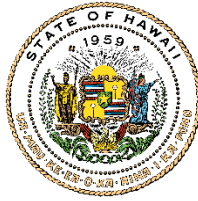


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

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

Tuesday, February 4, 2025
9:00 A.M.
State Capitol, Conference Room 411

In consideration of
HOUSE BILL 1138
RELATING TO OCEAN USER SAFETY

House Bill 1138 proposes to authorize the Board of Land and Natural Resources to issue interim administrative rules to regulate the recreational and commercial use of ocean recreation equipment. **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 these types of equipment if they pose a threat to public safety or natural resources because such regulation may 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

CIARA W.K. KAHAHANE
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-1138

Submitted on: 1/31/2025 3:42:47 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ely Spivack	Maui Wingfoiling and Wingsurfing Facebook Page	Oppose	Remotely Via Zoom

Comments:

Aloha Ladies and Gentlemen:

My name is Ely Spivack and I am the administrator of Maui Wingfoiling and Wingsurfing Facebook Group (2300 members), as well as administrator of the Friends of Kanaha Facebook Group (7,000 members). This testimony concerning proposed HB 1138, "RELATING TO OCEAN USER SAFETY." Here is my personal testimony, I will also participate via Zoom.

While the purpose of HB 1138 is to change the standard 120 day rulemaking process and establish a 24 month interim rule, this provision will give lawmakers the ability to call for longer range punitive measures against hydrofoil ("new technology") usage by recreational users. I am opposed to this bill, as well as opposed to SB1457. Here are my reasons:

1. The state legislature should not discriminate against foil driven craft by having a separate rule apply (proposed 2 year interim rule), while have other users be bound by a 120 day rule.
2. There are different categories of foil driven craft, those that are motorized (foil and foil assist drives), and prone, sup, wing, and windsail powered craft, i.e., motorized hydrofoil craft and non motorized (prone, sup, wing and wind). These two "classes" of craft should not be lumped together, any rules implemented for motorized foilcraft should not be targeted to non-motorized hydrofoil craft.
3. As administrator of Maui Wingfoiling and Wingsurfing Facebook group. I personally provide daily information to group members regarding Kahului Harbor activities: commercial shipping traffic, cruise ship traffic, and canoe practice/regatta schedules (there are 2 caone Hales onsite at the harbor). This daily report is in addition to online YouTube videos, guides, and onsite signage promote safety, and separation from other Kahului Harbor stakeholders. By providing this daily information and additional resources, conflicts between stakeholders are kept at a minimum and the lines of communication between parties are open.
4. I am also Secretary of Hothawaii.org. Host Hawaii is a Statewide Ocean Safety organization whose members include Government and Non-Governmental organizations, as well as commercial and recreational ocean users. While not speaking on this organization's behalf in this testimony, it is important to note that our organization has been at the forefront of de-escalation efforts between hydrofoil users and commercial shipping. Therefore I do not believe any action

towards ocean goers that are using non-motorized foil craft is necessary. Especially here on Maui.

With reference to the above, I oppose strongly the efforts to specifically target hydrofoil users with a 2 year interim rule. All needed safety measures have been implemented necessary to prevent injury, and lines of communication among stakeholders is there for mitigation of any future problems.

Sincerely,

Ely Spivack, 3955 Lepo Street, Maui, Hi. 96708

HB-1138

Submitted on: 2/2/2025 9:18:03 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Zachary LaPrade	Boss Frog's Dive & Surf	Oppose	Written Testimony Only

Comments:

TESTIMONY IN OPPOSITION TO HB 1138

Hearing Date: February 4, 2025

Committee: House Committee on Water and Land (WAL)

Submitted by: Zachary LaPrade, Owner

Affiliation: Boss Frog's (bossfrogs.com)

Chair Mark J. Hashem, Vice Chair Rachele F. Lamosao, and Members of the Committee,

I am submitting this testimony in opposition to HB 1138, which proposes granting the Board of Land and Natural Resources (BLNR) the authority to adopt interim rules for up to 24 months without adhering to the standard rulemaking procedures. As a employee of Boss Frog's, a company deeply invested in Hawaii's water sports industry, I am concerned about the potential implications of this bill on businesses and the broader community.

Key Concerns:

- 1. Existing Emergency Rulemaking Provisions:**
 - o Under Hawaii Revised Statutes (HRS) § 91-3(b), BLNR already possesses the authority to implement emergency rules when an imminent peril to public health, safety, or natural resources is identified. These emergency rules are effective for up to 120 days, providing sufficient time to address urgent situations while initiating the standard rulemaking process for long-term solutions.**
 - o The proposed 24-month interim rule period in HB 1138 significantly exceeds this duration, effectively allowing BLNR to enforce regulations without the necessary checks and balances inherent in the standard rulemaking process.**
- 2. Lack of Checks and Balances:**
 - o This bill permits BLNR to enact interim rules without mandatory public hearings, stakeholder consultations, or impact assessments. This absence of procedural safeguards could lead to regulations that fail to consider the perspectives of affected businesses and communities, creating unnecessary economic harm and operational uncertainty.**
- 3. Potential for Non-Emergency Application:**

- Unlike the clear criteria outlined in HRS § 91-3(b) for emergency rulemaking, HB 1138 does not specify the circumstances under which interim rules can be adopted. This ambiguity raises concerns that interim rules could be applied in non-emergency situations, leading to unwarranted regulatory burdens.
4. **HB 1138 is Too Broad and Could Cover Anything**
- The bill grants BLNR an undefined, sweeping authority to regulate "commercial and recreational use of water sports equipment" without clear limitations or specific guidelines.
 - This broad language could be used to justify restrictions on any type of water activity, whether or not a real safety or environmental concern exists.
 - Without specific criteria, businesses, tourists, and residents could face unpredictable regulations that disrupt livelihoods and recreational access without proper justification.

Recommendations:

Given that existing statutes already provide mechanisms for emergency rulemaking, I respectfully urge the Committee to reject HB 1138 in its current form. However, if the bill is to proceed, I recommend the following amendments to ensure appropriate checks and balances:

- **Define Clear Criteria for Interim Rulemaking:** Specify that interim rules may only be adopted in situations that pose an immediate threat to public health, safety, or natural resources, aligning with the criteria established in HRS § 91-3(b).
- **Ensure Stakeholder Engagement:** Mandate that BLNR conducts public consultations and stakeholder meetings before adopting any interim rule to ensure transparency and industry input.

Conclusion:

While I recognize the need for adaptive management in ocean recreation, it is critical that such regulatory measures include appropriate oversight and public engagement. HB 1138, in its current form, grants excessive authority to BLNR without sufficient accountability, potentially leading to significant unintended consequences for businesses and ocean users.

I strongly urge the Committee to reject HB 1138 or amend it to include necessary safeguards, ensuring a balanced approach to ocean management that considers both safety and economic sustainability.

Thank you for the opportunity to provide testimony on this matter.

Respectfully submitted,
Zachary LaPrade
Boss Frog's (bossfrogs.com)



HOUSE OF REPRESENTATIVES
THE THIRTY-THIRD LEGISLATURE
REGULAR SESSION OF 2025

COMMITTEE ON WATER & LAND

Rep. Mark J. Hashem, Chair
Rep. Rachele F. Lamosao, Vice Chair

Rep. Della Au Belatti	Rep. Mahina Poepoe
Rep. Linda Ichiyama	Rep. Justin H. Woodson
Rep. Kim Coco Iwamoto	Rep. Garner M. Shimizu
Rep. Dee Morikawa	Rep. Kanani Souza

NOTICE OF HEARING

DATE: Tuesday, February 4, 2025
TIME: 9 am
PLACE: VIA VIDEOCONFERENCE
Conference Room 411
State Capitol
415 South Beretania Street

TESTIMONY OF THE OCEAN TOURISM COALITION IN OPPOSITION TO
HB1138.

Dear Chair Hashem, Vice Chair Lamosao, and Members of the Committee on Water and Land:

My name is Denver Coon. I am the president of the Ocean Tourism Coalition (“OTC”). OTC represents hundreds of locally owned ocean tourism businesses statewide, many being family businesses.

HB1138 is overly broad and grants the State unchecked authority to regulate “water sports equipment” without specifying which types of equipment could be subject to new rules. This lack of clarity means that even basic snorkel gear—masks, fins, snorkels, and floatation devices—could fall under unnecessary restrictions, despite being essential for dive boat and snorkel tour operations and posing no significant safety or environmental threats. Accordingly, the bill needs to be amended to be more specific with the equipment it intends to regulate.

In addition, Hawaii law already provides a framework for emergency rulemaking to address imminent threats. Under HRS § 91-3(b), BLNR has the authority to enact emergency rules for up to 120 days when there is an imminent peril to public health, safety, or natural resources. This existing statute ensures that urgent issues can be swiftly addressed without bypassing public input or creating prolonged regulatory uncertainty. However, HB1138 unnecessarily extends interim rulemaking powers for up to 24

months, a timeframe that is excessive and could lead to long-term restrictions without due process.

Another significant concern is that HB1138 does not include any threshold for regulatory action. Unlike emergency rulemaking under HRS § 91-3(b), which requires a finding of “imminent peril,” this bill could allow interim rules to be used for non-urgent policy changes, creating instability for responsible ocean tour businesses. If there is no immediate danger, changes to water sports regulations should go through the proper public process under Chapter 91, HRS, to ensure transparency and accountability.

Given that existing statutes already provide sufficient emergency rulemaking authority, I respectfully urge the Committee to reject HB1138 in its current form. However, if the bill is to proceed, I recommend the following amendments to ensure appropriate checks and balances:

- Clearly and narrowly define the equipment that needs to be regulated, and exclude basic snorkel equipment and floatation devices from regulation. Masks, fins, and snorkels should not be subject to interim rules, as they have been used safely for decades.
- Remove the language on the 24-month interim rulemaking as emergency rulemaking provisions already exist under HRS § 91-3(b).

By incorporating these safeguards, the bill can better balance the need for environmental and safety protections with the importance of fair regulatory oversight for Hawaii’s ocean tourism industry.

Sincerely,

Denver S. Coon
President, Ocean Tourism Coalition

HB-1138

Submitted on: 1/31/2025 11:42:13 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jon McCabe	Individual	Oppose	Remotely Via Zoom

Comments:

I strongly oppose HB1138 because it grants excessive regulatory authority to the Board of Land and Natural Resources (BLNR) while opening the door for discriminatory restrictions on innovations that help disabled individuals, the elderly, and others who need assistance accessing the ocean.

This bill allows the BLNR to issue interim rules without public oversight or input, giving them unchecked power to ban or restrict certain water sports equipment without accountability. This could lead to unequal enforcement and the targeting of technologies used primarily by disabled, elderly, or mobility-impaired individuals—effectively discriminating against those who rely on such innovations for safe ocean access.

- Discriminatory Impact on the Disabled & Elderly: Many individuals depend on adaptive water sports equipment, such as motorized paddleboards, stabilizing devices, and other assistive technologies, to safely enjoy the ocean. HB1138 enables the BLNR to restrict these technologies without justification or due process, disproportionately impacting those with physical limitations. Without clear guidelines or oversight, this law could be used to push out those who require assistance, limiting their right to recreation.**
- Potential for Arbitrary Enforcement: Because the bill allows for interim rules that bypass standard legal and public review processes, certain types of users—such as those using motorized or stabilized equipment—could be unfairly targeted under vague claims of "safety" or "resource protection." This creates the risk that bans or restrictions could be imposed without data-driven evidence or public input, disproportionately affecting those who need these tools most.**
- Restricting Innovations That Improve Access & Reduce Overcrowding: Many modern water sports technologies, like e-foils for example, allow users to explore open waters rather than congesting traditional surf breaks, helping to reduce overcrowding in popular surf areas. HB1138 could force more users into already crowded spaces, increasing conflicts and injuries instead of alleviating them. If restrictions are imposed unfairly, it could create an exclusionary system that favors certain groups over others. This was reinforced with the tremendous opposition of the proposed e-foil bills last year.**
- Lack of Public Oversight: By allowing BLNR to bypass standard rulemaking procedures, this bill shuts out the voices of those who will be most affected. There is no requirement for public hearings, public input, or transparency in decision-**

making, meaning that biased or uninformed decisions could stand for up to two years without challenge.

