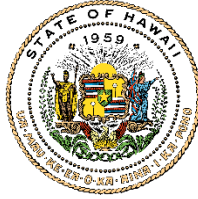


JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAI'I | 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  
WATER AND LAND

Monday, February 12, 2024  
1:00 PM  
State Capitol, Conference Room 229

In consideration of  
SENATE BILL 2721  
RELATING TO OCEAN RECREATION

Senate Bill 2721 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



February 7, 2024

COMMITTEE ON WATER AND LAND

Senator Lorraine R. Inouye, Chair Senator Brandon J.C. Elefante, Vice Chair

Date: February 7, 2024

Time: 5:27

### Testimony in Support of SB 2721

HFACT is a not-for-profit, IRS 501c (5) organization, that advocates for small boat commercial, non-commercial, and recreational fishermen throughout Hawaii. HFACT board members sit on a number of federal fisheries management and endangered species advisory committees as well as state marine and coastal zone advisory committees; and, HFACT is thoroughly familiar with and participates in ocean and marine resource management in Hawaii and the central Pacific.

HFACT supports SB 2721 that imposes criminal penalties for violations to Part 1 of Chapter 200. HRS. The situation at our boat ramps, especially on the Island of Kauai is quite dire, as the Commercial Tourist Boat operations are monopolizing the access to the Small Boat Ramps, to the extent of preventing the local fishing fleet to be able to launch their boats and also leaving no parking stalls for the small boat trailers. It is quite evident that the regulations for the commercial tourist operations are being violated without any consequence. The small boat fishermen are critical to providing the fresh island fish that feeds the community and also supplies restaurants with the highly sought after and healthiest form of delicious protein. The situation is becoming very contentious between these two entities, with the balance overwhelmingly favoring the Commercial Tour Boats. More stringent enforcement and penalties are needed to create better balance and prevent belligerent consequences.

HFACT thanks the chair, vice-chair, and committee members for this opportunity to provide comment and to assist in providing food to the people of Hawaii and to assist in the conservation of Hawaii's natural resources.

Sincerely and Aloha,

A handwritten signature in black ink, appearing to read 'Edwin Watamura', is positioned above the printed name.

Edwin Watamura

Executive Director.

watafishing @ gmail.com

**SB-2721**

Submitted on: 2/9/2024 10:52:47 AM

Testimony for WTL on 2/12/2024 1:00:00 PM

| <b>Submitted By</b> | <b>Organization</b>                 | <b>Testifier Position</b> | <b>Testify</b>         |
|---------------------|-------------------------------------|---------------------------|------------------------|
| Zachary LaPrade     | Testifying for Quicksilver Charters | Oppose                    | Written Testimony Only |

Comments:

Dear Chair, Vice Chair and Members of the Committee.

While acknowledging the importance of enforcing regulations related to ocean recreation and coastal areas, we oppose the bill due to its lack of an "intentional" state of mind requirement for the criminal penalty. The bill proposes to increase penalties without adequately considering the mental state of the violator. Adding an "intentional" requirement would ensure that only those who knowingly and willfully violate the rules are subject to criminal penalties, preventing unjust punishment for those who may have inadvertently committed a violation. Without this safeguard, there's a risk of disproportionately penalizing individuals for unintentional or accidental infractions, which could undermine the fairness and effectiveness of enforcement efforts. Therefore, we urge lawmakers to amend the bill to include an "intentional" state of mind requirement before moving forward with its passage.

Zachary LaPrade

808-352-5421

**SB-2721**

Submitted on: 2/10/2024 5:06:58 PM

Testimony for WTL on 2/12/2024 1:00:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| Uilani Naipo        | Individual          | Support                   | Written Testimony<br>Only |

Comments:

I support this measure.

- U'ilani Naipo