kauai Chamber's strenuous opposition to HB2475, a part of a series of proposed legislations including HB2476, HB2477, HB2474, and HB2093, which collectively represent a concerning trend towards overly restrictive regulations on Hawaii's commercial boating industry. HB2475, in particular, seeks to expand the definition of commercial activity in a manner that we believe could have unintended and far-reaching negative consequences on both the economy and the community fabric of our state.

The broadening of the definition of commercial activity as outlined in HB2475 risks encompassing a wide array of activities that, while technically commercial, are integral to the vibrant tourist experience Hawaii is renowned for. This could lead to increased regulatory burdens on small businesses and entrepreneurs who play a critical role in our tourism ecosystem, potentially stifling innovation and diminishing the diversity of experiences available to visitors and residents alike.

Moreover, the proposed expansion could exacerbate the challenges of navigating Hawaii's regulatory environment, already perceived as one of the most complex and unfriendly towards businesses in the country. At a time when we should be streamlining processes and encouraging economic growth and diversification, HB2475 appears to move in the opposite direction, potentially deterring investment and entrepreneurship in the state.

It is also important to consider the broader economic implications of such a measure. The tourism industry, of which commercial boating is a vital component, is not just a major economic driver for Hawaii but also a significant source of employment and community development. By imposing additional constraints on this sector, we risk undermining its viability, leading to job losses, decreased state revenues, and a decline in the quality of life for many who depend on tourism for their livelihoods.

We urge you to reconsider the passage of HB2475 and to engage in a more holistic and inclusive dialogue with stakeholders from across the spectrum to ensure that any changes to the definition of commercial activity are thoughtful, targeted, and conducive to fostering a healthy, dynamic, and sustainable tourism industry in Hawaii.

Hawaii's future success depends on our ability to balance economic development with environmental and cultural preservation. We believe that by working together, we can find pathways to regulation that support this balance without unduly burdening the industries that are the lifeblood of our state.

We look forward to your leadership in guiding Hawaii towards a prosperous and inclusive future.

Sincerely,

Mark Perriello
President & CEO

HB-2475

Submitted on: 1/30/2024 10:26:49 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Don Prestage	Sail Maui	Oppose	In Person

Comments:

I oppose HB2475 due to its overexpansion of the definition of commercial activity. This change risks unfairly burdening small businesses and local entrepreneurs, crucial to our community's economic health. Such broad regulation could hinder small-scale and informal activities, stifling innovation and creating unnecessary barriers for start-ups. It's vital to maintain a balanced approach that supports sustainable growth without imposing excessive constraints on the very businesses that enrich our community.

HB-2475

Submitted on: 1/30/2024 10:33:57 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kieran Oliver	Liquid Hawaii	Oppose	Written Testimony Only

Comments:

We are firmly against any new fees and taxes and believe DOBAR has sufficient revenue from our business. Clean up the corruption and embezzlement of our tax dollars before you take more of our money. You all are the real criminals. Maybe try protecting our resources and doing studies on our ecosystems with our tax dollars instead of lining your pockets.

January 30, 2024

Subject: **Opposition Testimony for HB2476**

James Walsh, 2673 Iolani Street, Pukalani, HI. 96768

Email Address: jwalsh@atlantisadventures.com

Mobile Phone: 808-264-3704

Committee Chair Linda Ichiyama

Water and Land Committee

415 S Beretania St.

Honolulu, HI 96813

Dear Chair Ichiyama,

RE: HB2475 Commercial Ocean Activity; Advertisements and Offers

I am writing to express my opposition to HB2475 Commercial Ocean Activity; Advertisements and Offers.

I am opposed to this bill as written. The bill itself is an attempt to address a real problem within the state, which is illegal commercial vessel operations. As a legal commercial company for the past 35 years here in the state of Hawaii, it is frustrating to see illegal operators out there. That being said, this bill is poorly written in my opinion. At one point the bill states that the “burden of proof shall be on a person charged with a violation of commercial activity restrictions”, this seems to me to be unconstitutional. The burden of proof of a crime shall be on the government to prove, not the individual.