HB1138 is unnecessary, overly broad, and opens the door for discriminatory enforcement against those who rely on assistive innovations. Instead of restricting technology that helps distribute users across the ocean more evenly, lawmakers should support policies that ensure ocean safety without excluding vulnerable populations. I urge the rejection of HB1138 in favor of inclusive and well-regulated ocean recreation policies.

HB-1138

Submitted on: 1/31/2025 3:58:17 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Mark Mitchell	Individual	Oppose	Written Testimony Only

Comments:

Aloha

While I understand a need to regulate/manage water sports equipment (especially for business owners and NOT individuals) I'm greatly concerned about the HB1138 Ocean User Safety Bill. The part where a new/interim rule can be made up sort of ad hoc without going thru due process and last for 2 years is very troubling and I'm very much against that level of power to be wielded by anyone, BLNR included.

Please consider another way to regulate recreational ocean sports equipment for the individual people that rely on the Hawaiian waters for their daily exercise and stress relief. Please don't lump the individual ocean sports equipment users together with folks who are trying to exploit the ocean to make money.

Mahalo

Mark Mitchell

532 Komo Ohia

Wailuku,HI

HB-1138

Submitted on: 1/31/2025 4:16:59 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

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

Comments:

Dear Chair and Members of the Committee,

I am writing to express my strong opposition to HB1138, which seeks to authorize the Board of Land and Natural Resources (BLNR) to issue interim rules regarding the commercial and recreational use of water sports equipment. As an avid ocean foiler and user of Foil Drive, I am deeply concerned that this bill will unjustly impact our ability to responsibly enjoy Hawaiian's waters and disproportionately harm individuals with disabilities who rely on this technology to access the ocean.

While I fully support safety regulations that promote responsible ocean use, this bill is not the right approach. The broad and undefined authority granted to the BLNR could lead to restrictions that unfairly target Foil Drive users and other e-foilers, despite our community's commitment to safe and respectful ocean use. Many of us actively educate newcomers and tourists on ocean etiquette, safety, and how to coexist with other water users.

Moreover, within our Foil Drive community, we have individuals with disabilities who rely on this technology as their only means to experience and enjoy the ocean. This innovation has given them a new sense of freedom, allowing them to engage in a sport that would otherwise be inaccessible to them. The approval of this bill would effectively exclude and discriminate against these individuals, restricting their ability to participate in ocean activities and failing to recognize the benefits of emerging technologies that make water sports more inclusive.

Instead of enacting sweeping and potentially restrictive measures, I urge lawmakers to engage with the e-foiling community, local businesses, and ocean enthusiasts to develop fair and balanced regulations. We are ready and willing to collaborate on policies that ensure safety without unnecessarily prohibiting access to the ocean.

I respectfully request that you oppose HB1138 and instead pursue a solution that includes stakeholder input, supports responsible ocean use, and protects the rights of all individuals, including those with disabilities, who rely on innovations like Foil Drive.

Thank you for your time and consideration.

Sincerely,

Felipe Rodriguez Egana.

HB-1138

Submitted on: 1/31/2025 4:32:54 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Solange Dotro Gamboa	Individual	Oppose	Written Testimony Only

Comments:

I am writing to express my strong opposition to HB1138, which seeks to grant the Board of Land and Natural Resources (BLNR) the authority to issue interim rules governing the use of water sports equipment. As a dedicated ocean user and Foil Drive rider, I see firsthand how this bill could impose unnecessary restrictions on responsible ocean enthusiasts and disrupt access for those who rely on this technology to enjoy Hawaii’s waters.

While safety and shared ocean space are important, this bill lacks clarity and fails to take into account the positive impact of emerging technology like Foil Drive. In the hands of responsible riders, Foil Drive allows for safe, efficient, and respectful use of ocean resources. Additionally, it has become a life-changing tool for individuals with disabilities, granting them access to the ocean and the joy of water sports in a way that would otherwise be impossible. To pass this bill without considering their needs is not just restrictive—it is discriminatory.

I strongly believe in coexistence and education over excessive regulation. Instead of blanket restrictions that punish all users, Hawaii should work with the local water sports community to establish fair and well-informed regulations that enhance safety without stifling accessibility and innovation. Many of us already take an active role in educating tourists and new users, ensuring that safety, respect, and responsible ocean use remain a priority.

I urge the committee to reject HB1138 and seek a more inclusive, community-driven approach to regulation—one that respects ocean users, embraces technological advancements, and protects accessibility for everyone, including those with disabilities.

Thank you for your time and consideration.

Sincerely,

Solange Dotro Gamboa

HB-1138

Submitted on: 1/31/2025 5:32:25 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Dan Taylor	Individual	Oppose	Written Testimony Only

Comments:

The current system of individuals using common sense and policing themselves through the community works well why regulate something that doesn't need to be regulated?

I oppose this bill

HB-1138

Submitted on: 1/31/2025 8:58:39 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Harold Alhadeff	Individual	Oppose	Written Testimony Only

Comments:

As a handicap surffer I use a small motor to pull me out to the line up and aid in catching waves. Im concerned that new rules may prevent my use of them in places where I can surf. Please make provisions for Handicap surfers. Mahalo

HB-1138

Submitted on: 1/31/2025 10:25:45 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jun James Sogi	Individual	Oppose	Written Testimony Only

Comments:

I opposed HB1138. There needs to be public input before rules are made. BLNR should not have the power to make rules affecting ocean users without proper procedure to safeguard the public interests. There are too many conflicting interests and uses that will be harmed by the bill.

HB-1138

Submitted on: 2/1/2025 11:17:27 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
William Jalbert	Individual	Oppose	Written Testimony Only

Comments:

I am opposed to HB-1138 relating to ocean safety. This bill would provide to broad of a scope. The scope should be reduced to allow the DLNR to create safe zones for free divers and swimmers and allow for stricter enforcement of boating regulations around swim zone 20 buoys. Anything else is plain overreach. There shouldn't be preferential treatment for any types of water sports. As long as humans and aquatic life are adequately protected, the state shouldn't be telling us what we can and cannot do on the water.

Mahalo!

HB-1138

Submitted on: 2/1/2025 1:00:39 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Mike Kelley	Individual	Oppose	Written Testimony Only

Comments:

TESTIMONY

OFFICIAL TESTIMONY in OPPOSITION OF HB1138

Submitted by:Michael T. Kelley

Owner:Kelley Family of Companies (*Aqualani Beach & Ocean Recreation*)

For nearly 50 years I've owned and operated services and companies based at ocean front resort hotels throughout Maui County. During these decades of operation, we've always provided a multitude of services for our resort partners and their guests. These include yet are not inclusive of snorkeling equipment rental, boogie boards, personal flotation devices and at some location kayaks and stand-up paddle boards. Our kayaks and paddle boards all have the appropriate permits and registration stickers. Snorkeling equipment, boogie boards and inflatable floats are not regulated, registered or controlled by DLNR. As I understand proposed *HB1138* it gives broad and unspecified control over and management of watersports equipment which as described would include boogie boards, snorkel gear, inflatable items or every single thing conceivable as outlined as in, on or under used. This is far too broad to ever be practical for control or any reasonable management by DLNR. As written, *HB1138* also somewhat precludes all Hawaii visitors from buying and using, renting or using or bringing their own snorkel gear or other "*watersports items*" without being subject to control and oversight by DLNR. Again, this is far too broad, unreasonable as to be monitored and achieved and an area that should not be controlled or measured by DLNR. *I am fully opposed to HB1138.*

Thank you for reading my testimony.

Sincerely,

Michael T. Kelley , 808-385-5585

HB-1138

Submitted on: 2/1/2025 1:53:15 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Christine Dobrowolski	Individual	Oppose	Written Testimony Only

Comments:

I don't support HB1138. Although we all want a safe ocean for recreating and to preserve natural resources, giving the BDLNR the authority to create rules impacting the public without going through the proper process and allowing a law to stay in place for two years, is not only unreasonable, it doesn't guarantee safety or the protection of natural resources. This process seems like it will allow bias to determine rules and will undermine public confidence in State regulatory agencies.

Christine

HB-1138

Submitted on: 2/1/2025 4:48:37 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
THOMAS KENT	Individual	Oppose	Written Testimony Only

Comments:

I do not support this government expansion. do not support this bill, i oppose this bill.

HB-1138

Submitted on: 2/1/2025 5:35:07 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Shane Connor	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB1138 on the following grounds as an avid responsible user of Hawaiian waters for recreation:

1. Overreach of Authority

Granting the BLNR the power to implement interim rules without comprehensive stakeholder engagement may lead to regulations that do not adequately reflect the needs and insights of the ocean-using community. Such authority could result in decisions that lack transparency and public input, potentially undermining trust between the community and regulatory bodies.

2. Potential for Redundant Regulations

Existing regulations already govern the use of water sports equipment in Hawaii. Introducing additional interim rules may create redundancy, causing confusion among users and complicating enforcement efforts. A comprehensive review of current regulations should precede any new rulemaking to ensure necessity and effectiveness.

3. Need for Comprehensive Stakeholder Engagement

Effective regulation of ocean activities requires input from a diverse group of stakeholders, including local communities, businesses, environmental organizations, and recreational users. The interim nature of the proposed rules may bypass essential consultation processes, leading to regulations that are not well-informed or widely accepted.

Conclusion

While the intent of HB1138 to enhance ocean user safety is commendable, the proposed approach raises concerns regarding authority overreach, regulatory redundancy, and stakeholder engagement. A more measured strategy involving comprehensive stakeholder consultation and thorough impact assessments would yield more effective and broadly supported outcomes.

HB-1138

Submitted on: 2/1/2025 6:17:24 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tom Wolf	Individual	Oppose	Written Testimony Only

Comments:

Bill HB1138 is a terrible idea. It gives the BLNR regulatory authority without community involvement in an issue that they have little expertise. They are likely to regulate water sports equipment based on biases and a few individual complaints without taking into consideration consequences such as economic impact. Here on Maui, we have developed rules over many years that create a balance for water usage, e.g. no wind water sports on the north shore before 11am. The community has a lot more expertise around water safety than the BLNR. Finally, would the government give such power to a regulatory body if this was about land vehicle innovation. Of course not.

HB-1138

Submitted on: 2/2/2025 9:15:25 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Richard Spork	Individual	Oppose	Written Testimony Only

Comments:

Regulation for safety is a good thing. regulation simply because it is something new is very much a bad thing.

Participation In the ocean is a Hawaiian way of life.

Foiling is One of these new Watersports that is opening up so many new ways to Enjoy the outdoors.

it s an sport Enjoyed all age groups, by both locals and visitors alike.

as seen in Kahului harbor, the local community has proved it is able to self regulate. It also utilizes a public resource previously very much under utilized.

Try and push through a bill without informing the local community is not Pono.

HB-1138

Submitted on: 2/2/2025 9:24:33 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Edgar Jimenez	Individual	Oppose	Written Testimony Only

Comments:

Opposed on B1138 relating to ocean safety.

HB-1138

Submitted on: 2/2/2025 10:08:16 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Yasuko Langeron	Individual	Oppose	Written Testimony Only

Comments:

My fellow water sports enthusiasts and I have always followed the existing beach rules as windsurfers. Now I am a windfoiler and continue to adhere to those rules.

