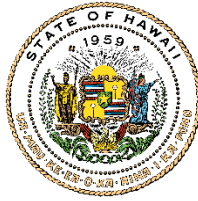


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
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 2474
RELATING TO OCEAN RECREATION EQUIPMENT

House Bill 2474 proposes to authorize the Board of Land and Natural Resources to issue interim administrative rules to quickly regulate the use of ocean recreation equipment, especially new and emerging ocean recreation technologies, in state ocean waters until long-term administrative rules can be implemented. **The Department of Land and Natural Resources (Department) strongly supports this administration measure.**

New ocean recreation technologies are constantly being developed, but the Department has no legal mechanism to expediently regulate or prohibit these types of equipment if they pose a threat to public safety or natural resources when such regulation might not qualify for emergency rulemaking pursuant to section 91-3(b), Hawaii Revised Statutes. There also has been a rapid expansion of commercial ocean recreation 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.

The authority provided in this bill would give the Department the ability to quickly and efficiently regulate ocean recreation equipment in state ocean waters, especially new and emerging ocean recreation technologies, in order to ensure public safety, reduce user conflicts, and effectively manage marine natural resources.

Mahalo 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-2474

Submitted on: 1/30/2024 11:02:09 AM

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

Submitted By	Organization	Testifier Position	Testify
Doug Lomenzo	Aquatic Life Divers	Oppose	Written Testimony Only

Comments:

Aloha,

My name is Doug Lomenzo. I am the General Manager of Aquatic Life Divers, a recreational dive business in Honokohau Harbor in Kailua-Kona, Hawaii. I strongly oppose this bill. It would be highly detrimental to the ocean recreation industry in Kona and across the rest of the State of Hawaii. Therefore, it would have significant negative consequences to the economy of the State. The concept proposed by this bill must be deferred until the members of the industry have a chance to weigh in.

HB-2474

Submitted on: 1/30/2024 2:26:00 PM

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

Submitted By	Organization	Testifier Position	Testify
Erik Stein	Extended Horizons Inc	Oppose	Written Testimony Only

Comments:

Strongly oppose

HB-2474

Submitted on: 1/30/2024 3:20:24 PM

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

Submitted By	Organization	Testifier Position	Testify
Katie Stark	Redline rafting	Oppose	Written Testimony Only

Comments:

I oppose this measure.

HB-2474

Submitted on: 1/30/2024 3:28:43 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 HB 2474 - Relating to Ocean Recreation Equipment

Dear Chair and Committee Members,

I am writing to express my strong opposition to House Bill 2474, titled "Relating to Ocean Recreation Equipment," which aims to authorize the Board of Land and Natural Resources to issue interim administrative rules for regulating the use of ocean recreation equipment in state ocean waters.

While I understand the importance of addressing the regulation of new and emerging ocean recreation technologies, I believe this bill, if enacted, may have unintended consequences for businesses and individuals involved in ocean recreational activities. The proposal to grant the Board the authority to issue interim administrative rules without a clear framework raises concerns about transparency, fairness, and the potential for overregulation.

One of the primary issues lies in the broad discretion provided to the Board to regulate ocean recreation equipment swiftly. This could lead to ambiguity, lack of due process, and potentially unfair restrictions on businesses and enthusiasts in the ocean recreation sector. Furthermore, the lack of specificity in the bill regarding the criteria and parameters for these interim rules leaves room for arbitrary decision-making.

I urge the committee to consider the potential impact on local businesses, operators, and enthusiasts who may face challenges adapting to rapidly implemented rules. Instead, I recommend a more collaborative approach that involves stakeholders in the development of comprehensive, well-thought-out, and clear long-term administrative rules to govern ocean recreation equipment.

Additionally, I propose that the committee seeks input from affected parties to ensure that the regulations strike a fair balance between public safety, environmental conservation, and the economic interests of the ocean recreation community.

Thank you for considering my concerns. I would appreciate the opportunity to further discuss this matter during any upcoming hearings or meetings related to HB 2474

Sincerely,

Blake Moore

HB-2474

Submitted on: 1/30/2024 3:50:52 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!

Thank you,

Richard Kersten

President

HB-2474

Submitted on: 1/30/2024 4:17:08 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 (HB2474):

Subject: Opposition Testimony for HB2477

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

RE: 2474 HB RELATING TO COMMERCIAL OCEAN RECREATION EQUIPMENT.

I am writing to express my strong opposition to 2474 HB RELATING TO COMMERCIAL OCEAN RECREATION EQUIPMENT., which allows DLNR To pass a rule for 18 months without any public input. 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 our input in commercial operations in Maui, not the removal of our input. DLNR needs more accountability and the positions should be elected and with a term. Instead they are asking for more power and ability to make decisions that are not in the best interest of small native owned businesses like mine. We have been asking for accountability for them, instead we get this.

I am a native Hawaiian who owns a small ocean recreation business that focuses on education and small group eco-tourism. This bill would allow DLNR to potentially make decisions without any feedback or accountability which could further put my small company out of business before we even get to rebuild after the fire. If we are no longer able to stay in business we would be forced to move off island as it would eliminate our jobs, income, home and community. 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-2474

Submitted on: 1/30/2024 5:53:32 PM

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

Submitted By	Organization	Testifier Position	Testify
Peter Wood	Sailing Maui Inc.	Oppose	Written Testimony Only

Comments:

We oppose this bill and respectfully request this gets vetoed for obvious reasons.

HB-2474

Submitted on: 1/30/2024 6:18:47 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:

I oppose this bill.

Respectfully,

Inca Robbin

HB-2474

Submitted on: 1/30/2024 6:22:40 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	Remotely Via Zoom

Comments:

Subject: Opposition Testimony for HB2474

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

To whom it may concern,

RE: HB 2474

I am writing to express my strong opposition to HB2474, 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

HB-2474

Submitted on: 1/30/2024 6:36:11 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:

We strongly oppose this bill as it limits public opinion, oversteps any agency's authority and rights – and risks totalitarian leadership.