I think a better solution is to allow the police/DOCARE officers to do their job and question the passengers of a suspected illegal commercial boating operator. Good policing should be able fix this problem. The DOCARE officers fully know which vessels are suspect in this illegal activity. Ensure that they have the tools they need to appropriately address this problem.

Thank you for considering my testimony.

Sincerely,

Jim Walsh

General Manager

Atlantis Submarines ~ Maui

Thursday, February 1, 2024, 9:00 A.M.

State of Hawai'i

House Committee on Water & Land
State Capitol, Conference Room 415

**JOINT TESTIMONY OF DOUG CHIN AND ERIC ROBINSON OFFERING
COMMENTS ON HOUSE BILL 2475, RELATING TO COMMERCIAL OCEAN
ACTIVITY**

Dear Chair Ichiyama, Vice Chair Poepoe, and Committee Members:

We are legal counsel for a hui of commercial use permit holders throughout the State and respectfully **offer comments** on House Bill 2475.


HB2475, along with HB2474, HB2476, and HB2477, is “part of a comprehensive ocean recreation management package” put forth by the Department of Land and Natural Resources. We agree there is room to improve the management of ocean recreation and that enforcements should be brought against unpermitted commercial activity. Although we are generally supportive of the aim of HB2475, we note that the bill does raise constitutional due process concerns. As an example, the bill would place the burden on alleged violators to prove their innocence. When paired with the criminal liability being proposed under HB2249 (Boating and Ocean Recreation; Criminal Penalties) HB2475 would be unconstitutional.

Thank you for the opportunity to provide testimony offering comments on HB2475.

Sincerely,



Douglas S. Chin



Eric S. Robinson

HB-2475

Submitted on: 1/31/2024 8:17:24 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tait Heitz	Big Island Divers	Oppose	Written Testimony Only

Comments:

I oppose HB2475. It is unclear what this measure means for small businesses operating legally. Specifically this section regarding transferring commercial permits:

(C) Requirements governing:

(i) The transfer of any state commercial, mooring, launching, or any other type of use or other permit, directly or indirectly, including but not limited to the imposition or assessment of a business transfer fee upon transfer of ownership of vessels operating commercially from, within or in any way related to the state small boat harbors;

HB-2475

Submitted on: 1/31/2024 8:27:44 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Bill Murtagh	Li'i Makau, Inc.	Oppose	Written Testimony Only

Comments:

Wasn't aware of this until now, not enough time to prepare testimony. Strongly oppose.

HB-2475

Submitted on: 1/31/2024 9:09:35 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Debbie Patton	Captain Steve's Rafting	Oppose	Written Testimony Only

Comments:

Strongly oppose this bill.

HB-2475

Submitted on: 1/31/2024 4:19:19 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nick Croft	Explore Kauai Scuba, LLC	Comments	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Committees,

My name is Nick Croft from Explore Kauai Scuba, LLC on Kauai. This bill is confusing to me and I think it's to keep non permitted boat operators from running illegal commercial charters, which is a good thing. However, I do not like how it ammends more rules to "commercial activity". I feel like everything being introduced for amending rules is set on taking over control and not needing to have public hearings. The rules already don't allow illegal charters, so they should be able to act to them already, right? That's why I am wary of this proposed bill.

Mahalo for your time,

Nick Croft

owner/operator, Explore Kauai Scuba, LLC

HB-2475

Submitted on: 1/31/2024 9:46:19 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jeremy Selg	Adventure Time LLC	Oppose	Remotely Via Zoom

Comments:

Aloha,

As a Beaches and Shores commercial permit holder I strongly oppose this bill. Our Public Access established under the Costal Management Plan are vehemently protected by ruling of the Supreme Court of Hawaii. The language of this bill aims to prohibit or deny that access.