The current beach safety rule is:

The designated ‘divers and swimmers’ water use time is before 11:00 a.m.

We (water sports enthusiasts) never go in the water prior to 11:00a.m. We respect divers and swimmers and the safety rules.

If we see divers in the water after 11:00a.m. we never get close to them, and advise/alert other foilers and windsurfers before they enter the water.

I think that even making a special zone or area for divers or swimmers after 11:00 a.m. is a very dangerous action because Maui winds over the waterways usually pick up after 11:00 a.m., and water danger increases.

If there is no wind or not enough wind, windfoilers do not go out in the water.

Maybe they (divers and swimmers) have to share the water with padders, surfers and others. That is what we have always done for a long time.

I think right now we (windsurfers, windfoilers, kites, suffers, SUP, downwinders, paddlers, swimmers, divers and fishers) have a good balance.

We respect each other’s time/space on the water.

Hawaii water is for everyone.

HB-1138

Submitted on: 2/2/2025 10:20:21 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Mark Pierce	Individual	Oppose	Remotely Via Zoom

Comments:

I am a Maui homeowner and resident and I'm strongly against this initiative. It seems completely against due process and common sense to allow the DLNR board to initiate a rule at their whim or discretion without public review. How can the board possibly believe that they know the public will or even the issues without public review? And while the argument might be they are temporary, 2 years without review is not temporary. I can't believe we would let any government agency have this kind of unchecked power and again, I am strongly against it.

HB-1138

Submitted on: 2/2/2025 10:31:47 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

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

Comments:

Safety is really thinly concealed "control" which nobody granted to the DLNR to exercise some arbitrary rules about who can do what in the ocean. I oppose further expansion of the rampant nanny state that Hawaii already is. Where are the serious injuries or deaths caused by recreational equipment? Let's see some numbers before we start making rules.

HB-1138

Submitted on: 2/2/2025 11:23:46 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Alika Ferreira	Individual	Oppose	Remotely Via Zoom

Comments:

Feb. 2, 2025

Aloha. My name is Alika Ferreira and I oppose HB1138.

I was born, raised, and currently reside in Kailua on the island of Oahu. I spend as much of my time as I can in the water enjoying various water activities. I am very aware of the many advances in technology around water sports equipment.

This bill is proposing a new process of making rules in order for the BLNR to quickly and efficiently implement interim rules. There are four current methods of rule-making that I am aware of: (1) Governor’s executive orders, (2) State legislative action, (3) BLNR rule making, and (4) BLNR emergency rule-making. It appears to me that the proposed process aims to accelerate the process of making rules, increase the board’s power, and reduce public participation.

Accelerating the process. The proposed process would be exempt from HRS chapter 91 (Administrative procedures). The proposed process ignores established rules in Hawaii Revised Statutes. Why is the board cutting corners on established rules? The justification stated in this bill is to ensure public safety in addressing rapidly changing ocean technologies. HRS chapter 91 actually addresses the emergency rule-making for the purpose of addressing imminent peril to the public health and safety. With the current rule-making options, the fastest path is clearly the governor’s executive order. If the board needs something quickly to ensure public safety, call the governor. If that is too hard, the board already has an emergency rule-making process.

Increasing the board’s power. The proposed process calls for a maximum duration of 24 months. The existing emergency rule-making process allows for a maximum duration of 120 days (4 months), without renewal. Why does the board believe they must accelerate the process and increase the duration of a rule made in earnest? The justification stated is to efficiently implement adaptive management measures. My opinion is that the board is seeking to have powers similar to the governor’s executive orders. Rush a rule into place, and let it stand for 24 months, and then do it again to extend the duration indefinitely. The current emergency rule-making process recognizes the need to limit such a process by adding the phrase, “without renewal”.

Reducing public participation. The proposed process does not require a 30-day notice to the public. This gives the board the ability to issue interim rules at a rapid pace, that last an indefinite amount of time, without public awareness until the rule is already in effect. Why does the board want to keep us out of the conversation? Does the board know everything and the public knows nothing? Isn't it our right to participate in how we want to be regulated? The bill would also be exempt from HRS chapter 201M (Small business regulatory flexibility act). This suggests that the bill will have a negative effect on small businesses in Hawaii. If passed, this bill would allow a 24 month duration of a rule without the requirement for an initial review and annual reviews of the impact on small businesses.

In my opinion, the introduction of this bill admits that the system is broken. It is just like our building permit process. When I was young, my father was able to get a building permit for the renovation of our family home within a few months. Now, my neighbors can't get a building permit to build their family homes sooner two years. Like the permitting process, the system is broken. We are spending too much time, and too many dollars in layers of regulation. We don't need another new rule-making process. We need a process that works.

Mahalo for your time today.

HB-1138

Submitted on: 2/2/2025 11:57:08 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Raymond prosek	Individual	Oppose	Written Testimony Only

Comments:

I completely disagree with this bill as the solution to problems isn't regulations, it's education. If you decide to regulate things like hydrofoils for their risk of injury you have also to regulate surfboards, boogie boards, maybe even snorkels the list goes on. This is a complete overreach of the government and needs to be apposed. This bill also doesn't ensure that all affected parties have a say in what happens and makes it so that you all can do whatever you want without a democratic process. This is America where the citizens have a say in what laws are made by their employees aka government officials. This is a free republic not a communist country where leaders can do as they want whenever they want. Thank you for taking the time reading and I hope we can strike this bill down!

HB-1138

Submitted on: 2/2/2025 12:33:39 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
robby miyashiro	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I am Robby Miyashiro and I am against Bill HB1138 regulation as it is broad and not defined, there are many disciplines of foiling and should not be clumped as 1. I prone foil, downwind foil and foil assist. I am very respectful to other ocean users and share this with other too. I have also rescued 4 surfers with my foil assist in different incidents.

Thank you,

Robby

HB-1138

Submitted on: 2/2/2025 1:04:53 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

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

Comments:

To: The Chair and Members of the House Committee on Water and Land
Hawai'i State Capitol, Room 325
415 South Beretania Street
Honolulu, HI 96813

Subject: Strong Opposition to Bill H.B.1138 – Relating to Ocean User Safety

Dear Chair and Members of the Committee,

I am writing to express my firm opposition to Bill H.B.1138, which seeks to make substantial changes to water use policy in Hawai'i. It threatens to undermine longstanding protections for users of Hawai'i's ocean resources and diminish public participation in key decisions on these matters going forward. Bill H.B.1138 would diminish the role of the public and community stakeholders in critical ocean use decisions. It is unnecessary, overly broad, and opens the door for restrictions and discriminatory enforcement against efoils and those who rely on assistive innovations. Instead of restricting technology that helps distribute users across the ocean more evenly, lawmakers should support policies that ensure ocean safety without excluding vulnerable populations. I urge the rejection of H.B.1138 in favor of inclusive and well-regulated ocean recreation policies that the public (who will be most affected) has a say in future lawmaking. In conclusion, Bill H.B. 1138 represents a step backward for Hawai'i's ocean use policies.

Thank you for your attention to this matter. I trust you will make the right decision in the best interests of Hawai'i's ocean users.

Sincerely,
David DiPilato

HB-1138

Submitted on: 2/2/2025 1:31:34 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Paul Lowchareonkul	Individual	Oppose	Written Testimony Only

Comments:

Dear Members of the Committee,

My name is Paul Lowchareonkul, and I have lived in Kailua for the past three years, though I have been visiting the island and participating in watersports for over 20 years. During this time, I have engaged in various activities, including kite surfing, kayaking, and efoiling. As both a local resident and a long-time visitor, I strongly oppose **HB1138** due to its potential to harm the watersports community and the broader recreational culture in Hawaii.

HB1138 would grant the Board of Land and Natural Resources (BLNR) the power to adopt, amend, and repeal interim rules governing commercial and recreational use of watersports equipment, **without any public input or review**. This is an alarming overreach, especially given the diversity of ocean activities in Hawaii. The bill's provision allowing for **emergency rules to last up to two years** is particularly troubling. Emergency rules should be in place only for the shortest necessary duration to address immediate concerns—a **period of six months** would be far more reasonable. This lengthy period of uncertainty will stifle local businesses, especially those that depend on a stable regulatory environment, like rental shops and surf schools. It will also create confusion and frustration for ocean users, including tourists who come to Hawaii specifically for the watersports experience.

As someone who actively participates in a range of watersports, including the rapidly growing activity of efoiling, I'm concerned that this bill could unintentionally restrict emerging sports without a proper understanding of their specific safety needs. Efoils, in particular, require large, open spaces to operate safely, and broad, undefined rules could lead to **unnecessary restrictions** on where and how these activities can be enjoyed. This bill would also give the BLNR significant authority to impose rules on all watersports activities—without fully considering the unique characteristics of each sport, such as kiteboarding and wing foiling. Without consulting stakeholders or understanding the full impact, these new rules could be harmful to businesses, visitors, and local residents who rely on these activities for recreation and livelihood.

I urge you to reconsider this bill and protect both the safety and freedom of ocean users. Any regulatory changes should be **clear, thoughtful, and include a process for public input** to ensure that all affected parties have a voice. This approach will create better, more balanced rules that work for everyone—without stifling the innovation and growth of the watersports industry in Hawaii.

Thank you for your time and consideration.

Sincerely,
Paul Lowchareonkul
Kailua, Hawaii

HB-1138

Submitted on: 2/2/2025 1:53:29 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Dean Nakamaru	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

02-02-2025

To whom this may concern.

Hi all. We as a community of water sports enthusiasts in Hawaii are very concerned about the Bills, (SB1475, HB1138) and the continued rule change processes that a very few of our legislators are trying to input on the fly. It is very difficult to be a hard-working small businessperson in Hawaii, (in my case a contractor) and to have to watch the upcoming bills for what seems like a continued barrage of rules that are trying to cut into our watersports' escapes. There are plenty of rules in place already. They just need to be enforced.

I guess, in short, what I'm trying to get across is that we as a community should be notified well in advance before any Bill is ratified into law. So, we, the local watermen, can weigh in on the measures.

Thank you very much for reading this.

Bruce St Germain

HB-1138

Submitted on: 2/2/2025 2:24:11 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Troy Wegner	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB1457 and HB1138.

I oppose this bill because it grants the Board of Land and Natural Resources unchecked authority to issue interim rules without following the full democratic process. Skipping the standard rulemaking procedure undermines transparency and limits public participation in decisions that directly impact Hawaiians. Furthermore, this measure is a temporary fix rather than a comprehensive solution to managing ocean recreation and environmental concerns. Instead of enacting long-term, well-researched policies, the bill prioritizes expedience over effectiveness. Most troublingly, the broad regulatory power it provides could lead to restrictions that infringe upon the freedoms of recreational and commercial ocean users without proper oversight.

HB-1138

Submitted on: 2/2/2025 3:02:46 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Bobby Hastings	Individual	Oppose	Written Testimony Only

Comments:

As written, H.B. 1138 is vague and ambiguous offering overreaching police power to regulate all current, and future, ocean recreation activities involving "water sports equipment".

Not only will H.B. 1138 harm our Hawaiian Ocean Culture, BUT

H.B. 1138 will be damaging to our local businesses, lead to further job loss, impact our ability to create new jobs, and be damaging to the overall Hawaii economy.

Travelers making holiday decisions based upon ocean related activities including fishing, surfing, diving and windsurfing, will chose other global destinations over Hawaii.

Lets think of ways to create jobs and opportunities that promote our Hawaiian Ocean Culture to the World instead of making it harder.

Aloha

HB-1138

Submitted on: 2/2/2025 6:06:41 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Fellipe Valadao	Individual	Oppose	Written Testimony Only

Comments:

I, Fellipe Valadao, resident of Mililani, Oahu, strongly oppose House Bill 1138, which would give the Board of Land and Natural Resources (BLNR) the power to create interim rules for water sports without public input. This bill risks harming local businesses, tourism, ocean conservation and mostly the general public and what is sports enthusiast la like myself.