January 30, 2024

Committee Chair
State Capitol
Honolulu, HI. 96813

RE: Opposition Testimony for HB 2474

To Whom It May Concern:

I am writing to express my strong opposition to HB2474, which proposes that DLNR/DOBOR can pass a rule for 18 months without public input. 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.

This provision is a significant departure from the principles of transparency and public participation that are foundational to our democratic process. Public input is not just a procedural step; it is a critical component that ensures policies and regulations are reflective of and responsive to the community's needs and concerns. By bypassing this process, HB2474 risks the adoption of rules that may not align with the public interest or adequately consider the diverse perspectives of those affected. Moreover, the 18-month period without public input is excessively long and sets a concerning precedent for future policymaking. It undermines public trust in government and disregards the valuable insights that stakeholders and citizens can provide.

In the interest of maintaining a transparent, inclusive, and democratic approach to rule-making, particularly in areas as vital as land and natural resources management, I urge the committee to reject HB2474. We must ensure that all voices are heard and considered in the formation of policies that affect us all.

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.

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



PERFORMANCE SAILING
HAWAII, USA

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.

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-2474

Submitted on: 1/30/2024 8:00:02 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-2474

Submitted on: 1/30/2024 8:05:41 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-2474

Submitted on: 1/30/2024 8:27:10 PM

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

Submitted By	Organization	Testifier Position	Testify
Koa Fuller	Komohana charters	Oppose	In Person

Comments:

I strongly oppose this bill

HB-2474

Submitted on: 1/30/2024 8:33:20 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 HB2474

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

As President & CEO of the Kauai Chamber of Commerce, I am reaching out to express our unequivocal opposition to HB2474. This bill, along with HB2476, HB2477, HB2475, and HB2093, collectively represents an alarming legislative effort that, if passed, would severely impact the commercial boating industry and the broader fabric of Hawaii's economy and community life.

HB2474's provision to allow the Department of Land and Natural Resources (DLNR) to enact rules without public input for a duration of 18 months is particularly concerning. Such a move not only circumvents the democratic process but also sets a dangerous precedent that could erode trust between the state, its citizens, and the business community. Public input is a cornerstone of effective governance, ensuring that a diverse array of perspectives are considered before the implementation of policies that affect the livelihoods and rights of Hawaii's residents.

The lack of public consultation proposed by HB2474 directly contradicts the values and policy priorities championed by the Kauai Chamber of Commerce and similar organizations committed to fostering a vibrant, inclusive, and sustainable economy in Hawaii. Engaging with stakeholders, including business owners, environmental advocates, and the general public, is essential to crafting regulations that balance economic development with the preservation of our natural and cultural resources.

Moreover, this bill risks further entrenching the perception of Hawaii as an unfavorable environment for business. At a time when we should be actively working to enhance our state's attractiveness to entrepreneurs, investors, and tourists, HB2474 sends a discouraging message about our openness to collaboration and innovation. The potential economic repercussions extend beyond the commercial boating industry, threatening to dampen our state's overall economic vitality and deter future investment.

In light of these considerations, I strongly urge you to oppose HB2474 and advocate for a legislative approach that prioritizes transparency, stakeholder engagement, and the preservation of Hawaii's unique environment and culture. By fostering an inclusive dialogue and respecting the input of all affected parties, we can ensure that the policies we enact today will benefit the people of Hawaii for generations to come.

Thank you for your attention to this matter. I remain hopeful that through constructive engagement and mutual respect, we can navigate these challenges and secure a prosperous future for our state.

Sincerely,

Mark Perriello
President & CEO

HB-2474

Submitted on: 1/30/2024 10:24:35 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:

This provision is a significant departure from the principles of transparency and public participation that are foundational to our democratic process.

Public input is not just a procedural step; it is a critical component that ensures policies and regulations are reflective of and responsive to the community's needs and concerns. By bypassing this process, HB2474 risks the adoption of rules that may not align with the public interest or adequately consider the diverse perspectives of those affected.

Moreover, the 18-month period without public input is excessively long and sets a concerning precedent for future policymaking. It undermines public trust in government and disregards the valuable insights that stakeholders and citizens can provide.

In the interest of maintaining a transparent, inclusive, and democratic approach to rule-making, particularly in areas as vital as land and natural resources management, I urge the committee to reject HB2474. We must ensure that all voices are heard and considered in the formation of policies that affect us all.

HB-2474

Submitted on: 1/30/2024 10:28:30 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:

This bill should not be allowed to pass if it doesn't specify that it will only be used for new and unusual activities. It should specify it can not be used against historical and already operational recreational activities.

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: HB2474 Ocean Recreation Equipment; Interim Administrative Rules

I am writing to express my strongly opposition to HB2474 Ocean Recreation Equipment; Interim Administrative Rules.

I am opposed to this bill as written, as this bill essentially gives DLNR the authority to pass a rule/law for 18 months without any public input.

This is just setting up the department for lawsuits and trouble. While I understand that the department may feel constrained in addressing commercial activities that progress or evolve too quickly, having no public comment or oversight is trouble waiting to happen.

Our government needs to remain as transparent as possible at all times.

In addition, the fact that DLNR can make rules/laws outside of the legislative branch seems wrong to me. The legislative branch of government is a co-equal branch of government and should not abdicate it's responsibility as the originator of law, not some unelected branch of the administrative branch.

Thank you for considering my testimony.