HB-2475

Submitted on: 1/30/2024 10:21:14 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Manu Powers	Individual	Oppose	Written Testimony Only

Comments:

I am writng in opposition to HB2475

HB-2475

Submitted on: 1/30/2024 12:11:50 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kevin Tinneney	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill.

HB-2475

Submitted on: 1/30/2024 12:26:39 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ryan Bruner	Individual	Oppose	In Person

Comments:

I am writing to oppose House bill HB2475 . My name is Ryan Bruner and I am the owner of Hawai'i Ocean Adventure Tours. We started our company in 2016. I am a small family owned business operating out of Haleiwa Harbor. This bill along with others proposed here will effectively put me and many other small companies like mine out of business. These companies Have been created and ran by people like myself who love the ocean, and do our best to show locals and visitors, our unique perspective. Many of us have young families, and we all rely on this income to feed and house those families. I personally have two young boys, three and seven years old, as well as my wife, who depend on this income to provide a living. Myself, as well as many of the other business owners that I know are not Wealthy, in fact, we are just getting by at this point. Any increase in fees or restrictions on transferring commercial slip permits would be a Debilitating and devastating to our livelihood. Please vote no and kill these bills. Sincerely Ryan Bruner.

HB-2475

Submitted on: 1/30/2024 1:35:22 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nicole Andricci	Individual	Oppose	Written Testimony Only

Comments:

Subject: Opposition Testimony for HB2474, HB2476, HB2477, HB2475, AND HB2093

Nikki Andricci 557 Kaikoo Pl Wailuku, HI 96793 1/30/24

[Committee Chair's Full Name] [Committee Name] [State Capitol] [City, State, ZIP Code]

I am writing to express my strong opposition to Bill Number's HB2474, HB2476, HB2477, HB2475, and HB2093, which proposes significant restrictions on commercial ocean activities in state waters, particularly on weekends and holidays. As someone who works for a small local business, these proposed regulations would have a severe impact on our operations and potentially jeopardize our ability to remain viable.

Sincerely,

Nikki Andricci

HB-2475

Submitted on: 1/30/2024 1:47:22 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kristy Ford	Individual	Oppose	Written Testimony Only

Comments:

Oppose!

HB-2475

Submitted on: 1/30/2024 1:57:57 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kevin Ford	Individual	Oppose	Written Testimony Only

Comments:

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HB-2475

Submitted on: 1/30/2024 2:01:58 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Sean Pierce	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill

HB-2475

Submitted on: 1/30/2024 2:40:55 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Chelsea Genova	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill.

HB-2475

Submitted on: 1/30/2024 3:01:01 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Pamela Townsend	Individual	Oppose	Written Testimony Only

Comments:

Oppose

HB-2475

Submitted on: 1/30/2024 3:08:42 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lindsey Elkington	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

HB-2475

Submitted on: 1/30/2024 3:37:08 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Theo King	Individual	Oppose	Written Testimony Only

Comments:

Leave the definition as is

HB-2475

Submitted on: 1/30/2024 4:02:32 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Brian F Sward	Individual	Oppose	Written Testimony Only

Comments:

The failures of the agency to direct commerce activities are not reason to legislate newly, more a call to action to legislate correctly and enforce the rules appropriately. A founding pillar of the united states legal system is that the you are innocent until proven guilty - The burden of proof shall be on a person charged with a violation of commercial activity restrictions under this chapter or rules adopted by the department to establish that vessels or equipment, or both, are not being used for unpermitted commercial activity or that the person's conduct is authorized pursuant to a permit, lease, or license issued by the department. This statement appears to be in direct contradiction with that premise.

HB-2475

Submitted on: 1/30/2024 5:08:28 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Rebekah Kaufmann	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill and would like to share why. This bill if passed would devastate the scuba industry in Hawaii and have many detrimental effects to the local communities, eco tourism and overall environment.

I own and operate a scuba diving tour company on the Big Island of Hawaii. Kohala Divers operates out of Kawaihae small boat harbor and has been operating since 1984. My husband and I are the 3rd owners of the company. I have dedicated the last 20+ years of my life developing the business into a thriving operation that does so much for the community.

