



**Department of Land and Natural Resources
Hawaii State Aha Moku
State of Hawaii
Post Office Box 621
Honolulu, Hawaii 96809**

Before the House Committee on Judiciary and Hawaiian Affairs

David Tarnas, Chair
Mahina Poepoe, Vice Chair .
Della Au Belatti
Elle Cochran
Mark J. Hashem
Kirstin Kahaloa
Amy A. Perruso
Gregg Takayama
Chris Todd
Diamond Garcia
Garner M. Shimizu

March 27th, 2025

Relating to Bill SB1074 on Environmental Impact Statements.

Aloha Kakou:

My name is Charles Young. I reside in the Ahupa'a of Kealia in the Kapalilua region of S. Kona Hawaii Island. I submit this testimony in strong opposition to SB1074. I speak on behalf of the Hawaii Island Aha Moku as the current Po'o for Hawaii Island.

The Aha Moku disagrees with the assertion that the "State's environmental review process is designed to assess new projects with potential environmental impacts." It is widely established that much of Hawaii's present day environmental problems are borne out of the cumulative effects of human activity. The State's environmental review process is designed to address all projects and/or uses that have potential impacts, indeed this is what the courts have supported.

The Aha Moku is an advocate for Article XII Section 7 of the Hawaii State Constitution regarding native Hawaiian gathering rights and the Hawaii Supreme Courts 2000 Ka Pa'a Kai O Ka 'Aina vs Land Use Commissions decision that affirmed the State's responsibilities under the Constitution. Indeed the DLNR Chair has on many occasions stressed the importance of that decision and the binding conditions as set out forth in the courts decision. In my opinion it is in this area where the House Committee on Judiciary Hawaiian Affairs should focus. The multiple testimonies that speak to

*Moku O Keawe (Hawaii Island), Moku O Piilani (Maui), Moku O Kanaloa (Kahoolawe), Nana 'i Kaula (Lanai)
Molokai Pule Oo (Molokai), Moku O Kakuhihewa (Oahu), Manokalanipo (Kauai), Ka Aina O Kawelonakala (Niihau)
Kalanimoku Bldg., DLNR, 1151 Punchbowl Street, Room 130, Honolulu, HI 96813*



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the consequences for businesses and for-profit enterprises are of secondary importance. The DLNR and Federal agencies such as NOAA agree that Hawaii's marine resources continue to suffer depletion from overuse and an ever expanding demand for access to our marine resources for commercial purposes. Native Hawaiian Customary and Traditional rights and practices are protected under the State's Constitution as referenced above and those rights are almost exclusively dependent on the health of Hawaii's natural resources. In its' Ka Pa'a Kai decision the Hawaii Supreme Court as provided for in Article XII Section 7 states that when the State makes decisions that may affect these Customary and Traditional rights and practices the State shall affirm and protect them and further the court provided a framework for doing so, the Ka Pa'a Kai analysis.

The Hawaii State Constitution also provides that all residents are entitled to a clean and healthy environment. The Hawaii Environmental Policy Act (HEPA) was enacted for that purpose under HRS Chapter 343. If passed SB1074 essentially erodes, undermines and sets precedence for dismantling protections that are guaranteed under the States Constitution.

SB1074 suggests that businesses that have already been granted permits for the commercial access, use and/or extraction of our ocean resources should not be subject to today's more comprehensive permitting requirements particularly in the areas of cultural and environmental impacts. It further proposes permitted activities found to be potentially harmful to the resources can be continued, perhaps indefinitely. The Aha Moku believes that SB1074 as a policy or statute fails to address the fact that each individual permittee contributes to the cumulative effects that has in large part resulted in a reduction in abundance. The Aha Moku also believes that the legislature should consider the health of the resources first, the health of its communities second and not simply provide relief for making profit. The Aha Moku does not object to the commercial use of our natural resources, provided those uses align with native Hawaiian cultural values and practices. However, the permitting process particularly when dealing with non-Hawaiians has and does not recognize the importance of that alignment during vetting.