Sincerely,

Jim Walsh

General Manager

Atlantis Submarines ~ Maui

HB-2474

Submitted on: 1/31/2024 3:15:57 AM

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

Submitted By	Organization	Testifier Position	Testify
Lisa Hatzenbuhler	South Pacific Ocean Tours, Inc.	Oppose	Written Testimony Only

Comments:

My name is Lisa Hatzenbuhler I am the owner/operator of South Pacific Ocean Tours, Inc. in the Haleiwa Boat Harbor. I strongly oppose HB 2474. In my over 35 years of being in the Ocean Recreation business I have a lot of experience with dealing with DLNR. I strongly oppose them being able to change the rules and regulations with no public hearings or public notice. The DLNR cannot be trusted, they just would be able to change anything they want. They instead should go around the island and approach all these rogue businesses to see if they have the proper paperwork. Even if this bill passes they will still continue to let people operate illegally, which they have done for years. I urge you to kill this bill. Mahalo Lisa Hatzenbuhler

HB-2474

Submitted on: 1/31/2024 4:56:09 AM

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

Submitted By	Organization	Testifier Position	Testify
Tyler Haines	South Pacific Ocean Tours, Inc.	Oppose	Written Testimony Only

Comments:

I am against ths bill to let DLNR change or make decisions without public knowledge or meetings. They will take advantage of that situation. Mahalo Tyler Haines

HB-2474

Submitted on: 1/31/2024 6:01:53 AM

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

Submitted By	Organization	Testifier Position	Testify
Kodi Toulon	Open Sea Sportfishing	Oppose	Written Testimony Only

Comments:

The DLNR should not have the ability to pass rules with zero public input. Government workers work for the people.

HB-2474

Submitted on: 1/31/2024 7:34:08 AM

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

Submitted By	Organization	Testifier Position	Testify
Valentin Neamtu	Hawaiian Ocean Rafting	Oppose	Written Testimony Only

Comments:

All of the bill presented for this hearing are a blatant power grab by the DLNR to take advantage of the weakened state of commercial boating in Maui. The terms in this bill allow the DLNR to pass large sweeping regulations under their own authority with no public input.

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 IN OPPOSITION TO
HOUSE BILL 2474, RELATING TO OCEAN RECREATION EQUIPMENT**

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 **oppose** House Bill 2474.

HB2474, along with HB2475, HB2476, and HB2477, is “part of a comprehensive ocean recreation management package” put forth by the Department of Land and Natural Resources. While we agree there is room to improve the management of ocean recreation, the current version of the “package” ignores: 1) HRS chapter 91; 2) constitutional due process; and 3) the public’s rights to enjoy ocean waters. Moreover, HB2474 appears to allow the Department to bypass Ka Pa‘akai analysis in fulfilling its constitutional duty to preserve and protect customary and traditional practices.

The language of HB2474 is clear, it proposes to allow the Board of Land and Natural Resources to adopt rules with the force and effect of law for 18 months without public notice, without public hearing, and without the Governor’s approval. This construct violates administrative law. HRS § 91-3 provides the procedure for all rules adopted, amended, or repealed by administrative agencies like the Department. HRS § 91-3(b) provides for a streamlined “emergency” rulemaking process where “an agency finds that an imminent peril to the public health, safety, or morals, . . . or to natural resources requires [rulemaking] upon less than thirty days’ notice of hearing[.]” Even then, emergency rulemaking is valid for not more than 120 days.

Here, HB2474 makes no finding of an imminent peril and instead offers the Department’s need for “flexibility to quickly and efficiently implement” rules as justification. That is not enough, and it is also not okay to find there is imminent peril when there is not. Although HB2474 may provide for a faster and more convenient rulemaking process, it does not justify ignoring HRS chapter 91 and wholly discarding the public’s general right to notice and an opportunity to be heard in the rulemaking process.

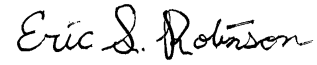
Thank you for the opportunity to provide testimony in opposition to HB2474. We respectfully ask that the Committee **defer action on HB2474**.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Sincerely,



Douglas S. Chin



Eric S. Robinson

HB-2474

Submitted on: 1/31/2024 8:03:47 AM

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

Submitted By	Organization	Testifier Position	Testify
Gabriel Lucy	Trilogy Excursions	Oppose	Written Testimony Only

Comments:

Subject: Opposition Testimony for Bill 2474 HB RELATING TO OCEAN RECREATION EQUIPMENT.

Gabriel Lucy, 35 Ohana Hana Loop, Wailuku, HI, 96793, gabe.lucy@sailtrilogy.com, 808.344.9536, 1/31/24

Rep. Linda Ichiyama, Hawaii State Capitol, 415 S Beretania St., Honolulu, HI 96813

Dear Ichiyama,

RE: Opposition Testimony for HB2474 - Ocean Recreation Management

I am writing to express my strong opposition to House Bill 2474, which seeks to grant the Department of Land and Natural Resources (DLNR) the authority to issue interim administrative rules regulating the use of ocean recreation equipment in state ocean waters. While I acknowledge the importance of ocean recreation management, I believe this bill poses significant concerns for our longstanding ocean tourism industry in Maui.

Our company has been an active participant in Hawaiian waters for over 50 years, contributing to the local economy, providing employment, and offering unforgettable experiences to residents and visitors alike. We understand the need for effective natural resource protection and responsible management of ocean activities. However, HB2474's proposed approach raises several critical issues.

The bill aims to expedite the rule-making process by allowing the DLNR to implement temporary adaptive management measures for up to eighteen months without adhering to the usual public notice, public hearing, and gubernatorial approval requirements outlined in chapter 91, Hawaii Revised Statutes. While the intent may be to address rapidly changing ocean conditions and emerging recreation technologies, the proposed approach lacks the necessary checks and balances that ensure transparency and public input.

As a stakeholder in the ocean tourism industry, we are deeply concerned that this bill could lead to arbitrary and hasty rule implementations without adequate consideration of the industry's perspectives and potential economic repercussions. The proposed interim rules may not strike a fair balance between conservation efforts and the economic vitality of our industry, jeopardizing

the livelihoods of those who have been dedicated to providing quality ocean experiences for decades.

While we recognize the challenges faced by the DLNR in managing ocean activities, we urge the committee to reconsider the provisions of HB2474. Collaborative discussions involving all stakeholders, including representatives from the ocean tourism industry, can lead to a more comprehensive and balanced approach that addresses the concerns of both conservation and business interests.

We appreciate your time and consideration of our opposition to House Bill 2474.