My Key Concerns are:

- Impact on the people's freedom and right of exercising and enjoying the public coastal waters and beaches of our beautiful state.
- Overreach of Authority: BLNR could create rules without transparency or public review, undermining democratic processes.
- Impact on Local Businesses: Sudden, unpredictable rules could hurt Hawaii's water sports economy, raise costs, and limit access.
- Lack of Environmental Safeguards: The bill doesn't prioritize sustainable management of Hawaii's marine ecosystem.
- Risk of Inequity: The bill doesn't ensure fair representation for all affected groups.

We need a more balanced approach that includes public input, safeguards for both safety and the environment, and long-term sustainability.

The DLNR can't just have that type of authority and single handling power.

Thank you!

HB-1138

Submitted on: 2/2/2025 7:35:51 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
William Brown	Individual	Oppose	Written Testimony Only

Comments:

Opposing Proposal for Hawaii Bill 1138

To: Members of the Hawaii State Legislature

From: William Brown

Subject: Opposition to Hawaii Bill 1138

Dear Members of the Legislature,

We are writing to formally express our opposition to Hawaii Bill 1138. While we understand the intent to address ocean safety, we believe that this bill, as currently written, poses significant risks to individual freedoms, undermines due process, and fails to provide adequate opportunity for public input. These issues are critical and require careful reconsideration before moving forward.

1. Overview of Concerns:

Hawaii Bill 1138, in its current form, includes provisions that would be detrimental to the watersports community, which we believe could result in a significant erosion of personal freedoms. While the intent behind the bill may be to address a legitimate safety and organization issue, the impact it will have on individual rights and the legal protections afforded to all citizens cannot be ignored.

Specifically, we are concerned about the following aspects of the bill:

- **Restricting Freedom of Speech and Expression:** Bill 1138 includes provisions that allow for the regulation of public input and due process, effectively stifling free speech in public forums. For example, Sections of the bill would give authorities the ability to limit or suppress public protests or community meetings without sufficient justification or due process. This could have a chilling effect on political expression, which is a fundamental right under both the U.S. Constitution and Hawaii's state constitution.

- **Undermining Due Process Protections:** The bill introduces provisions that would allow BLNR to take actions against individuals or organizations without providing a fair opportunity for those affected to contest the decision. For instance, parts of the bill would allow authorities to impose penalties or sanctions on businesses or individuals accused of opposing the bill without granting them a chance to appeal the decision or present their side in a court of law. This violates the fundamental legal principle that no one should be deprived of their rights or property without a fair trial.

- **Failure to Provide Public Input:** The bill is being fast-tracked through the legislature without providing meaningful opportunities for public comment or stakeholder involvement. Parts of the bill shows that the bill was drafted with minimal public consultation and lacks a public hearing process. Important voices from affected communities, such as recreational water users, community leaders, local business owners, environmental groups, etc. have not had the opportunity to weigh in on the potential impact of the bill. This lack of transparency and public engagement undermines the democratic process and limits the ability of the public to influence the laws that govern their lives.

2. Restriction of Freedoms:

A key concern with Hawaii Bill 1138 is its potential to restrict fundamental freedoms guaranteed by both the U.S. Constitution and Hawaii's state constitution. Specifically, detail the provisions of the bill that limit freedom, such as limitations on free speech, property rights, or other freedoms. These restrictions could disproportionately affect recreational water users and business owners, undermining their ability to fully participate in society or exercise their rights without fear of penalties, discrimination, or even prosecution etc.

By placing arbitrary restrictions on activity, business and movement, etc., the bill infringes upon basic civil liberties, which are critical to the democratic framework of our state.

3. Lack of Due Process:

Another critical issue with Bill 1138 is its disregard for due process. The bill introduces provisions that would by pass the community input and circumvents due process. For example, this bill would allow BLNR to take actions that could severely impact individuals or organizations without providing an adequate opportunity for them to contest or appeal those actions.

Due process is a cornerstone of American law, ensuring that no one is deprived of their rights without fair legal proceedings. This bill, erodes this vital protection, which could lead to arbitrary or unjust outcomes for those impacted.

4. Failure to Allow Public Input:

Furthermore, Hawaii Bill 1138 fails to provide a meaningful opportunity for public participation and input, a fundamental aspect of the legislative process. Bills that affect the rights and

freedoms of the public should undergo comprehensive public hearings, community consultations, and expert testimony to ensure that diverse viewpoints are considered.

Unfortunately, this bill has been fast-tracked without sufficient public debate or outreach to those most affected by its provisions. As such, we are concerned that the legislation reflects only a narrow perspective and does not consider the broader social, economic, or cultural consequences of its implementation.

5. Negative Impact on Recreational Water Users:

In addition to the above concerns, the bill could have particularly damaging effects on recreational water users, leading to negative outcomes such as loss of access to certain areas, safety risks, economic hardship, and a dismantling of community. The lack of a process for meaningful public engagement means that the people most affected by the bill's provisions have not had the chance to voice their concerns or suggest viable alternatives.

6. Call for Revision or Withdrawal:

In light of these issues, we respectfully urge you to reconsider or withdraw Hawaii Bill 1138. We believe that any legislative measure must balance the need to address the issue at hand with a respect for individual rights, due process, and public participation. We encourage you to engage in a transparent, inclusive process that allows all stakeholders to have a say in shaping the final legislation.

We are fully committed to working with you and other relevant parties to craft a more effective and fair solution that upholds the values of democracy, freedom, and justice for all citizens of Hawaii.

Thank you for considering our position on this important matter. We look forward to the opportunity for further discussion.

Sincerely,

William Brown

Recreational Water user

Wing foiler & Kite surfer

808-707-4028

Williamkbrown1234@gmail.com

HB-1138

Submitted on: 2/2/2025 8:57:51 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Primo Bailon	Individual	Oppose	Written Testimony Only

Comments:

To: The Chair and Members of the House Committee on Water and Land
Hawai'i State Capitol, Room 325
415 South Beretania Street
Honolulu, HI 96813

Subject: Strong Opposition to Bill H.B.1138 – Relating to Ocean User Safety

Dear Chair and Members of the Committee,

I am writing to express my firm opposition to Bill H.B.1138, which seeks to make substantial changes to water use policy in Hawai'i. It threatens to undermine longstanding protections for users of Hawai'i's ocean resources and diminish public participation in key decisions on these matters going forward. Bill H.B.1138 would diminish the role of the public and community stakeholders in critical ocean use decisions. It is unnecessary, overly broad, and opens the door for restrictions and discriminatory enforcement against efoils and those who rely on assistive innovations. Instead of restricting technology that helps distribute users across the ocean more evenly, lawmakers should support policies that ensure ocean safety without excluding vulnerable populations. I urge the rejection of H.B.1138 in favor of inclusive and well-regulated ocean recreation policies that the public (who will be most affected) has a say in future lawmaking. In conclusion, Bill H.B. 1138 represents a step backward for Hawai'i's ocean use policies.

Thank you for your attention to this matter. I trust you will make the right decision in the best interests of Hawai'i's ocean users.

Sincerely,

Primo Bailon

95-882 Makeaupea Place Mililani, HI 96789
(808)220-3139

HB-1138

Submitted on: 2/2/2025 9:26:10 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nohea Marlow	Individual	Oppose	Written Testimony Only

Comments:

I, Nohea Marlow, resident of Honolulu, Oahu, strongly oppose House Bill 1138, which would give the Board of Land and Natural Resources (BLNR) the power to create interim rules for water sports without public input. This bill risks harming local businesses, tourism, ocean conservation and mostly the general public and sports enthusiast like myself.

My Key Concerns are:

- Impact on the people’s freedom and right of exercising and enjoying the public coastal waters and beaches of our beautiful state.
- Overreach of Authority: BLNR could create rules without transparency or public review, undermining democratic processes.
- Impact on Local Businesses: Sudden, unpredictable rules could hurt Hawaii’s water sports economy, raise costs, and limit access.
- Lack of Environmental Safeguards: The bill doesn’t prioritize sustainable management of Hawaii’s marine ecosystem.
- Risk of Inequity: The bill doesn’t ensure fair representation for all affected groups.
- We need a more balanced approach that includes public input, safeguards for both safety and the environment, and long-term sustainability.
- The DLNR can’tt just have that type of authority and single handling power.

Thank you!

HB-1138

Submitted on: 2/2/2025 9:58:40 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

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

Comments:

Every water sport is different. We all try to practice good water sport etiquette. Having rules that restrict use of a new developing water sport will only hinder it's development and crowd spots. I think all we need is each individual participating in a water sport to read certain etiquette rules or watching a video so we can all make use of the ocean in a safe manner. The ocean is big we can all share it.

HB-1138

Submitted on: 2/3/2025 12:02:49 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
CYNTHIA MATTOX	Individual	Oppose	Written Testimony Only

Comments:

Aloha. This bill gives unprecedented power without representation or adequate opportunities for citizen input to BLNR on regulations governing recreational use of the ocean. There are stop gap measures available for emergency dangerous activities already. For non-emergency situations, residents and all stakeholders should be given the opportunity to provide input and/or educate OUR government organizations. I strongly oppose this bill.

HB-1138

Submitted on: 2/3/2025 1:37:35 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Conrad Leslie	Individual	Oppose	Written Testimony Only

Comments:

Testimony in Strong Opposition to HB 1138

Submitted by: Conrad Leslie, Resident of Kane'ohe, Oahu

Aloha Chair and Members of the Committee,

I am writing to express my strong opposition to House Bill 1138, which would give the Board of Land and Natural Resources (BLNR) the authority to impose interim rules on water sports such as wing foiling and other emerging technologies without public input or oversight for up to two years. While I recognize the importance of having rules to ensure safety and protect the environment, these regulations must be developed through an open and inclusive process. Without public involvement, policies risk being unreasonable, impractical, and out of touch with the communities they affect.

I have surfed for over 50 years and continue to surf regularly. The ocean has always been a source of peace and grounding in my life. After suffering from PTSD, I discovered that trying new water sports, like wing foiling, provided a unique form of healing. The focus and presence required in these activities sharpen my mind and help me stay grounded in the present moment. For me, and for many others, the ability to engage in these water sports is not just recreational it's essential for personal well-being and connection to the natural world. HB 1138 threatens to disrupt that connection by allowing unchecked regulations that could unnecessarily restrict access to these meaningful activities.

I fully support thoughtful, well-crafted rules that ensure safety and environmental stewardship. However, rules created without public input are less likely to reflect the realities and needs of the people who use and care for Hawai'i waters. When decisions are made behind closed doors, without engaging those directly affected, it undermines trust in the process and can lead to widespread noncompliance. Unreasonable rules, created without proper due diligence, have the potential to turn responsible, law-abiding residents into unintentional violators.

Its important to recognize that new water sports can coexist with traditional ocean activities. By working together through open dialogue and community engagement we can develop thoughtful, balanced regulations that protect both public safety and access to the ocean. Collaborative policymaking ensures that rules make sense, are practical to implement, and are more likely to be respected and followed by the community.

While I understand the need to address emerging challenges in ocean recreation, I strongly believe that bypassing public input is not the solution. The best outcomes arise from transparent processes that involve the people who live, recreate, and find healing in Hawai'i waters. I urge you to reject HB 1138 in its current form and instead advocate for a more balanced approach that values public participation and fair governance.

Mahalo for considering my testimony.

Sincerely,

Conrad Leslie

Kane'ohe, Oahu

HB-1138

Submitted on: 2/3/2025 5:55:40 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
apphia mann	Individual	Oppose	Written Testimony Only

Comments:

My name is Apphia Mann, and I am a dedicated ocean user who engages in wing foiling, foil surfing, downwind foiling, and surfing. Kahului Harbor is an essential location for me and many others in our community who rely on it as a safe and accessible place to enjoy and learn these sports.

