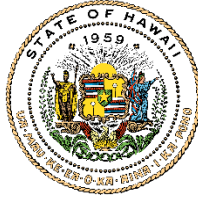


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

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 Senate Committee on
WAYS AND MEANS

Tuesday, February 27, 2024
10:00 AM
State Capitol, Conference Room 016

In consideration of
SENATE BILL 2721, SENATE DRAFT 1
RELATING TO OCEAN RECREATION

Senate Bill 2721, Senate Draft 1 proposes to clarify that violation of part I of chapter 200, Hawaii Revised Statutes, relating to ocean recreation and coastal areas, or any rules adopted thereunder shall be subject to criminal penalties. **The Department of Land and Natural Resources (Department) strongly supports this measure.**

This measure will help the Department's Division of Conservation and Resources Enforcement (DOCARE) with enforcement efforts related to areas and facilities under the jurisdiction of the Division of Boating and Ocean Recreation, including small boat harbors, boat launch ramp facilities, Waikīkī Beach, and Kā'anapali Beach. Without sufficient penalties to deter repeat violations, the Department has observed that the rates of illegal activities at these areas and facilities stayed the same or increased.

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



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

**HEARING BEFORE THE SENATE COMMITTEE ON JUDICIARY
HAWAII STATE CAPITOL, SENATE CONFERENCE ROOM 016
Tuesday, February 27, 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

COMMENTS ON SB2721 SD1 RELATING TO OCEAN RECREATION

The Maui Chamber of Commerce is **providing COMMENTS on SB2721 SD1.**

The Chamber notes the language of section 200-14, Hawaii Revised Statutes, is not clear regarding whether criminal penalties are authorized for violations of the section, which has hindered enforcement efforts. Therefore, the purpose of this bill is to clarify that criminal penalties are authorized under section 200-14, Hawaii Revised Statutes.

We understand and agree with punishing those operating without permits, those doing egregious acts like vandalizing the property or trespassing, and repeat offenders. In our last testimony, we noted that this bill was written so broadly, we were concerned that it may impact legal, permitted operators who mistakenly break a rule that may have been modified or a new rule of which they were not aware. Departmental rules may change and be implemented without the same level of notification or public input as laws. Thus, legally permitted operators may not be informed of the changes and be subject to possibly harsh penalties.

We appreciate the previous committee clarifying this to protect those who were uninformed of rule changes and that penalties will only be for those who “knowingly or intentionally” violate the rules. Permittees’ businesses are reliant upon the harbors. They want to protect the harbors and their private property there, so they are normally good stewards.

For these reasons we **SUPPORT SB2721 SD1.**

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.