Mahalo,

Gabriel Lucy, President, Trilogy Excursions

HB-2474

Submitted on: 1/31/2024 8:14:51 AM

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

Submitted By	Organization	Testifier Position	Testify
Zachary LaPrade	Quicksilver Charters	Oppose	Written Testimony Only

Comments:

Honorable Chair, Vice Chair and Members of the Committee:

I operated a charter boat business on the Island of Maui.

I am writing to express my strong opposition to [Bill Number], specifically concerning the provision that grants rule-making authority for an 18-month period without clear checks and balances. While I appreciate the need for regulatory flexibility, the extended duration raises significant concerns about due process and the potential for unchecked regulatory actions.

Rule-Making Authority Concerns: Granting an 18-month period for rule-making authority without more frequent review mechanisms undermines the principles of due process. This extended duration allows for regulatory changes without the regular checks and balances that are essential to a fair and transparent legislative process. In this timeframe, industries and businesses may face sudden and impactful changes without adequate notice or opportunity for stakeholder input.

I urge the committee to consider the importance of due process in crafting effective legislation. A more balanced approach, incorporating regular reviews, public consultations, and stakeholder engagement, will ensure that regulatory changes align with the interests of the community and avoid unintended consequences on businesses.

I am available for immediate discussion and would appreciate the opportunity to present further insights during any upcoming hearings or meetings regarding this bill.

Thank you for your attention to this critical matter.

Sincerely,

Zachary LaPrade

HB-2474

Submitted on: 1/31/2024 8:18:56 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 HB2474 due to the impact it would have on small business.

HB-2474

Submitted on: 1/31/2024 8:19:21 AM

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

Submitted By	Organization	Testifier Position	Testify
Paul Lu'uwai	hawaiian canoe club	Support	Written Testimony Only

Comments:

The foil community in kahului harbor has grown since the pandemic, it has been an issue for our canoe club since. Please limit these crafts or ban them from harbor. Many do comply and dont foil while we are paddling as safety is paremount for summer and hight school seasons. Many foilers are visitors and dont know the rules and safety concerns. Please limit these vessels from kahului harbor or any harbor that is vital to all islands

HB-2474

Submitted on: 1/31/2024 8:22:48 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 today, not enough time to prepare a statement, Strongly oppose.

HB-2474

Submitted on: 1/31/2024 8:36:23 AM

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

Submitted By	Organization	Testifier Position	Testify
Tom Young	Coral Reef Adventures (Kailua Kona)	Oppose	Written Testimony Only

Comments:

HB2474 gives unchecked powers to legislators, by allowing DOBOR to pass a rule for 18 months without public input. If the goal of the bill is to address new and emerging water sport technologies, then the language in the bill should clearly and strongly limit rules to emerging water sport technologies. My fear is that this bill could be used to push through legislation that has nothing to do with emerging water sport technologies. For instance, Governor Green recently vetoed HB1090 which would have a devastating impact on local tour operators, taking away their permits to operate and leaving them unable to pay back loans used to acquire businesses and vessels. The way HB2474 is written, DOBOR could pass some version of HB1090 and then take away permits for 18 months with no ability for the public to be heard. This bill should either be amended or voted against, as it would give DOBOR unchecked powers, which is not how a democracy is supposed to work. DOBOR should be forced to bring their rules to the public, and the public should be allowed to voice their concerns.

HB-2474

Submitted on: 1/31/2024 8:54:59 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:

"Allows DLNR To pass a rule for 18 months without any public input." That sounds like DLNR will be a dictatorship. Public input should always be sought. Absolutely strongly opposed!

HB-2474

Submitted on: 1/31/2024 8:58:57 AM

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

Submitted By	Organization	Testifier Position	Testify
Chandra Bertsch	Holo Holo Charters	Oppose	In Person

Comments:

I oppose HB2474. It is dangerous to give DOBOR the ability to make any rule they need with no notice, no justification and no regard for it's impact on the law abiding citizens and businesses who are impacted.

HB-2474

Submitted on: 1/31/2024 9:00:54 AM

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

Submitted By	Organization	Testifier Position	Testify
Teri Leicher	Jacks Diving Locker	Oppose	In Person

Comments:

Aloha,

I am opposing this bill. Will speak in person

Mahalo,

Teri Leicher

HB-2474

Submitted on: 1/31/2024 2:38:42 PM

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

Submitted By	Organization	Testifier Position	Testify
ROBERT DUERR	ALBATROSS NEWS	Oppose	Written Testimony Only

Comments:

STRONGLY OPPOSE HB2474.

Dear Chair Ishiyama and Representatives on the Water and Land Committee, Please KILL HB2474.

Again DOBOR is again before the legislature to avoid public disclosure.

HB2474 reads in part that DOBOR “16: shall be exempt from the public notice, public hearing...17: and gubernatorial approval requirements of chapter 91.”

DOBOR wants to privatize boating with HB1919.

DOBOR wants no public disclosure with HB2474.

Please mandate now the first DOBOR statewide meetings on DOBOR efforts since 2019 to privatize boating. This meeting could also have on the agenda the first meeting to disclose financial details of the Hawaii Boating Special Fund.

Mahalo. Be Ocean Safe.

Robert Duerr

Albatross News

Senior Active Member Outdoor Writers of America Association

Hilo, Hawaii

HB-2474

Submitted on: 1/31/2024 3:04:06 PM

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

Submitted By	Organization	Testifier Position	Testify
Nick Croft	Explore Kauai Scuba, LLC	Oppose	In Person

Comments:

Aloha Chair, Vice Chair, and Committee Members,

My name is Nick Croft and I am from Kauai. I oppose HB2474. This rule instantly scares me because of this line, "The board may issue interim rules regarding the regulation of ocean recreation equipment in state waters, which shall be exempt from public notice, public hearing, and gubernatorial approval requirements."

These proposed rules need to be open for discussion prior to making it here. How can you have efficient solutions without input from both sides? Let's stop this one sided rule making and shape it into a reasonable solution finding outcome. By doing so, it will save both sides a ton of time and actually get real solutions both sides are happy about. Can we please start working together instead of against each other?