While I understand and respect the concerns regarding public safety, overcrowding, and environmental impact, I urge you to reconsider a blanket ban on “new technology” water sports such as foiling. This measure would significantly affect a large number of responsible ocean users, instructors, and businesses who rely on the harbor to safely teach and practice these sports.

The Importance of Kahului Harbor for Foiling and Similar Sports

1. **A Safe and Controlled Environment for Learning** – The harbor provides a protected area for new foilers, surfers, and downwind paddlers to develop the skills necessary before progressing to more open waters. Without this space, beginners will be forced into more hazardous areas, increasing the likelihood of accidents and conflicts.
2. **Supporting Local Businesses and Instructors** – Many instructors use Kahului Harbor as a safe place to introduce newcomers to foiling. Banning its use for two years would severely impact these businesses and the students who rely on professional instruction for safe learning.
3. **A Responsible and Respectful Foiling Community** – As a foiler and general ocean enthusiast, I, along with many others, make it a priority to respect commercial operators, other recreational users, and safety guidelines. The assumption that new technology automatically creates conflict is unfounded.

Proposed Alternative Solutions

Rather than a full ban, I strongly encourage the Board to consider **targeted, enforceable regulations** that address safety concerns while allowing for responsible foiling and other new water sports. Potential solutions include:

- **Designated Areas and Time Restrictions** – Implement specific zones or time slots for different ocean activities to reduce congestion and conflicts.
- **Mandatory Safety Guidelines for Foilers** – Establish clear rules on right-of-way, safe operating distances, and proper conduct to ensure responsible participation.

- **Permitting and Training Requirements** – Require commercial wingfoil instructors to obtain permits or certifications to ensure safety standards are upheld.
- **Enhanced Enforcement of Existing Regulations** – Many issues related to overcrowding and safety can be mitigated by better enforcement of existing boating and recreational activity laws.
- **User Agreements for Wind-Powered Activities** – Require all users of wind-powered equipment, such as sailing or wingfoiling, to sign an agreement acknowledging safety rules and best practices.
- **Full Ban on Motorized Foiling** – Prohibit the use of e-foils and any other motorized foiling equipment to maintain safety and minimize conflicts in shared water spaces.

Conclusion

While I fully acknowledge that the primary purpose of Kahului Harbor is and remains a commercial throughline for our island, it has also provided countless benefits for many types of ocean users. It serves as a vital, safe, and controlled environment for learning and enjoying water sports responsibly

Mahalo for your time and consideration.

HB-1138

Submitted on: 2/3/2025 6:01:15 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Fern Foster	Individual	Oppose	Written Testimony Only

Comments:

I would like to express my concerns regarding the proposed legislation that would authorize the Board of Land and Natural Resources (BLNR) to issue interim administrative rules for ocean recreation equipment without following the standard rule-making process. This proposal, encapsulated in House Bill HB1138, aims to allow the BLNR to quickly regulate the use of ocean recreation equipment, especially new and emerging technologies, in state ocean waters until long-term administrative rules can be implemented.

Implementing more rules and regulation that will greatly impact a select group deserves the importance of conducting an in-depth review of all factors, including safety and environmental concerns. Before revoking ocean privileges or enforcing penalties, the standard rule-making should be followed by drafting proposed rules, seeking public input through hearings, and making revisions based on stakeholder feedback before implementation. This process ensures that the perspectives of all ocean users are considered and that regulations are fair and effective.

I believe that interim rules could lead to unfair or hasty decisions that might negatively impact certain groups of ocean enthusiasts. If the emergence of new technology has revealed a flaw in legislation and regulation authority that highlights a slow or inefficient process it is the time for the elected officials to review the regulatory system itself, not to circumnavigate the legislative process.

I am a concerned ocean enthusiast that has witnessed the implementation of BLNR regulations that make ocean activities expensive, restrictive and difficult to navigate with ambiguous interpretation for the stakeholder. I strongly oppose this additional regulation proposed in HB 1138. After all, it is the duty of the elected legislature to ensure that any new rules are balanced, considerate of all stakeholders, and promote the safe and enjoyable use of Hawaii's ocean resources for everyone.

Sincerely,

Fern Foster

HB-1138

Submitted on: 2/3/2025 6:02:58 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Oren Root	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair and Members of the Committee,

I strongly oppose H.B. No. 1138, which seeks to authorize the Board of Land and Natural Resources to adopt interim rules regarding the commercial and recreational use of water sports equipment. My opposition is based on the following concerns:

Overreach of Authority

The proposed bill grants excessive power to the Board, allowing them to implement rules without proper public input or legislative oversight. This circumvents the established democratic process and could lead to arbitrary decision-making.

Lack of Transparency

By exempting interim rules from Chapter 91 and Chapter 201M, the bill removes crucial safeguards that ensure transparency and public participation in the rulemaking process. This could result in regulations that do not adequately reflect the needs and concerns of the community.

Potential for Economic Harm

The broad definition of "water sports equipment" and the ability to quickly implement rules could negatively impact businesses in the ocean recreation industry. Many small businesses and tour operators may struggle to adapt to rapidly changing regulations, potentially leading to job losses and economic instability.

Insufficient Justification

While the bill claims to address safety concerns and resource management, it fails to provide concrete evidence that existing regulations are inadequate. The current system already allows for emergency rulemaking in truly urgent situations.

Vague Implementation Criteria

The bill lacks clear criteria for when and how interim rules should be implemented. This ambiguity could lead to inconsistent application and potential abuse of power.

Duration of Interim Rules

The proposed 24-month duration for interim rules is excessively long, potentially allowing poorly conceived regulations to remain in effect for an extended period without proper review or public input.

In conclusion, while the intent to enhance ocean user safety and resource management is commendable, H.B. No. 1138 presents significant risks to democratic processes, economic stability, and public trust. I urge the committee to reject this bill and instead focus on improving existing regulatory frameworks through established legislative procedures that ensure proper public input and oversight.

Thank you for your consideration.

Respectfully submitted,
Oren Root

HB-1138

Submitted on: 2/3/2025 6:03:49 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
rick de los santos	Individual	Oppose	Written Testimony Only

Comments:

Please don't implement this

HB-1138

Submitted on: 2/3/2025 6:50:53 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Raimar Bylaardt II	Individual	Oppose	Written Testimony Only

Comments:

I am in opposition because it would limit the access to ocean sports and create unnecessary rules and regulations without the proper hearings and public voice, possibly affecting minority sports, like foiling and other new and emerging technologies.

Thank you

Raimar Bylaardt II

HB-1138

Submitted on: 2/3/2025 6:56:29 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Randal West	Individual	Oppose	Written Testimony Only

Comments:

Testimony in Opposition to HB 1138

Submitted by: Randal West, Resident of Kailua, Oahu

Aloha Chair and Members of the Committee,

I am writing to express my strong opposition to House Bill 1138, which would give the Board of Land and Natural Resources (BLNR) the authority to impose interim rules on water sports such as wing foiling and other emerging technologies without public input or oversight for up to two years. While I recognize the importance of having rules to ensure safety and protect the environment, these regulations must be developed through an open and inclusive process. Without public involvement, policies risk being unreasonable, impractical, and out of touch with the communities they affect.

I fully support thoughtful, well-crafted rules that ensure safety and environmental stewardship. However, rules created without public input are less likely to reflect the realities and needs of the people who use and care for Hawai'i waters. When decisions are made behind closed doors, without engaging those directly affected, it undermines trust in the process and can lead to widespread noncompliance. Unreasonable rules, created without proper due diligence, have the potential to turn responsible, law-abiding residents into unintentional violators.

Its important to recognize that new water sports can coexist with traditional ocean activities. By working together through open dialogue and community engagement we can develop thoughtful, balanced regulations that protect both public safety and access to the ocean. Collaborative policymaking ensures that rules make sense, are practical to implement, and are more likely to be respected and followed by the community.

While I understand the need to address emerging challenges in ocean recreation, I strongly believe that bypassing public input is not the solution. The best outcomes arise from transparent processes that involve the people who live, recreate, and find healing in Hawai'i waters. I urge you to reject HB 1138 in its current form and instead advocate for a more balanced approach that values public participation and fair governance.

Mahalo for considering my testimony.

Sincerely,
Randal West

HB-1138

Submitted on: 2/3/2025 7:24:48 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Colonel John York	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB1138 and SB1457

Subject: Aloha and Concerns Regarding HB1138 (Ocean User Safety Bill) and SB1457

Aloha,

As a retired Colonel in the Hawaii Air National Guard and a lifelong waterman who loves foiling, kiting, surfing, and paddling, I wanted to share my thoughts on HB1138, the Ocean User Safety Bill. While I appreciate the intent to protect our waters and promote safety, I believe this bill could have unintended consequences for the balance between our land, ocean, and culture.

Key Concerns with HB1138

- 1. Respect for Community Input**
 - HB1138 allows for interim rules to be implemented for up to 24 months without following the standard public process. This could result in decisions that don't fully consider the perspective of those who rely on and cherish Hawai'i's waters—be it for recreation, livelihood, or tradition.
- 2. Cultural Connection to the Ocean**
 - Activities like paddling, surfing, and even modern innovations like efoiling are expressions of our deep connection to the ocean. Overregulation risks diminishing this connection, making it harder for locals to enjoy and pass on these traditions.
- 3. Unintended Economic Impact**
 - Many local businesses rely on ocean activities, from tour operators to rental shops. New regulations on water sports technologies could create unnecessary burdens, affecting livelihoods and limiting access for both residents and visitors.
- 4. Existing Protections Are Sufficient**
 - Hawai'i already has robust safety and environmental laws. Strengthening enforcement and improving education about these rules could achieve similar goals without adding new regulations that may disrupt the harmony of land, ocean, and community.

A Way Forward

I believe there is a path forward that respects Hawai'i's unique relationship with the ocean:

- **Streamline Existing Processes:** Focus on improving current rulemaking to ensure community voices are heard while addressing safety and environmental concerns more efficiently.
- **Foster Collaboration:** Involve local watermen, small business owners, and environmental groups to co-create solutions that align with our values.
- **Promote Education and Stewardship:** Encourage safety and environmental awareness through outreach programs that empower locals and visitors to mālama our waters.

I share these thoughts with deep respect and a desire to see our land and waters protected in a way that honors Hawai'i's culture and community. Mahalo for your time and for considering this perspective. If there's an opportunity to share further input or collaborate on these issues, I'd be glad to contribute.

With Aloha,

John York
Hawai'i Air National Guard, Colonel, Retired

HB-1138

Submitted on: 2/3/2025 7:24:50 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
clinton yap	Individual	Oppose	Written Testimony Only

Comments:

Here is another sample written testimony. I was inspired by what Felipe wrote and came up with another version. We need to snip this in the bud before it becomes a problem for us all 😊. The instructions on how to submit the written testimony posted by Karl on this group are very straight forward 😊.

Testimony in Strong Opposition to HB 1138

Submitted by: Clinton yap

Resident of Kane'ohe, Oahu

Aloha Chair and Members of the Committee,

I am writing to express my strong opposition to House Bill 1138, which would give the Board of Land and Natural Resources (BLNR) the authority to impose interim rules on water sports such as wing foiling and other emerging technologies without public input or oversight for up to two years. While I recognize the importance of having rules to ensure safety and protect the environment, these regulations must be developed through an open and inclusive process. Without public involvement, policies risk being unreasonable, impractical, and out of touch with the communities they affect.