The scuba diving industry in Hawaii is a unique industry that attracts high dollar visitors that return year after year. They bring big dollars to our visitor industry in a sustainable way that is good for small businesses, hotels, condo ownership, restaurants and more. The type of visitor that comes to Hawaii for scuba usually comes with that being the top priority to why they visit. If Hawaii were not able to accommodate safe long lasting scuba operations these visitors would not come but would choose other international destinations that do support this industry.

Scuba businesses in Hawaii are small family run businesses that hire people in our community with sustainable wages and and support our residents. It takes years to have the knowledge, certifications, and resources to maintain a safe and thriving scuba business.

If this bill passes the ocean sport industry could very easily be done away with. My life's work will mean nothing and Hawaii will only have large corporations running boating businesses that put profit over sustainability and make sustainable eco- tourism unrealistic.

Please oppose this bill and help the ocean recreation business continue to operate and contribute to Hawaii's economy in a sustainable way.

**WRITTEN TESTIMONY
OPPOSITION TO HB2475**

Aloha Chair and Committee Members,

As it is written HB2475 seems excessively restrictive and arbitrary. I may be in support some measure of this type bill however as written it is fraught with challenges. If in fact the bill “*only*” pertains to unpermitted individuals or operators then I would support it. Another challenge however is the assumed direct responsibility of the individual or company for placing advertisement. Given that this may occur through an unauthorized third party or even in some instances to negatively impact the individual or operator I’d suggest this is a troublesome bill creating far more problems than solutions.

I am not in favor and therefore OPPOSE HB2475 as written

Sincerely,

Michael T. Kelley

HB-2475

Submitted on: 1/30/2024 5:46:36 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jack	Individual	Oppose	Written Testimony Only

Comments:

I oppose

HB-2475

Submitted on: 1/30/2024 5:47:12 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Shelley Carey	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB2475 due to the impact it would have on small business

HB-2475

Submitted on: 1/30/2024 5:51:45 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Joseph Scardaci	Individual	Oppose	Written Testimony Only

Comments:

I oppose

HB-2475

Submitted on: 1/30/2024 5:57:09 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Peter Wood	Individual	Oppose	Written Testimony Only

Comments:

We Oppose this bill.

HB-2475

Submitted on: 1/30/2024 6:08:36 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ashley Roussel	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB2475 due to its overexpansion of the definition of commercial activity. This change risks unfairly burdening small businesses and local entrepreneurs, crucial to our community's economic health. Such broad regulation could hinder small-scale and informal activities, stifling innovation and creating unnecessary barriers for start-ups. It's vital to maintain a balanced approach that supports sustainable growth without imposing excessive constraints on the very businesses that enrich our community.

HB-2475

Submitted on: 1/30/2024 6:10:21 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jennifer	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB 2475 due to the detrimental impact it will have on small businesses.

HB-2475

Submitted on: 1/30/2024 6:24:52 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jenn Carey	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB 2475.

HB-2475

Submitted on: 1/30/2024 6:31:56 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
David Quintanilla	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB2475 due to its overexpansion of the definition of commercial activity. This change risks unfairly burdening small businesses and local entrepreneurs, crucial to our community's economic health. Such broad regulation could hinder small-scale and informal activities, stifling innovation and creating unnecessary barriers for start-ups. It's vital to maintain a balanced approach that supports sustainable growth without imposing excessive constraints on the very businesses that enrich our community.

HB-2475

Submitted on: 1/30/2024 6:35:31 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nicholas gambino	Individual	Oppose	Written Testimony Only

Comments:

No comments

HB-2475

Submitted on: 1/30/2024 7:25:52 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ckessler00@gmail.com	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill

HB-2475

Submitted on: 1/30/2024 7:58:26 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kristen Kessler	Individual	Oppose	Written Testimony Only

Comments:

I oppose the bill.