Mahalo for your time,

Nick Croft

owner/operator, Explore Kauai Scuba, LLC

HB-2474

Submitted on: 1/31/2024 10:02:07 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:

As a Beaches and Shores commercial permit holder I strongly oppose this bill. This bill would essentially give Beaches and Shores permit holders no access to the ocean and therefore effectively render permits null and void. I started my business in 2009 and it my primary source of income to provide for my famliy.

HB-2474

Submitted on: 1/30/2024 10:23:29 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 opposed to HB2474

HB-2474

Submitted on: 1/30/2024 12:11:21 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 oppose this bill.

HB-2474

Submitted on: 1/30/2024 12:25:30 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 2474. 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-2474

Submitted on: 1/30/2024 1:18:52 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:

I am writing in opposition of bill 2474.

The reason we have bills, and voting is to allow for laws and regulations to be passed in an appropriate manner that doesn't take away rights. By passing a vague bill that allows for rules to be made or changed on demand as deemed fit negates the process we have here.

This is overreach! I do not support this bill. If changes to laws need to be made they can follow due process.

HB-2474

Submitted on: 1/30/2024 1:33:54 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

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-2474

Submitted on: 1/30/2024 1:43:36 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-2474

Submitted on: 1/30/2024 1:54:21 PM

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

Submitted By	Organization	Testifier Position	Testify
Kate Thompson	Individual	Oppose	Written Testimony Only

Comments:

Testimony OPPOSING HB 2474 Relating to Ocean Regulation Equipment

Submitted to the House of Representatives on the Water and Land Committee.

Hearing to be held: Wednesday, February 1, 2023, 9:00 a.m. State Capitol & Videoconference Hearing

Dear Chair Ishiyama and Representatives on the Water and Land Committee,

Please vote NO. There should be no reason for interim rules.

As professionals in the field DLNR staff should be aware of upcoming trends in water sports and equipment such as e-foils, wing-foils, and the (unfortunate) drone harassment of whales, and such.

DLNR staff should plan accordingly to adjust the rules for new sports and equipment by using normal rule making procedures.

For DLNR to be able to implement new rules for up to **18 months with no public notice, no public hearing, and no gubernatorial approval, is too long.**

Rule making flexibility for 18 months would be a disservice to the public and the State.

Frankly, I think we need more Legislative oversight on DOBOR/DLNR rule making, not less.

The legislators are elected officials, being paid by the State.

Members of the Board of Land and Natural Resources can be quite well informed but adding 'urgent rule making' into their responsibilities seems inappropriate.

This is how the HB 2474 measure reads below:

1. 13 shall have the force and effect of law.
2. 14 (c) **The board may issue interim rules regarding the**
3. 15 regulation of ocean recreation equipment in state ocean waters,

4. 16 **which shall be exempt from the public notice, public hearing,
17 and gubernatorial approval requirements of chapter 91.**

The bill request 'interim rules shall be effective for not more than eighteen months.'

Please vote against this request.

Thank you for allowing me to share my thoughts regarding interim rule making.

Kate Thompson

katet@me.com

HB-2474

Submitted on: 1/30/2024 2:00:13 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-2474

Submitted on: 1/30/2024 2:40:19 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-2474

Submitted on: 1/30/2024 2:47:05 PM

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

Submitted By	Organization	Testifier Position	Testify
Bethany Fuller	Individual	Oppose	Written Testimony Only

Comments:

It is terrifying to think that ANY government or agency would ever try to take total control like this! Never should public opinion be bypassed, nor people being directly effected by decisions not have a say. This is boardering corrupt!

HB-2474

Submitted on: 1/30/2024 2:57:43 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-2474

Submitted on: 1/30/2024 3:07:40 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:

It is very concerning to grant absolute right to any agency that does not invite, or accept public hearing or opinion that could oppose the agencies views. It is not what our State and country are founded upon.

I am supportive of legislation that would permit emergency temporary rights not to exceed 30 days to be granted without public hearing or opinion.

HB-2474

Submitted on: 1/30/2024 3:09:00 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.

HB2474

I oppose this bill HB2474. This bill is ripe for abuse and seems to be an open door for abuse. This bill will allow the Chairperson and the department under them to subvert the proper channels, public oversight, and public opinion. It seems to be in response to ocean equipment that may or may not come on the market and be available to the public, but it leaves interpretations open for the chairperson to implement interim rules and have 18 months of unthrottled authority without oversight. A situation could arise where an unjustified response was made by the Chairperson only to be rectified a full eighteen months later, whereas the repercussions to the public or individual citizen could be non-reversible.

Justin P. Smith
Pacific Boats & Yachts

HB-2474

Submitted on: 1/30/2024 3:25:01 PM

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

Submitted By	Organization	Testifier Position	Testify
Jimmy Stauff	Individual	Oppose	Written Testimony Only

Comments:

I am in opposition to bill HB2474 because this bill is ripe for abuse and seems to be an open door for abuse. This bill will allow the Chairperson and the department under them to subvert the proper channels, public oversight, and public opinion. It seems to be in response to ocean equipment that may or may not come on the market and be available to the public, but it leaves interpretations open for the chairperson to implement interim rules and have 18 months of unthrottled authority without oversight. A situation could arise where an unjustified response was made by the Chairperson only to be rectified a full eighteen months later, whereas the repercussions to the public or individual citizen could be non-reversible. I urge you to oppose this bill and thank you for taking the time to read my testament.

HB-2474

Submitted on: 1/30/2024 3:28:55 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:

We need transparency. We live in a democracy. This bill is ridiculous

HB-2474

Submitted on: 1/30/2024 4:49:56 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 strongly oppose

HB-2474

Submitted on: 1/30/2024 5:09:41 PM

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

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

Comments:

I oppose this Bill

WRITTEN TESTIMONY
OPPOSING HB2474

Dear Chair and Committee Members,

I am opposed to HB2474:

The idea and proposal to add “interim” administrative rules smacks badly at trying to solve an issue by creating another problem. Although certainly not without flaw the Hawaii Administrative Rules were and are thought out and strategized over at length. These rules which citizens must abide and live by cannot be changed to an arbitrary, “*someone one day thought it would be a good idea*”. In the oddly litigious society that we live in this broadly opens the door for public contest, outcries of unfair practices, challenges of validity, need, timing and many other unforeseen consequences.