I have surfed for over 50 years and continue to surf regularly. The ocean has always been a source of peace and grounding in my life. After suffering from PTSD, I discovered that trying new water sports, like wing foiling, provided a unique form of healing. The focus and presence required in these activities sharpen my mind and help me stay grounded in the present moment. For me, and for many others, the ability to engage in these water sports is not just recreational it's essential for personal well-being and connection to the natural world. HB 1138 threatens to disrupt that connection by allowing unchecked regulations that could unnecessarily restrict access to these meaningful activities.

I fully support thoughtful, well-crafted rules that ensure safety and environmental stewardship. However, rules created without public input are less likely to reflect the realities and needs of the people who use and care for Hawai'i waters. When decisions are made behind closed doors, without engaging those directly affected, it undermines trust in the process and can lead to widespread noncompliance. Unreasonable rules, created without proper due diligence, have the potential to turn responsible, law-abiding residents into unintentional violators.

Its important to recognize that new water sports can coexist with traditional ocean activities. By working together through open dialogue and community engagement we can develop thoughtful, balanced regulations that protect both public safety and access to the ocean. Collaborative policymaking ensures that rules make sense, are practical to implement, and are more likely to be respected and followed by the community.

While I understand the need to address emerging challenges in ocean recreation, I strongly believe that bypassing public input is not the solution. The best outcomes arise from transparent processes that involve the people who live, recreate, and find healing in Hawai'i waters. I urge you to reject HB 1138 in its current form and instead advocate for a more balanced approach that values public participation and fair governance.

Mahalo for considering my testimony.

Sincerely,
Clinton yap
Kane'ohe, Oahu

HB-1138

Submitted on: 2/3/2025 8:36:57 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

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

Comments:

I oppose this bill. As an avid ocean lover and user on Maui, I enjoy all sorts of water sports. This bill is completely unnecessary. Current processes allow BLNR to protect public safety without giving them the authority to ban safe and fun new activities for two full years and no public input or transparency. Please do not advance this bill.

Mike

Testimony in Opposition to HB 1138

Aloha Chair and Committee Members,

My name is Alexis Akeo and I am submitting this testimony in strong opposition to HB 1138. As someone who works in Hawaii's water sports industry, I am deeply concerned about the potential impact this bill could have on local businesses, employees, and the broader community.

Key Concerns:

1. Existing Emergency Rulemaking Provisions:

- Under Hawaii Revised Statutes (HRS) § 91-3(b), the Board of Land and Natural Resources (BLNR) already has the authority to implement emergency rules when an imminent threat to public health, safety, or natural resources is identified. These rules are effective for up to 120 days, allowing sufficient time for urgent situations to be addressed while following the standard rulemaking process for long-term solutions.
- HB 1138 extends this authority to allow interim rules for up to 24 months—far exceeding what is reasonable and effectively bypassing the necessary oversight and procedural safeguards.

2. Local Voices Must Be Considered

- Policies that impact specific communities should include input from local businesses, workers, and residents who are directly affected.
- Top-down authority that ignores local realities often leads to unintended negative consequences.

3. Regulations Should Allow for Free Enterprise

- Businesses should have the freedom to operate and compete fairly without excessive interference.
- Government should focus on setting clear, enforceable standards rather than dictating exactly how businesses must operate.
- Authority should be a guiding hand, not a choke point. When regulation shifts from ensuring fairness and safety to restricting opportunity and innovation, the balance is lost

4. Potential for Non-Emergency Application:

- Unlike the clear criteria outlined in HRS § 91-3(b) for emergency rulemaking, HB 1138 does not define the conditions under which interim rules could be applied. This lack of clarity raises concerns that regulations could be imposed unnecessarily, leading to unintended economic and operational hardships.

Recommendations:

While I understand the importance of adapting regulations for ocean recreation and environmental protection, any changes must be implemented with transparency and proper oversight. If this bill moves forward, I urge the Committee to consider the following amendments:

- **Limit the Duration of Interim Rules:** Reduce the maximum effective period from 24 months to no more than 6 months, with any extensions requiring legislative approval.
- **Establish Clear Criteria for Rulemaking:** Ensure that interim rules are only enacted in response to immediate threats to public health, safety, or natural resources, consistent with HRS § 91-3(b).
- **Require Public Input:** Mandate that BLNR hold public hearings and consult stakeholders before adopting any interim rule to ensure fairness and transparency.

Conclusion:

Hawaii's water sports industry is a vital part of our economy and culture, supporting countless jobs and businesses. While regulations play an important role in protecting our environment and public safety, they must be implemented in a way that ensures accountability and community involvement. HB 1138, in its current form, grants excessive authority to BLNR without sufficient oversight, creating risks for local businesses and workers like myself.

For these reasons, I respectfully urge the Committee to reject HB 1138 or amend it to include necessary safeguards.

Mahalo for your time and consideration.

Alexis Akeo

HB-1138

Submitted on: 2/3/2025 8:58:10 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
David B. Moore	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair and Committee Members,

I am writing to express my strong opposition to HB1138, titled "Relating to Ocean User Safety." While safety is an important concern, the people of Hawai'i do not support the government using "safety" as a justification for implementing rules that disproportionately favor one group over another or create unnecessary hardships for small businesses—the backbone of our local economy. Free enterprize is important to a healthy local economy, stop enabling government interference at the local levels that have proven to have incredible bias.

Concerns:

- 1. Government Overreach Disguised as Safety:**
This bill appears to use safety as a pretext to impose regulations that could unfairly benefit certain groups while restricting others. Government should not be in the business of picking winners and losers under the guise of public safety.
- 2. Harm to Small Businesses & Local Economy:**
Small businesses, including tour operators, surf instructors, and local fishermen, will bear the financial and operational burden of compliance with additional regulations. Many of these businesses are already struggling, and unnecessary rules only make it harder for them to survive.
- 3. Threat to Public Access & Traditional Ocean Practices:**
Any new restrictions on ocean use could impact local residents, cultural practitioners, and small businesses that depend on open access. This bill may create an unfair advantage for larger, well-funded entities while restricting access for independent ocean users.
- 4. Lack of Transparency & Community Input:**
The community has not been adequately consulted on this bill, and policies affecting ocean access should involve meaningful dialogue with those directly impacted, rather than being pushed through under the banner of "safety."

Recommendations:

- Protect Equal Access & Fair Business Practices:** Any new regulations must be applied fairly and should not benefit one group at the expense of another.

- **Minimize Impact on Small Businesses:** Consider alternative solutions that enhance safety without placing unnecessary burdens on small businesses and ocean-dependent livelihoods.
- **Engage the Community:** Policies affecting ocean use must be shaped by input from the people who rely on it daily, including local businesses, cultural practitioners, and community members.
- **Ensure Transparency & Accountability:** Any rule changes should be clearly justified, with data-driven evidence showing they are necessary and not just favoring select interests.

Hawai‘i’s ocean is for everyone, not just for those who can afford to navigate complex regulations or pay for exclusive access. I urge you to reject HB1138 and seek solutions that genuinely prioritize safety without harming local businesses and restricting community access.

Mahalo.

HB-1138

Submitted on: 2/3/2025 8:59:41 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Brandon Chu	Individual	Oppose	Written Testimony Only

Comments:

I am opposed to bill HB1138 as it's currently written and fear significant trickle down effects of what this could mean for local residents, local businesses, and our beaches. While I'm in support of ensuring we do our best to ensure our beaches are safe and natural resources are protected, this broad range of authority for the DLNR to regulate the use of almost all ocean equipment causes me pause to question the intention of this Bill. I cannot support this Bill as stated and again hope there are alternative measures which would be more reasonable than deciding to regulate a boogie board or snorkel mask use at the beach if felt compelled to do so.

Mahalo

HB-1138

Submitted on: 2/3/2025 9:08:44 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
carnet williams	Individual	Oppose	Written Testimony Only

Comments:

Testimony in Strong Opposition to HB 1138

Submitted by: Carnet Williams, Resident of Honolulu, Oahu

Aloha Chair and Members of the Committee,

I am writing to express my strong opposition to House Bill 1138, which would give the Board of Land and Natural Resources (BLNR) the authority to impose interim rules on water sports such as wing foiling and other emerging technologies without public input or oversight for up to two years. While I recognize the importance of having rules to ensure safety and protect the environment, these regulations must be developed through an open and inclusive process. Without public involvement, policies risk being unreasonable, impractical, and out of touch with the communities they affect.

I have surfed for over 25 years and continue to surf regularly. The ocean has always been a source of peace and grounding in my life. My community and friends are in the water and the joy of the ocean has introduced me to many new people who are now part of my life. For me, and for many others, the ability to engage in these water sports is not just recreational it's essential for personal well-being and connection to the natural world. HB 1138 threatens to disrupt that connection by allowing unchecked regulations that could unnecessarily restrict access to these meaningful activities.

I fully support thoughtful, well-crafted rules that ensure safety and environmental stewardship. However, rules created without public input are less likely to reflect the realities and needs of the people who use and care for Hawai'i waters. When decisions are made behind closed doors, without engaging those directly affected, it undermines trust in the process and can lead to widespread noncompliance. Unreasonable rules, created without proper due diligence, have the potential to turn responsible, law-abiding residents into unintentional violators.

Its important to recognize that new water sports can coexist with traditional ocean activities. By working together through open dialogue and community engagement we can develop thoughtful, balanced regulations that protect both public safety and access to the ocean. Collaborative policymaking ensures that rules make sense, are practical to implement, and are more likely to be respected and followed by the community.

While I understand the need to address emerging challenges in ocean recreation, I strongly believe that bypassing public input is not the solution. The best outcomes arise from transparent processes that involve the people who live, recreate, and find healing in Hawai'i waters. I urge you to reject HB 1138 in its current form and instead advocate for a more balanced approach that values public participation and fair governance.

Mahalo for considering my testimony.

Sincerely,
Carnet Williams
Honolulu, Oahu

HB-1138

Submitted on: 2/3/2025 9:21:17 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Cecily Robyn Lough	Individual	Oppose	Written Testimony Only

Comments:

Submitting testimony to oppose any restrictions on eFoils, Foil Drives, Foil assists. These cause minimal disruptions to the community and have been used safely at both the Harbor and at Kanaha Beach.

Signed,

Cecily Robyn Lough

Kihei, HI 96753

HB-1138

Submitted on: 2/3/2025 9:48:59 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Leland Dao	Individual	Oppose	Written Testimony Only

Comments:

Testimony in Strong Opposition to HB 1138

Submitted by: Dr. Leland Dao

Resident of Haleiwa, Oahu

Aloha Chair and Members of the Committee,

I am a Physician on Oahu, writing to express my opposition to House Bill 1138, which would give the Board of Land and Natural Resources (BLNR) the authority to impose interim rules on water sports such as wing foiling and other emerging ocean sports technologies without public input or oversight for up to two years. While I recognize the importance of having rules to ensure safety and protect the environment, these regulations must be developed through an open and inclusive process. Without public involvement, policies risk being unreasonable, impractical, and out of touch with the communities they affect.

I have surfed for over 45 years and continue to be in the ocean regularly. The ocean has always been a source of pwaice for all if us . I know that trying new water sports, like foiling, provides a unique form of enjoyment. For many others, the ability to engage in these water sports is not just recreational it's essential for personal well-being and connection to the natural world. HB 1138 threatens to disrupt that connection by allowing unchecked regulations that could unnecessarily restrict access to these meaningful activities.

I support thoughtful, well-crafted rules that ensure safety and environmental stewardship. However, rules created without public input are less likely to reflect the realities and needs of the people who use and care for Hawai'i waters. When decisions are made behind closed doors, without engaging those directly affected, it undermines trust in the process and can lead to widespread noncompliance. Unreasonable rules, created without proper due diligence, have the potential to turn responsible, law-abiding residents into unintentional violators.