HB-2475

Submitted on: 1/30/2024 8:03:45 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Chandler Countryman	Individual	Oppose	Written Testimony Only

Comments:

I oppose

HB-2475

Submitted on: 1/30/2024 8:04:10 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jason Munning	Individual	Oppose	Written Testimony Only

Comments:

I oppose the bill.

HB-2475

Submitted on: 1/30/2024 8:14:36 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jason Novello	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill because of the limiting effects it will have on Maui's boating community

HB-2475

Submitted on: 1/30/2024 9:13:50 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Russell Keller Laros III	Individual	Oppose	Written Testimony Only

Comments:

I oppose

HB-2475

Submitted on: 1/30/2024 9:31:48 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Seth Howse	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB2475 because it is bad for small businesses and employees of small businesses.

HB-2475

Submitted on: 1/30/2024 10:03:18 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
KATRINA ZAVALNEY	Individual	Oppose	Written Testimony Only

Comments:

HB2475 – Oppose - The failures of the agency to direct commerce activities are not reason to legislate newly, more a call to action to legislate correctly and enforce the rules appropriately. A founding pillar of the united states legal system is that the you are innocent until proven guilty - The burden of proof shall be on a person charged with a violation of commercial activity restrictions under this chapter or rules adopted by the department to establish that vessels or equipment, or both, are not being used for unpermitted commercial activity or that the person's conduct is authorized pursuant to a permit, lease, or license issued by the department. This statement appears to be in direct contradiction with that premise.

HB-2475

Submitted on: 1/30/2024 10:04:52 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Chris Freed	Individual	Support	Written Testimony Only

Comments:

I support HB2475. It helps DOCARE officers do their job. I am a commercial mooring permit holder in Haleiwa harbor and have observed unlicensed charter activity. When I have brought this illegal activity to the attention of the harbormaster, and DOCARE, they said there is a burden of proof that their actions are illegal. Even though the illegal operators solicited their services on the websites and social media, I was told that they need to see an exchange of money as the burden of proof. Everything is online now days. I think this bill is keeping up with the times

HB-2475

Submitted on: 1/31/2024 3:21:14 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lisa Hatzenbuhler	Individual	Support	Written Testimony Only

Comments:

I am in support of this bill to define commercial activities and to help get rid of illegal commercial activity. Thank you

HB-2475

Submitted on: 1/31/2024 6:08:24 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kodi Toulon	Individual	Oppose	Written Testimony Only

Comments:

There are issues in certain activities and not in others. Expanding the definition of anything just creates issues.

HB-2475

Submitted on: 1/31/2024 6:25:29 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
chelsea toia-vaas	Individual	Oppose	Written Testimony Only

Comments:

HB2475 - OPPOSE - Expands the definition of commercial activity

Testimony:

I oppose HB2475 due to its overexpansion of the definition of commercial activity. This change risks unfairly burdening small businesses and local entrepreneurs, crucial to our community's economic health. Such broad regulation could hinder small-scale and informal activities, stifling innovation and creating unnecessary barriers for start-ups. It's vital to maintain a balanced approach that supports sustainable growth without imposing excessive constraints on the very businesses that enrich our community.

HB-2475

Submitted on: 1/31/2024 7:24:12 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Rachel Dailey	Individual	Oppose	Written Testimony Only

Comments:

Subject: Opposition Testimony for 2475 HB RELATING TO COMMERCIAL OCEAN ACTIVITY

Rachel Dailey

Lahaina, HI

01/31/2024

Chair Linda Ichiyama

House Committee on Water and Land

Dear Chair Ichiyama,

RE: 2475 HB RELATING TO COMMERCIAL OCEAN ACTIVITY

I am writing to express opposition to 2475 HB RELATING TO COMMERCIAL OCEAN ACTIVITY.

Sincerely,

Rachel Dailey

HB-2475

Submitted on: 1/31/2024 7:53:00 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Valentin Neamtu	Individual	Oppose	Written Testimony Only

Comments:

This bill tries to expand the definition of "commercial activity" and to hold boat company owners responsible for advertising their businesses. This is just an attempt for the DLNR to fine boat company owners for frequently.