Please consider the impact for operators who would then need to interpret and change to meet standards of new rules that may or may not have been prejudiced or well thought out.

I’d suggest the committee solicit input from all parties to ensure that the regulations strike a fair balance between public safety, environmental conservation, and the economic interests of the ocean recreation community.

Again, as written I am **not at all in support of HB2474**

Regards,

Mike Kelley

HB-2474

Submitted on: 1/30/2024 5:45:28 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-2474

Submitted on: 1/30/2024 5:48:10 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 HB2474 due to the impact it would have on small business

HB-2474

Submitted on: 1/30/2024 5:50:23 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-2474

Submitted on: 1/30/2024 6:06:31 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:

This provision is a significant departure from the principles of transparency and public participation that are foundational to our democratic process.

Public input is not just a procedural step; it is a critical component that ensures policies and regulations are reflective of and responsive to the community's needs and concerns. By bypassing this process, HB2474 risks the adoption of rules that may not align with the public interest or adequately consider the diverse perspectives of those affected.

Moreover, the 18-month period without public input is excessively long and sets a concerning precedent for future policymaking. It undermines public trust in government and disregards the valuable insights that stakeholders and citizens can provide.

In the interest of maintaining a transparent, inclusive, and democratic approach to rule-making, particularly in areas as vital as land and natural resources management, I urge the committee to reject HB2474. We must ensure that all voices are heard and considered in the formation of policies that affect us all.

HB-2474

Submitted on: 1/30/2024 6:06:47 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:

This government overreach will severely impact small businesses.

HB-2474

Submitted on: 1/30/2024 6:24:01 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 HB2474

HB-2474

Submitted on: 1/30/2024 6:26:02 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:

This provision is a significant departure from the principles of transparency and public participation that are foundational to our democratic process.

Public input is not just a procedural step; it is a critical component that ensures policies and regulations are reflective of and responsive to the community's needs and concerns. By bypassing this process, HB2474 risks the adoption of rules that may not align with the public interest or adequately consider the diverse perspectives of those affected.

Moreover, the 18-month period without public input is excessively long and sets a concerning precedent for future policymaking. It undermines public trust in government and disregards the valuable insights that stakeholders and citizens can provide.

In the interest of maintaining a transparent, inclusive, and democratic approach to rule-making, particularly in areas as vital as land and natural resources management, I urge the committee to reject HB2474. We must ensure that all voices are heard and considered in the formation of policies that affect us all.

HB-2474

Submitted on: 1/30/2024 6:35:16 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-2474

Submitted on: 1/30/2024 7:24:18 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-2474

Submitted on: 1/30/2024 7:56:35 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 this bill.

HB-2474

Submitted on: 1/30/2024 8:00:39 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-2474

Submitted on: 1/30/2024 8:02:44 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-2474

Submitted on: 1/30/2024 8:05:53 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 any bill that allows for Rules to be passed without public input.

Thank you

HB-2474

Submitted on: 1/30/2024 9:01:50 PM

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

Submitted By	Organization	Testifier Position	Testify
Denver Saxton Coon	Individual	Oppose	Written Testimony Only

Comments:

There is a tendency to respond to emerging technologies with immediate prohibition rather than thoughtful regulation. Having been a longtime kitesurfer and a new wing foiler, I am familiar with the apprehensions that arise in certain user groups when new sports are introduced. However, it is crucial to recognize that these sports evolve rapidly, incorporating innovations that enhance safety for both participants and others in the vicinity. Consequently, I am against this bill because it lacks clarity regarding the specifics of regulation and the regulatory approach toward such equipment. There is a significant likelihood that new sports and equipment could face an outright ban for an extended period, hindering safety advancements and stifling innovation in the process.

HB-2474

Submitted on: 1/30/2024 9:13:02 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 HB2474

HB-2474

Submitted on: 1/30/2024 9:30:34 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 HB 2474 because it is bad for small businesses and employees of small businesses.

HB-2474

Submitted on: 1/30/2024 10:00:35 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:

HB2474 – I/We strongly oppose this bill as it limits public opinion, oversteps any agencies authority and rights – and risks totalitarian leadership.

Elizabeth Leinbach
73-1160 Mahilani Dr
Kailua Kona HI 96740
(808)-987-2527

January 30, 2024

Linda Ichiyama – Water and Land

Linda Ichiyama,

This is opposition regarding Hawaii Bill No. 2474, 2476, and 2477. All these bills as written intend to greatly restrict not only commercial activities regarding Hawaiian waters, but also the Hawaiian economy. I find it interesting and noteworthy that these bills are presented by a 'random' rather than a person willing to stand behind their beliefs. As a full time USCG captain and business owner each of these bills would have a detrimental effect on not only my family, and ability to maintain my business, but also the multiple people I employ and our contributions to the non-profit community here in Kona.

Over the 20 years I have been in the commercial boating industry, I have seen the commercial ocean industry grow and change. Many native operators have joined the industry here on Hawai'i Island, many hard-working people have started up small business in hopes of making something for themselves in retirement, millions of tourists have had lifechanging experiences with our wildlife and have become ambassadors for ocean conservation and marine preservation. I would hate to see all that change and be compromised by the above bills.

HB2474 – Please be assured that in “rapidly changing ocean conditions” any commercial operator (worth their salt) wouldn't be putting their clients OR their vessel in harms way. There is already in entity for this: the Coast Guard. They issue warnings and watches for hurricane, tsunami, strong winds, kings tides on shallow docks, etc...