Its important to recognize that new water sports can coexist with traditional ocean activities. By working together through open dialogue and community engagement we can develop thoughtful, balanced regulations that protect both public safety and access to the ocean. Collaborative policymaking ensures that rules make sense, are practical to implement, and are more likely to be respected and followed by the community.

I understand the need to address emerging challenges in ocean recreation, I strongly believe that bypassing public input is not the solution. The best outcomes arise from transparent processes that involve the people who live, recreate, and find healing in Hawai'i waters. I urge you to reject HB 1138 in its current form and instead advocate for a more balanced approach that values public participation and fair governance.

Mahalo,

Leland H. Dao, DO.

HB-1138

Submitted on: 2/3/2025 9:54:30 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Scott Whiting	Individual	Oppose	Written Testimony Only

Comments:

I oppose both SB1475 and HB1138 because it grants the Board of Land and Natural Resources unchecked authority to issue interim rules without following the full democratic process. Skipping the standard rule making procedure undermines transparency and limits public participation in decisions that directly impact Hawaiians. Furthermore, this measure is a temporary fix rather than a comprehensive solution to managing ocean recreation and environmental concerns. Instead of enacting long-term, well-researched policies, the bill prioritizes expedience over effectiveness. Most troublingly, the broad regulatory power it provides could lead to restrictions that infringe upon the freedoms of recreational and commercial ocean users without proper oversight.

HB-1138

Submitted on: 2/3/2025 10:33:38 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jenna Murad	Individual	Oppose	Written Testimony Only

Comments:

This is too broad of a bill and potentially takes away essential ocean experiences away from the citizens and gives too much power to bureaucrats. I strongly oppose it!

**TESTIMONY BEFORE THE HOUSE OF REPRESENTATIVES
THE THIRTY-THIRD LEGISLATURE
REGULAR SESSION OF 2025**

HB 1138

RELATING TO OCEAN USER SAFETY

February 4, 2025, at 9:00 a.m.

State Capitol, Room # 411

Submitted by Fabio Bylaardt

Dear Chair Hashem, Vice Chair Lamosao, and Members of the Committees,

My name is Fabio Bylaardt, and I am testifying in opposition to HB 1138, which would grant the Board of Land and Natural Resources (BLNR) the authority to adopt interim rules for water sports without public input.

While I recognize the importance of ensuring safety in our ocean waters, this bill poses several serious concerns:

- **Overreach of Authority** – HB 1138 gives BLNR the power to create and enforce rules without transparency or community involvement. This undermines democratic processes and removes the public's right to voice concerns over regulations affecting their access to Hawaii's waters.
- **Negative Impact on Local Businesses & Tourism** – The unpredictable and unilateral creation of new rules could severely impact Hawaii's thriving water sports industry. Many businesses rely on clear, stable regulations to operate, and sudden changes could lead to financial hardships and job losses.
- **Public Access & Recreational Rights** – Hawaii's coastal waters are a public resource. This bill could lead to restrictions that unfairly limit residents and visitors from enjoying recreational activities, such as surfing, foiling, paddling, and other water sports.
- **Lack of Environmental Safeguards** – While HB 1138 gives BLNR the power to regulate water sports equipment, it does not include clear guidelines for ensuring sustainable management of Hawaii's marine ecosystems.
- **Risk of Inequity** – Without a public review process, rulemaking could disproportionately affect certain ocean users, favoring commercial interests or specific activities while sidelining others.

A more balanced approach is necessary. One that prioritizes both safety and environmental conservation while ensuring public participation in decision-making. I urge the committee to reject HB 1138 in its current form and instead consider solutions that include input from all stakeholders.

Thank you for the opportunity to provide testimony.

HB-1138

Submitted on: 2/3/2025 10:45:04 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jeff Gress	Individual	Oppose	Written Testimony Only

Comments:

Testimony in Strong Opposition to HB 1138

Submitted by: Jeff Gress, Resident of Kane'ohe, Oahu

Aloha Chair and Members of the Committee,

I am writing to express my strong opposition to House Bill 1138, which would give the Board of Land and Natural Resources (BLNR) the authority to impose interim rules on water sports such as wing foiling and other emerging technologies without public input or oversight for up to two years. While I recognize the importance of having rules to ensure safety and protect the environment, these regulations must be developed through an open and inclusive process. Without public involvement, policies risk being unreasonable, impractical, and out of touch with the communities they affect.

I have surfed for 35 years and started foiling after moving to Kaneohe where traditional surf breaks are further away and spending time away from my family became more difficult. The privilege to get into the water to foil in areas that are uncrowded, not surfable by traditional means, and unencumbered by swimmers, divers or any other ocean goers, is special and a right I believe is inherent. HB 1138 threatens to disrupt that right by allowing unchecked regulations that could unnecessarily restrict access to these meaningful activities.

I fully support thoughtful, well-crafted rules that ensure safety and environmental stewardship. However, rules created without public input are less likely to reflect the realities and needs of the people who use and care for Hawai'i waters. When decisions are made behind closed doors, without engaging those directly affected, it undermines trust in the process and can lead to widespread noncompliance. Unreasonable rules, created without proper due diligence, have the potential to turn responsible, law-abiding residents into unintentional violators.

Its important to recognize that new water sports can coexist with traditional ocean activities. By working together through open dialogue and community engagement we can develop thoughtful, balanced regulations that protect both public safety and access to the ocean. Collaborative policymaking ensures that rules make sense, are practical to implement, and are more likely to be respected and followed by the community.

While I understand the need to address emerging challenges in ocean recreation, I strongly believe that bypassing public input is not the solution. The best outcomes arise from transparent

processes that involve the people who live, recreate, and find healing in Hawai'i waters. I urge you to reject HB 1138 in its current form and instead advocate for a more balanced approach that values public participation and fair governance.

Mahalo for considering my testimony.

Sincerely,
Jeff Gress
Kane'ohe, Oahu

HB-1138

Submitted on: 2/3/2025 10:47:45 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Darren Bass	Individual	Oppose	Written Testimony Only

Comments:

House Bill 1138 (HB1138), introduced in the Hawaii State Legislature in January 2025, seeks to authorize the Board of Land and Natural Resources (BLNR) to issue interim rules regarding the commercial and recreational use of water sports equipment. (legiscan.com) While the bill aims to enhance ocean user safety, several concerns warrant consideration:

1. Overreach of Authority

Granting the BLNR the power to implement interim rules without comprehensive stakeholder engagement may lead to regulations that do not adequately reflect the needs and insights of the ocean-using community. Such authority could result in decisions that lack transparency and public input, potentially undermining trust between the community and regulatory bodies.

2. Impact on Local Businesses

The water sports industry is a significant contributor to Hawaii’s economy, supporting numerous local businesses and employment opportunities. Imposing interim rules without thorough economic impact assessments could inadvertently harm these businesses, leading to financial instability and job losses. It’s crucial to balance safety measures with the economic well-being of the community.

3. Potential for Redundant Regulations

Existing regulations already govern the use of water sports equipment in Hawaii. Introducing additional interim rules may create redundancy, causing confusion among users and complicating enforcement efforts. A comprehensive review of current regulations should precede any new rulemaking to ensure necessity and effectiveness.

4. Need for Comprehensive Stakeholder Engagement

Effective regulation of ocean activities requires input from a diverse group of stakeholders, including local communities, businesses, environmental organizations, and recreational users. The interim nature of the proposed rules may bypass essential consultation processes, leading to regulations that are not well-informed or widely accepted.

5. Risk of Unintended Consequences

Hastily implemented interim rules may have unforeseen negative impacts, such as discouraging tourism or limiting public access to ocean resources. It's essential to carefully consider the broader implications of any new regulations to avoid detrimental effects on Hawaii's tourism industry and residents' quality of life.

Conclusion

While the intent of HB1138 to enhance ocean user safety is commendable, the proposed approach raises concerns regarding authority overreach, economic impact, regulatory redundancy, stakeholder engagement, and potential unintended consequences. A more measured strategy involving comprehensive stakeholder consultation and thorough impact assessments would likely yield more effective and broadly supported outcomes.

HB-1138

Submitted on: 2/3/2025 10:59:04 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Paul McDonnell	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Hashem, Vice Chair Lamosao, and Members of the Committees,

My name is Paul McDonnell and I am a resident of Kailua, a public school Special Education science teacher of over 2 decades, and am testifying in opposition to HB 1138 which I undewstand will give BLNR/DLNR the ability to adopt even more rules aganist water sports without due process and public input.

NO. Just no. Being able to spend my free time participating in water sports of my own choosing is what keeps me here in Hawaii. There are already laws, rules and regulations on the book that I have to try to look for, guess at, and dodge in order to enjoy my time on, and in the ocean. The last thing we need is to give another governing body authority to make up rules at a whim bypassing deomcracy and with no transparency. I'm disappointed that the bill even exists and am nervous about my, my family's, my friends' and my guests' ability to enjoy the ocean here in the future.

Do not let this bill advance please.

Sincerely,

Paul McDonnell, MA

HB-1138

Submitted on: 2/3/2025 11:47:33 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
John P Gerry	Individual	Oppose	Written Testimony Only

Comments:

Please vote against this bill that will restrict "new" sports access to the ocean.

HB-1138

Submitted on: 2/3/2025 12:47:17 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
david fontenot	Individual	Oppose	Written Testimony Only

Comments:

Aloha, my name is David Fontenot, and I am a resident of Oahu and an avid watersports enthusiast. I am very well versed in the advancement of technology and water sports equipment. I oppose SB1457 and HB1138.

These bills aim to usurp our democratic process defined by our current laws and pass down what is an executive order power to non-elected officials at the BLNR. There are four current methods of rule-making that I am aware of: (1) Governor's executive orders, (2) State legislative action, (3) BLNR rule making, and (4) BLNR emergency rulemaking. It appears to me that the proposed process aims to accelerate the process of making rules, increase the board's power in terms of scope and duration, and reduce public transparency and participation.

In Hawaii, the authority to issue executive orders has historically been reserved for the Governor, who is an elected official who must publicly defend such actions. In doing research, I could find no record of this power being delegated to anyone else. Executive orders are a key tool for the Governor to manage state operations and implement policies within the scope of existing laws.

The Board of Land and Natural Resources (BLNR) in Hawaii is not composed of elected officials. Instead, its members are appointed by the Governor and confirmed by the Senate. As I understand it, the board consists of seven members: one from each of the four land districts (Oahu, Hawaii Island, Maui Nui, and Kauai), two at large, and the Chair, who is also the executive head of the Department of Land and Natural Resources.

This Bill aims to accelerate the process by making it exempt from the existing due process as defined by HRS chapter 91 (Administrative procedures). It aims to give the power to ignore the established process and rules and increase the duration of a rule that has not been through the established due process from 4 months to two years. Additionally, there are no restrictions on subsequent orders issues under this subversion of the democratic process that could extend the rules longer than two years.

This Bill aims to reduce public transparency, and reduce public participation, deeming that the opinion of 7 board members is representative of the people who enjoy watersports in Hawaii. Given how much of the State's population loves the water, and how much of a part of the way of life it is here, it is hard to fathom how a bill to circumvent the due process is being introduced. This is an extremely dangerous precedent for the State of Hawaii to set and will reflect on every member of the legislature that votes in favor.

What is the emergency that requires re-writing the rules to give executive power-making to non-elected officials, with no provisions as to duration? What prevents this approach to all of Hawaii's issues, where under the guise of public good, the due process and public participation are taken away from public participation to give power to a few non-elected officials. Where does this stop, and what justifies this extreme step in our law-making process?

Rather than eroding our democracy with Bills such as this one, our law makers should be working on making our democracy stronger, more efficient, and with fewer layers of bureaucracy and rules. Circumventing the democratic process with more executive power to non-elected officials to avoid due process as currently defined, with the excuse our law making has become so inefficient that it takes too long to implement, is a dangerous precedent and flawed logic. I encourage our law makers to vote no on this bill.