HB-2475

Submitted on: 1/31/2024 7:58:21 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Maren Anka	Individual	Oppose	Written Testimony Only

Comments:

House Committee on Water and Land

Dear Chair Ichiyama,

RE: HB 2475

I am writing to express opposition to expanding commercial activity

Sincerely,

Maren Anka

HB-2475

Submitted on: 1/31/2024 8:27:57 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tim Honderick	Individual	Support	Written Testimony Only

Comments:

Pass this bill please

HB-2475

Submitted on: 1/31/2024 8:35:27 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Capt. J D DuShane	Individual	Oppose	Written Testimony Only

Comments:

oppose

HB-2475

Submitted on: 1/31/2024 8:39:30 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Miranda Miller	Individual	Oppose	Written Testimony Only

Comments:

Subject: Opposition Testimony for HB2475

Miranda Miller

15 Papahi Loop

Kahului, HI 96732

mirandaleigh.paints@gmail.com

413.281.9918

1/31/24

Rep. Linda Ichiyama, Chair

COMMITTEE ON WATER & LAND

430 VIA VIDEOCONFERENCE

Dear Rep. Linda Ichiyama,

RE: HB2475

I am writing to express my strong opposition to HB2475 RELATING TO COMMERCIAL OCEAN ACTIVITY, which proposes significant restrictions on commercial ocean activities in state waters, particularly on weekends and holidays. As a CHARTER SAILING COMPANY, these proposed regulations would have a severe impact on our operations and potentially jeopardize our ability to remain viable.

As a charter sailing business, we rely on tourism throughout the entirety of the year, weekends and holidays included. In order to make the money we need to keep the business successfully operating and having enough to pay harbor fees and taxes to the state, we need to be able to

operate as many days possible. There are certain times of the year that are slower than others so being able to operate 7 days a week helps.

I understand the importance of effective ocean recreation management, and I appreciate efforts to strike a balance between conservation and commercial activities. However, the current language of the bill fails to consider the practical implications on businesses like mine, which are unfairly targeted and constantly blamed for various issues.

The RECREATIONAL BOAT CHARTER INDUSTRY is often unfairly singled out for environmental concerns, safety issues, or other challenges that are not solely within our control. While we are committed to responsible practices, this bill unfairly places the burden on our industry without considering the broader context and the shared responsibility of all stakeholders.

I urge the committee to reconsider the proposed restrictions and work towards a solution that accommodates the interests of both conservation and the local business community. Collaborative discussions with stakeholders could lead to a more balanced approach that achieves the intended goals without unfairly scapegoating our industry.

I would appreciate the opportunity to further discuss my concerns during any upcoming hearings or meetings regarding this bill. Thank you for considering my testimony, and I hope that we can find a mutually beneficial resolution.

Sincerely,

Miranda Miller

Dive Instructor, First Mate

Kapalua Kai Sailing

HB-2475

Submitted on: 1/31/2024 9:30:29 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Uilani Naipo	Individual	Support	Written Testimony Only

Comments:

I support this measure.

- U'ilani Naipo

HB-2475

Submitted on: 1/31/2024 9:30:56 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Renee Street	Individual	Oppose	Written Testimony Only

Comments:

Renee Street, 178 Hale St, Lahaina, HI 96761

renee_street@hotmail.com

31 January 24

Dear Legislative Committee,

RE: Opposition Testimony for HB2475

I am writing to express my strong opposition to HB2475, which proposes significant restrictions on commercial ocean activities in state waters, particularly on weekends and holidays. As a Scuba Diving Professional, these proposed regulations would have a severe impact on our operations and potentially jeopardize our ability to remain viable.

I have been an Open Water Scuba Instructor for the past decade. I have had the pleasure of working in a number of countries including Honduras, Indonesia, Samoa, Thailand, and Malaysia. Several years ago I returned to the United States to work in Maui. I joined Dive Maui in Lahaina, Hawaii and have been working there for over two years. Together with the owners, we have worked to create a successful scuba training facility helping to train not only recreational divers but also dive professionals. Always as a part of these courses, we emphasize conservation and ocean protection. We aim to create ocean ambassadors who will spread the word to others on saving and protecting the ocean and the importance of Hawaii in that mission.