If the “rapidly changing ocean conditions” you are referring to is also known as “Climate Change” there is nothing rapid about it... We have known for decades that this is a threat. There should be provisions made that don't hinder the business operations of the citizens of Hawai'i. There is no reason to have an emergency rule making measure to deal with the Kings tides that are coming in the next 5 years and making our docks obsolete put those climate construction plans in NOW.

I can understand and empathize with the importance of conservation regarding our wonderful ocean resource, for without the Hawaiian waters and their resources, we wouldn't have an effective occupation. I also realize the importance for an efficient balance between recreational and commercial ocean activities. The current bills as written greatly hinder my business, livelihood, and future, with very little impact on the recreational ocean goes. Commercial operators are often unfairly blamed for a variety of issues regarding ocean conditions. Snorkel and Dive operators are often unfairly singled out for environmental concerns, safety issues, and animal influence that are either simply untrue or completely out of our control. As a colleague put it “These bills unfairly place the burden on our (snorkel and dive) industry without considering the broader context and the shared responsibly of all stakeholders.”

Thank you for considering this testimony and I hope we can revise these bills to be mutually beneficial.

With Aloha,

Elizabeth Leinbach

Elizabeth Leinbach

HB-2474

Submitted on: 1/31/2024 5:08:35 AM

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

Submitted By	Organization	Testifier Position	Testify
Daniel Hazen	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I am writing to oppose HB2474. When the state legislature chooses to make any decions with complete disregard for public input, it is bad for government effectiveness, the state of Hawaii, and most importantly, the people of Hawaii. Plese consider my opposition.

With warmest regards,

Daniel Hazen

HB-2474

Submitted on: 1/31/2024 6:17:16 AM

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

Submitted By	Organization	Testifier Position	Testify
Michael Bell	Individual	Oppose	Written Testimony Only

Comments:

I am writing to express my concerns regarding HB2474, which seeks to authorize the Board of Land and Natural Resources to issue interim administrative rules for the regulation of ocean recreation equipment in state ocean waters. As a tour operator, I understand the importance of ensuring public safety and preserving marine natural resources. However, this bill, while well-intentioned, could significantly impact the ocean recreation industry, particularly small and medium-sized enterprises like ours.

The bill proposes a rapid implementation of regulatory measures that could drastically alter the operational landscape for tour operators without sufficient time for adaptation or input. Our business relies heavily on the use of various ocean recreation equipment, and abrupt changes or restrictions could severely disrupt our services, affecting not only our livelihood but also the overall tourist experience in Hawaii.

Moreover, the flexibility granted to the department in this bill to quickly implement temporary measures could lead to a lack of consistency and predictability in the regulatory environment. Such uncertainty could deter investment in new equipment and technologies that are crucial for the advancement of our industry and for enhancing the experience of our clients.

While we fully support measures that promote safety and environmental conservation, we believe that a more balanced approach is necessary. This approach should involve a thorough consultation process with stakeholders, including tour operators, to ensure that the regulations are practical, equitable, and conducive to a sustainable ocean recreation industry.

We urge the legislature to reconsider the provisions of HB2474 and engage in a more collaborative process with all affected parties to achieve a mutually beneficial outcome.

Sincerely,

Michael Bell

HB-2474

Submitted on: 1/31/2024 6:21:06 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:

This provision is a significant departure from the principles of transparency and public participation that are foundational to our democratic process.

Public input is not just a procedural step; it is a critical component that ensures policies and regulations are reflective of and responsive to the community's needs and concerns. By bypassing this process, HB2474 risks the adoption of rules that may not align with the public interest or adequately consider the diverse perspectives of those affected.

Moreover, the 18-month period without public input is excessively long and sets a concerning precedent for future policymaking. It undermines public trust in government and disregards the valuable insights that stakeholders and citizens can provide.

In the interest of maintaining a transparent, inclusive, and democratic approach to rule-making, particularly in areas as vital as land and natural resources management, I urge the committee to reject HB2474. We must ensure that all voices are heard and considered in the formation of policies that affect us all.

HB-2474

Submitted on: 1/31/2024 7:08:30 AM

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

Submitted By	Organization	Testifier Position	Testify
victoria martocci	Individual	Oppose	In Person

Comments:

Subject: Opposition Testimony for HB2474. Relating to Ocean Recreation Equipment

Victoria Martocci
Lahaina, HI
victoriamartocci@gmail.com
01/31/2024

Chair Linda Ichiyama
House Committee on Water and Land

Dear Chair Ichiyama,

RE: HB2474 Relating to Ocean Recreation Equipment

I am writing to express opposition to HB2474 Relating to Ocean Recreation Equipment.

I understand the importance of effective ocean recreation management, and I appreciate efforts to be responsive. However, the current language of the bill is an overreach which would negate public input.

(c) The board may issue interim rules regarding the regulation of ocean recreation equipment in state ocean waters, which shall be exempt from the public notice, public hearing, and gubernatorial approval requirements of chapter 91. The interim rules shall be effective for not more than eighteen months."

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,

Victoria Martocci

HB-2474

Submitted on: 1/31/2024 7:18:27 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 HB2474 RELATING TO OCEAN RECREATION EQUIPMENT.

Rachel Dailey

Lahaina, HI

01/31/2024

Chair Linda Ichiyama

House Committee on Water and Land

Dear Chair Ichiyama,

RE:HB2474 RELATING TO OCEAN RECREATION EQUIPMENT

I am writing to express opposition to HB2474 RELATING TO OCEAN RECREATION EQUIPMENT.

Sincerely,

Rachel Dailey

HB-2474

Submitted on: 1/31/2024 7:53:18 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: HB2474

I am writing to express opposition to HB 2474

Sincerely,

Maren Anka

HB-2474

Submitted on: 1/31/2024 7:55:30 AM

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

Submitted By	Organization	Testifier Position	Testify
abigail nulty	Individual	Oppose	Written Testimony Only

Comments:

Subject: Opposition Testimony for 2474 HB relating to ocean recreation and equipment.

Abbi Nulty
Lahaina, HI
01/31/2024

Chair Linda Ichiyama
House Committee on Water and Land

Dear Chair Ichiyama,

HB 2474

I am writing to express opposition to HB 2474.

