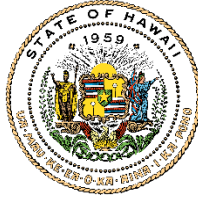


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

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 Senate Committee on
JUDICIARY

Thursday, April 4, 2024
10:00 AM
State Capitol, Conference Room 016

In consideration of
HOUSE BILL 2475, HOUSE DRAFT 2, SENATE DRAFT 1
RELATING TO COMMERCIAL OCEAN ACTIVITY

House Bill 2475, House Draft 2, Senate Draft 1 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



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

**HEARING BEFORE THE SENATE COMMITTEE ON JUDICIARY
HAWAII STATE CAPITOL, SENATE CONFERENCE ROOM 016
Thursday, April 4, 2024 AT 10:00 A.M.**

To The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
Members of the committee on Judiciary

SUPPORT HB2475 HD2 SD1 RELATING TO COMMERCIAL OCEAN ACTIVITY

The Maui Chamber of Commerce **SUPPORTS HB2475 HD2 SD1** which includes advertisements and offers in the definition of "commercial activity" as used in chapter 200, HRS, and provides that advertisements or offers for commercial activity are prima facie evidence that the owner disseminated or directed dissemination of such advertisements or offers.

The Chamber notes that over the years, over-commercialization of state ocean waters has been unnaturally encouraged via social media and through unpermitted ocean tour operators who advertise and operate without regard for laws, rules, regulations, and cultural awareness. These unpermitted commercial operators set up advertisements and online payment schemes, circumventing commercial ocean activity laws and restrictions. Subsequently, when attempting to enforce against illegal commercial activity, department staff have oftentimes encountered difficulty in proving that commercial activity or compensation of the alleged illegal commercial operator occurred.

We support this bill which expands a tool used by DLNR to eliminate illegal operators. We applaud that DLNR can work with and collaborate with legal operators while eliminating scofflaws. The problems caused by illegal operators often cause a black eye and/or retaliatory actions on the entire industry, negatively impacting legal operators, who uphold industry standards.

For these reasons we **SUPPORT HB2475 HD2 SD1** and respectfully ask that it be passed.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.