We have been fortunate to have steady customers year around, without a measurable high or low season. Even during the pandemic, scuba diving was bringing tourists to Maui. This tourism brings money, jobs, and helps to cement Hawaii's reputation as a worldwide premier tourist destination.

In addition, between December and April, Dive Maui operates daily whale watching trips. I work as a whale naturalist on these trips. This business not only brings in tourists to Maui. But also educates thousands of people each season on the importance of conserving and protecting our ocean. We speak at great length about whales, the ocean, and the role of humanity in protecting both. Therefore, limiting, restricting or ending Dive Maui's ability to educate and train the public

will have a detrimental effect on tourism, conservation, and the public's perception of Hawaii's role in ecotourism.

I understand the importance of effective ocean recreation management, and I appreciate efforts to strike a balance between conservation and commercial activities. However, the current language of the bill fails to consider the practical implications on businesses like mine, which are unfairly targeted and constantly blamed for various issues.

The scuba industry is often unfairly singled out for environmental concerns, safety issues, or other challenges that are not solely within our control. While we are committed to responsible practices, this bill unfairly places the burden on our industry without considering the broader context and the shared responsibility of all stakeholders.

I urge the committee to reconsider the proposed restrictions and work towards a solution that accommodates the interests of both conservation and the local business community. Collaborative discussions with stakeholders could lead to a more balanced approach that achieves the intended goals without unfairly scapegoating our industry.

I would appreciate the opportunity to further discuss my concerns during any upcoming hearings or meetings regarding this bill. Thank you for considering my testimony, and I hope that we can find a mutually beneficial resolution.

Sincerely,

Renee Street

Open Water Scuba Instructor, and Course Director

Dive Maui, Lahaina, Hawaii

HB-2475

Submitted on: 1/31/2024 10:03:25 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Victoria Davis	Individual	Oppose	Written Testimony Only

Comments:

Aloha and Mahalo,

Opposing this bill, though it was looking really good to begin with. Agree with advertising unpermitted tours should be grounds to prove intent. However, seems additional measures are thrown in that outside the scope of the bills intent.

In particular, item (6) is preventing discharge (yay!), but seemingly with 'under the radar' rewording HB2477 to do so by:

"(c) Requirements governing:

(i) The transfer of any state commercial, mooring, launching, or any other type of use or other permit, directly or indirectly a including but not limited to the imposition or assessment of a business transfer fee upon transfer of ownership of vessels operating commercially from, within or in any way related to the state small boat harbors; and

(ii) The use of state small boat harbors, launching ramps, or other boating facilities belonging to or controlled by the State, including but not limited to the establishment of minimum amounts of annual gross receipts required to renew a commercial use permit, and conditions under which a state commercial, mooring, launching, or any other type of use or other permit may be terminated, canceled, or forfeited; and

(D) Any other rule necessary to implement this chapter pertaining to small boat harbors, launching ramps, and other boating facilities belonging to or controlled by the State"

Please remove this portion of the bill and keep it to the advertising portion.

Sincerely,

Victoria Davis

akaTori Cullins

HB-2475

Submitted on: 1/31/2024 1:05:50 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ken Cherry	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose

HB-2475

Submitted on: 1/31/2024 2:54:29 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Anela Kealakai	Individual	Oppose	In Person

Comments:

My name is Anela, and as an elopement and wedding photographer in Hawaii, I rely heavily on the collaboration with local boat businesses to create memorable experiences for couples. I am here to express my opposition to HB2475, which proposes to expand the definition of commercial ocean activity to include advertisements and offers.