Sincerely,

Abbi Nulty

HB-2474

Submitted on: 1/31/2024 8:09:16 AM

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

Submitted By	Organization	Testifier Position	Testify
Brooke reyes	Individual	Oppose	Written Testimony Only

Comments:

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 falls to consider the practical implications on businesses, which are unfairly targeted and constantly blamed for various issues.

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.

HB-2474

Submitted on: 1/31/2024 8:28:57 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 HB2474

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

Dear Rep. Linda Ichiyama,

RE: HB2474

I am writing to express my strong opposition to HB2474 RELATING TO OCEAN RECREATION EQUIPMENT, 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 [Your 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-2474

Submitted on: 1/31/2024 8:34:44 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-2474

Submitted on: 1/31/2024 8:48:39 AM

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

Submitted By	Organization	Testifier Position	Testify
Jonny Riggs	Individual	Oppose	Written Testimony Only

Comments:

Oppose

HB-2474

Submitted on: 1/31/2024 9:07:12 AM

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

Submitted By	Organization	Testifier Position	Testify
Kai Nishiki	Individual	Support	Remotely Via Zoom

Comments:

Support as this will protect public health and safety especially regarding efoils.

HB-2474

Submitted on: 1/31/2024 9:28:46 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 HB2474

I am writing to express my strong opposition to HB2474, 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-2474

Submitted on: 1/31/2024 10:56:53 AM

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

Submitted By	Organization	Testifier Position	Testify
Ezra wansor	Individual	Oppose	Written Testimony Only

Comments:

Opposed. Public input is very important because DLNR doesn't have the experience of the ocean conditions. Especially if decisions are made from another island.

HB-2474

Submitted on: 1/31/2024 1:04:32 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 oppose

HB-2474

Submitted on: 1/31/2024 2:48:54 PM

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

Submitted By	Organization	Testifier Position	Testify
Anela Kealakai	Individual	Oppose	Written Testimony Only

Comments:

My name is Anela Kealakai, and I am an elopement and wedding photographer who frequently collaborates with boat businesses in Hawaii. Today, I want to express my opposition to HB2474, which allows the Department of Land and Natural Resources (DLNR) to implement rules for managing ocean recreation without public input for 18 months.

- **Impact on Photography and Elopement Services:** The ability to create diverse and beautiful elopement experiences is closely tied to the accessibility and variety of ocean-related activities. HB2474, by potentially restricting or altering these activities without public input, directly affects the scenic options and experiences I can offer to couples.
- **Lack of Public Involvement:** The absence of public consultation in rule-making, particularly for a period as long as 18 months, is concerning. As someone whose work is intertwined with ocean recreation, not having a say in changes that could affect my business is deeply troubling. Public input is essential for balanced and community-centered decision-making.
- **Unpredictability for Planning Events:** The uncertainty created by potential rule changes without notice makes it challenging to plan elopements and photo sessions. Couples often plan their special day months in advance, and unanticipated changes in regulations could disrupt these plans significantly.
- **Potential Adverse Effects on Boat Operators:** The boat operators I partner with could face sudden changes in their operating conditions. This unpredictability can lead to financial instability for these small businesses, ultimately affecting the services they provide to me and my clients.
- **Need for Balanced Regulation:** While I understand the necessity for adaptive management in ocean recreation, this should not come at the cost of excluding public voices. A more balanced approach would involve expedited but still inclusive processes for public input, ensuring that all affected parties have an opportunity to contribute to the decision-making.

In conclusion, I respectfully request that HB2474 be reconsidered to include provisions for public involvement in the rule-making process. As a professional deeply connected to Hawaii's

ocean resources, I believe that our collective voices can lead to regulations that protect our natural resources while supporting local businesses and cultural experiences.

Thank you for considering my testimony on this critical issue.

HB-2474

Submitted on: 1/31/2024 3:43:22 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-2474

Submitted on: 1/31/2024 10:06:22 PM

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

Submitted By	Organization	Testifier Position	Testify
Rhavia	Individual	Oppose	Remotely Via Zoom

Comments:

Nothing Hawaii has ever accomplished in a positive way happens "QUICKLY." DLNR has been extremely understaffed, and under financed with many inexperienced employees because of its ongoing employee retention issues. This bill is absolutely ludicrous in the way that it's an extreme government overreach! No legal rules/regulations should be created or enforced deriving from any organization with out strong data collection and serious investigation, not to mention the public's VOTE or TESTIMONY. For example, Its now been 5 years since E-Foils have been brought to the judicial table and I've begged the senate, house, and county every year during legislative hearings to acquire real data before entertaining these ignorant bills, yet no attempt to acquire any data has been arranged, but we are still entertaining these topics? The one attempt to gain data by DLNR and NOAA actually reflected no negative data on efoils but extremely negative data on motorized boats! Nobody seems to want to discuss these studies or investigate further. E-Foils originally went through a year long investigation before they where categorized and 1000's of politicians and residents didn't agree with the legislation. However, let's pass a bill where you can make rules on the fly. This is a bill that I'm sure is among many others that are a huge waste of the tax payers dollars! There should be a bill to fund a less corrupt DLNR so they can do their job!

HB-2474

Submitted on: 2/1/2024 7:37:38 AM

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

Submitted By	Organization	Testifier Position	Testify
Kathy Takahashi	Individual	Oppose	Written Testimony Only

Comments:

As part of the ocean community, I have witnessed a decrease in commercial operators. COVID dealt a blow to many ocean related businesses, the Lahaina fire another. There has actually been a decrease in operators. We have witnessed very few ocean user conflicts.

Many of these operators have been around for a number of years. The State should not be able to come in and dictate we can not sell our business. Is this even legal?

The tourism industry needs support to rebuild. The state is asking to double or more the permit fees. Some businesses pay a minimum monthly fee or 3% of their gross - whichever is greater. 6% for what?

strongly oppose this measure geared to cripple local businesses.