HB-1138

Submitted on: 2/3/2025 12:58:14 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jonathan Hullsiek	Individual	Oppose	Written Testimony Only

Comments:

Testimony before the HOUSE OF REPRESENTATIVES

THE THIRTY-THIRD LEGISLATURE

REGULAR SESSION OF 2025

HB 1138

RELATING TO OCEAN USER SAFETY

February 3, 2025, at 5:00 p.m.

State Capitol, Room # 411

Submitted by Jonathan Hullsiek

Dear Chair Hashem, Vice Chair Lamosao, and Members of the Committees,

My name is Jonathan Hullsiek , and I am testifying in opposition to HB 1138, which would grant the Board of Land and Natural Resources (BLNR) the authority to adopt interim rules for water sports without public input.

While I recognize the importance of ensuring safety in our ocean waters, this bill poses several serious concerns:

Overreach of Authority – HB 1138 gives BLNR the power to create and enforce rules without transparency or community involvement. This undermines democratic processes and removes the public's right to voice concerns over regulations affecting their access to Hawaii's waters.
Negative Impact on Local Businesses & Tourism – The unpredictable and unilateral creation of new rules could severely impact Hawaii's thriving water sports industry. Many businesses rely on clear, stable regulations to operate, and sudden changes could lead to financial hardships and job losses.

Public Access & Recreational Rights – Hawaii's coastal waters are a public resource. This bill could lead to restrictions that unfairly limit residents and visitors from enjoying recreational activities, such as surfing, foiling, paddling, and other water sports.

Lack of Environmental Safeguards – While HB 1138 gives BLNR the power to regulate water sports equipment, it does not include clear guidelines for ensuring sustainable management of Hawaii’s marine ecosystems.

Risk of Inequity – Without a public review process, rulemaking could disproportionately affect certain ocean users, favoring commercial interests or specific activities while sidelining others.

A more balanced approach is necessary. One that prioritizes both safety and environmental conservation while ensuring public participation in decision-making. I urge the committee to reject HB 1138 in its current form and instead consider solutions that include input from all stakeholders.

Thank you for the opportunity to provide testimony.

HB-1138

Submitted on: 2/3/2025 3:15:58 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Dave weiss	Individual	Oppose	Written Testimony Only

Comments:

I oppose this overly broad and confusing bill. There is nothing in this bill addressing which equipment is in question and where the issues are. The way this bill reads its attempting to set aside 24 months to decide if any recreational or commercial equipment would be allowed in hawaii near shore waters. From boogie boards to wind sport equipment as well as scuba and snorkel equipment suddenly banned?

I suggest just focusing on what equipment and where the complaints are and just deal with that rather than throwing the proverbial baby out with the bath water.

HB-1138

Submitted on: 2/3/2025 3:53:41 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kirkwood Young	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

I am writing to express my strong opposition to House Bill 1138, which would give the Board of Land and Natural Resources (BLNR) the authority to impose interim rules on water sports such as wing foiling and other emerging technologies without public input or oversight for up to two years. While I recognize the importance of having rules to ensure safety and protect the environment, these regulations must be developed through an open and inclusive process. Without public involvement, policies risk being unreasonable, impractical, and out of touch with the communities they affect.

I have surfed for over 50 years and continue to surf regularly. The ocean has always been a source of peace and grounding in my life. I discovered that trying new water sports, like wing foiling, provided a unique form of healing. The focus and presence required in these activities sharpen my mind and help me stay grounded in the present moment. For me, and for many others, the ability to engage in these water sports is not just recreational it's essential for personal well-being and connection to the natural world. HB 1138 threatens to disrupt that connection by allowing unchecked regulations that could unnecessarily restrict access to these meaningful activities.

I fully support thoughtful, well-crafted rules that ensure safety and environmental stewardship. However, rules created without public input are less likely to reflect the realities and needs of the people who use and care for Hawai'i waters. When decisions are made behind closed doors, without engaging those directly affected, it undermines trust in the process and can lead to widespread noncompliance. Unreasonable rules, created without proper due diligence, have the potential to turn responsible, law-abiding residents into unintentional violators.

Its important to recognize that new water sports can coexist with traditional ocean activities. By working together through open dialogue and community engagement we can develop thoughtful, balanced regulations that protect both public safety and access to the ocean. Collaborative policymaking ensures that rules make sense, are practical to implement, and are more likely to be respected and followed by the community.

While I understand the need to address emerging challenges in ocean recreation, I strongly believe that bypassing public input is not the solution. The best outcomes arise from transparent processes that involve the people who live, recreate, and find healing in Hawai'i waters. I urge you to reject HB 1138 in its current form and instead advocate for a more balanced approach that values public participation and fair governance.

Mahalo for considering my testimony.

Sincerely,
Kirkwood Young

Kaimuki, Oahu Aloha Chair and Members of the Committee,

HB-1138

Submitted on: 2/3/2025 4:30:29 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Anson Urabe	Individual	Oppose	Written Testimony Only

Comments:

Testimony in Strong Opposition to HB 1138

Submitted by: Anson Urabe, Resident of Honolulu, Oahu

Aloha Chair and Members of the Committee,

I am writing to express my strong opposition to House Bill 1138, which would give the Board of Land and Natural Resources (BLNR) the authority to impose interim rules on water sports such as wing foiling and other emerging technologies without public input or oversight for up to two years. While I recognize the importance of having rules to ensure safety and protect the environment, these regulations must be developed through an open and inclusive process. Without public involvement, policies risk being unreasonable, impractical, and out of touch with the communities they affect.

I have surfed for over 45 years and continue to surf regularly. The ocean has always been a source of peace and grounding in my life. I discovered that trying new water sports, like wing foiling, provided a unique form of healing. The focus and presence required in these activities sharpen my mind and help me stay grounded in the present moment. For me, and for many others, the ability to engage in these water sports is not just recreational it's essential for personal well-being and connection to the natural world. HB 1138 threatens to disrupt that connection by allowing unchecked regulations that could unnecessarily restrict access to these meaningful activities.

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While I understand the need to address emerging challenges in ocean recreation, I strongly believe that bypassing public input is not the solution. The best outcomes arise from transparent processes that involve the people who live, recreate, and find healing in Hawai'i waters. I urge you to reject HB 1138 in its current form and instead advocate for a more balanced approach that values public participation and fair governance.

Mahalo for considering my testimony.

Sincerely,

Anson Urabe

Honolulu, Oahu

HB-1138

Submitted on: 2/3/2025 5:30:10 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Miles Masashi Nakamura	Individual	Comments	Written Testimony Only

Comments:

I am Miles Nakamura, my sport is WingFoiling. My comments and questions are:

1) Who will comprise the Board and how will they be selected? It is my opinion that the board must include people from the various watersports communities (surfers/boogie boarders, swimmers, divers, fishermen, sailors, wind surfers, body surfers, divers, stand-up paddleboarders, foil sports enthusiasts, motorized sports enthusiasts, and others), who can adequately represent their community's position on the various issues.

2) How will HB1138 be implemented - Will the proposed Board be making rules/regulations/implementation decisions, or just suggesting them to the legislators for approval?

3) What is the scope of the Board's "Authority". Will the Board be making: allow/disallow rules, on-the-water safety and "right-of-way" rules, etc.

HB-1138

Submitted on: 2/3/2025 7:44:28 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Holly Fontenot	Individual	Oppose	Written Testimony Only

Comments:

Aloha. My name is Holly Fontenot and I oppose SB1457 and HB1138.

I spend as much of my time as I can in the water enjoying various water activities. I am aware of many of the amazing new technologies that are being developed for water sports equipment and the fun new sports that being generated as their outcomes.

This bill is proposing a new process of making rules in order for the BLNR to quickly and efficiently implement interim rules. There are four current methods of rule-making that I am aware of: (1) Governor's executive orders, (2) State legislative action, (3) BLNR rule making, and (4) BLNR emergency rule-making. It appears to me that the proposed process aims to accelerate the process of making rules, increase the board's power, and reduce public participation.

Accelerating the process. The proposed process would be exempt from HRS chapter 91 (Administrative procedures). The proposed process ignores established rules in Hawaii Revised Statutes. I believe the established rules should be followed and new rules are not needed. The justification stated in this bill is to ensure public safety in addressing rapidly changing ocean technologies. HRS chapter 91 actually addresses the emergency rule-making for the purpose of addressing imminent peril to the public health and safety. With the current rule-making options, the fastest path is clearly the governor's executive order. If the board needs something quickly to ensure public safety, call the governor. If that is too hard, the board already has an emergency rule-making process.

Increasing the board's power. The proposed process calls for a maximum duration of 24 months. The existing emergency rule-making process allows for a maximum duration of 120 days (4 months), without renewal. Why does the board believe they must accelerate the process and increase the duration of a rule made in earnest? The justification stated is to efficiently implement adaptive management measures. My opinion is that the board is seeking to have powers similar to the governor's executive orders.

Reducing public/community participation. The proposed process does not require a 30-day notice to the public. This gives the board the ability to issue interim rules at a rapid pace, that last an indefinite amount of time, without public awareness until the rule is already in effect. Why does the board want to keep the community of watersports persons out of the conversation? It is the community's rights to participate in the process. The bill would also be exempt from HRS

chapter 201M (Small business regulatory flexibility act). This suggests that the bill will have a negative effect on small businesses in Hawaii. If passed, this bill would allow a 24 month duration of a rule without the requirement for an initial review and annual reviews of the impact on small businesses.

In my opinion, the bill should be opposed. These new sports are in alignment of long standing cultural practices related to recreation and community in the water. Hawaii is celebrated for sharing aloha and the aloha spirit in the water, the community of watermen and women thrive in Hawaii, I do not want to see the government limiting or diminishing that. We don't need another new rule-making process that this bill represents. Please oppose this bill.

Mahalo for your time today.

HB-1138

Submitted on: 2/3/2025 9:01:46 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
peter kelley	Individual	Oppose	Written Testimony Only

Comments:

I oppose this legislation as it gives BLNR too much power, which on a whim could kill off a whole recreational sport. This could be without ANY studies being done or any knowledge or factual evidence being submitted. I both wing and efoil and i see no reason to change the way things are now.

thankyou

HB-1138

Submitted on: 2/4/2025 4:30:58 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Stephen Kohn	Individual	Oppose	Written Testimony Only

Comments:

To: The Chair and Members of the House Committee on Water and Land

Hawai'i State Capitol, Room 325

415 South Beretania Street

Honolulu, HI 96813

Subject: Strong Opposition to Bill H.B.1138 – Relating to Ocean User Safety

Dear Chair and Members of the Committee,

I am writing to express my firm opposition to Bill H.B.1138, which seeks to make substantial changes to water use policy in Hawai'i. It threatens to undermine longstanding protections for users of Hawai'i's ocean resources and diminish public participation in key decisions on these matters going forward. Bill H.B.1138 would diminish the role of the public and community stakeholders in critical ocean use decisions. It is unnecessary, overly broad, and opens the door for restrictions and discriminatory enforcement against efoils and those who rely on assistive innovations. Instead of restricting technology that helps distribute users across the ocean more evenly, lawmakers should support policies that ensure ocean safety without excluding vulnerable populations. I urge the rejection of H.B.1138 in favor of inclusive and well-regulated ocean recreation policies that the public (who will be most affected) has a say in future lawmaking. In conclusion, Bill H.B. 1138 represents a step backward for Hawai'i's ocean use policies.

Thank you for your attention to this matter. I trust you will make the right decision in the best interests of Hawai'i's ocean users.

Sincerely,

Stephen C Kohn

757 Kapulena Loop

Honolulu, HI 96825

Email: sck808@gmail.com

+1-808-277-7873