- **Impact on Marketing and Promotion:** The expansion of the definition of commercial activity to include advertisements and offers could significantly limit how boat businesses market themselves. As a photographer, I often showcase these businesses in my portfolios and promotional material. This bill could inadvertently restrict our joint marketing efforts, essential for attracting couples to choose Hawaii for their special moments.
- **Restriction on Small Business Growth:** Many boat operators are small, local businesses that rely on cost-effective advertising methods, including social media and online platforms. HB2475 could place undue burdens on these businesses, limiting their ability to reach new clients and grow.
- **Adverse Effect on Elopement Packages:** Part of the allure of elopements in Hawaii is the seamless integration of various services, including boat tours. Restrictions on advertising could hinder my ability to effectively communicate the full range of experiences available to couples, ultimately impacting their decision to elope in Hawaii.
- **Potential for Confusion and Compliance Issues:** The broadened definition may create confusion among business owners about what constitutes permissible advertising. This could lead to unintentional non-compliance, disproportionately affecting smaller businesses that may not have the resources for extensive legal consultations.
- **Need for Clarity and Fairness in Legislation:** While the intent to regulate unpermitted commercial activities is understandable, the approach in HB2475 seems to cast too wide a net. A more targeted and clearly defined approach would be more effective and fairer, ensuring that legitimate businesses are not caught in the crossfire of regulation.

In conclusion, I urge the committee to reconsider the implications of HB2475 on small businesses, especially in the context of the collaborative nature of tourism and event services in Hawaii. A thriving small business ecosystem is crucial for the state's economy and cultural vibrancy, and this bill, as it stands, could hinder that vitality.

Thank you for considering my perspective on this important matter.

HB-2475

Submitted on: 1/31/2024 3:44:12 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Randall Emry	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose

HB-2475

Submitted on: 1/31/2024 6:40:54 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Gary Eakins	Individual	Oppose	Written Testimony Only

Comments:

Aloha, I have family living on Big Island and I visit them many times per year. I view my role as a “guest” to Hawai’i with much responsibility. This includes making the effort to learn about cultural awareness, respect for natural resources, land and ocean safety, and ways to give back. For knowledge I cannot find on my own and in vivo learning of new skills, I seek out ethical small business owners and compensate them for their time and knowledge.

I strongly oppose HB2475. While HB2475 aims to ensure natural resource protection, in action it will have the opposite effect. This is an aggressively overreaching bill which proposes the prohibition or denial of public easements for commercial activities. I aim to leave a small footprint with ocean recreation, hence I have favored shore access activities. In order to learn safe snorkeling and diving techniques, read ocean conditions, and appropriately distance from ocean wildlife, I sought out licensed small business operators. While this bill may impede unlicensed operators, Hawai’i residents and tourists could also be denied invaluable instruction from the many licensed operators who have respected natural resources and followed all permit instructions for decades. These operators are integral knowledge sources, especially when a large portion of the public are visiting tourists who do not have adequate understanding of safe and appropriate conduct on the beaches and in the ocean. Again, I strongly oppose HB2475.

HB-2475

Submitted on: 1/31/2024 9:04:31 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Danielle Eakins	Individual	Oppose	Written Testimony Only

Comments:

Aloha, I am a doctoral level clinical psychologist residing and practicing on Big Island. I strongly oppose HB2475. In addition to private practice, I work for an Indigenous public health institute where we center Indigenous knowledge and values to improve health and well-being. As we all know, ocean recreation is vital source of well-being for kama'aina and visitors. Additionally, safe ocean recreation that ensures natural resource protection requires knowledge acquisition.

While HB2475 aims to ensure natural resource protection, in action it will have the opposite effect. This is an aggressively overreaching bill which proposes the prohibition or denial of public easements for commercial activities. Licensed beaches and shores commercial operators have a very small footprint. Many of these operators have decades of respectful ocean use while being invaluable knowledge resources to residents and visitors. HB2475 will do little to eradicate unethical unlicensed operators and instead will jeopardize the livelihood of those who have contributed to community while also taking away the opportunity for much needed learning.

Thank you for your consideration, Danielle Eakins, PhD