The Aha Moku has previously testified that Hawaii's marine resources managed by the State are held in public trust for the benefit of all. The hierarchy of use for the trust places the resources first and commercial last. The Aha Moku has also testified that a Ka Pa'a Kai analysis should be required for all commercial use of the public trust lands and oceans as the health of the trust gives rise to the health of native Hawaiians and their future generations. Hawaii has reached a point and the Aha Moku has great concern that the cumulative effects and continued use of our marine resources in a for-profit business model will continue to add to the depletion of our public trust resources. SB1074 would support the continuation of that business model and should be opposed. The Aha Moku urges the members of the State Judiciary Committee to oppose passage of SB1074 and/or its revisions. The Bill sets a bad precedent and does not go to the root of the issue.

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SB1074 seeks to protect what essentially are a past practices that are primarily focused on accessing our natural resources for commercial financial gain. The practice of continuing to issue an ever-growing number of commercial boating, fishing and/or other tourism-based permits for almost every conceivable activity one can think up has residents and communities wondering why no best practices are in place as well. Hawaii's resources are in decline. No one disputes this and all scientific studies support that notion. The Aha Moku disagrees with the assertion that the "State's environmental review process is designed to assess new projects with potential environmental impacts." It is widely established that much of Hawaii's present day environmental problems are borne out of the cumulative effects of human activity. The State's environmental review process is designed to address all projects and/or uses that have potential impacts, indeed this is what the courts have supported.

We appreciate this opportunity to provide testimony opposing the passage of SB1074.

Respectfully

Charles Young
Po'o Hawaii Island Aha Moku
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Cc:

Leimana DaMate, Luna Alaka'i/Executive Director Hawaii State Aha Moku
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**TESTIMONY IN OPPOSITION TO SENATE BILL 1074 SD2 HD1
RELATING TO ENVIRONMENTAL IMPACT STATEMENTS**

House Committee on Judiciary & Hawaiian Affairs
Hawai'i State Capitol

March 27, 2025

2:00 PM

Conf. Room 325

Dear Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary and Hawaiian Affairs:

The Office of Hawaiian Affairs (OHA) respectfully submits this testimony in **OPPOSITION to SB1074 SD2 HD1**, which would amend Hawai'i Revised Statutes (HRS) Chapter 343, the Hawai'i Environmental Policy Act (HEPA), to allow activities previously permitted under HRS Chapter 200 to continue pending environmental review. This amendment would undermine the fundamental purpose of HEPA: to **ensure that irreplaceable natural and cultural resources are not destroyed before the public has input and decision-makers are fully aware of the potential consequences of their permitting decisions.**

Past hearings on this measure and the recent amendments have shown this measure is a response to a recent court decision enjoining commercial boating operations off the Kā'anapali coastline pending environmental review. It is important to note that the lawsuit, initiated in 2017, arose from observations by the community, including Native Hawaiians, that the high volume of commercial boat activities is having a cumulative negative impact along the Kā'anapali coast, including to water quality, marine resources, public access, and non-motorized ocean user safety. In other words, the exact harms that HEPA review is designed to expose and mitigate are already occurring.

While OHA is sympathetic to the concerns of small business owners, it is problematic to create carve outs to a long-standing statute enacted for the protection of the larger public and Hawai'i's public trust resources. This carve-out would set a dangerous precedent and fundamentally alter the nature of HEPA review, which is to facilitate informed decision making. The cumulative impact of commercial boat tours on marine resources is a decades-long issue of concern affecting many local communities across the pae 'āina. The HEPA review process is necessary to adequately assess impacts and avoid irreversible harms. Moreover, as noted by others, the Department of Land and Natural Resources has options available to mitigate effects on affected business owners including the option of immediately settling the lawsuit.

HEPA is frequently a vehicle for OHA's beneficiaries to ensure the protection of their rights including the exercise of traditional and customary practices. Long-term and irreversible impacts can happen in short amounts of time. Accordingly, OHA urges the Committee to **HOLD this measure**.

Mahalo for the opportunity to submit this testimony.

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

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
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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

Testimony of
DAWN N. S. CHANG
Chairperson

Before the House Committee on
JUDICIARY & HAWAIIAN AFFAIRS

Thursday, March 27, 2025
2:00 PM

State Capitol, Conference Room 325 & Videoconference

In consideration of
SENATE BILL 1074, SENATE DRAFT 2, HOUSE DRAFT 1
RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

Senate Bill 1074, Senate Draft 2, House Draft 1 proposes an amendment to Chapter 343, Hawaii Revised Statutes (HRS), also known as the Hawai'i Environmental Policy Act (HEPA), to allow an activity or operation that is permitted or authorized under chapter 200, HRS, and renewed within twelve months preceding the initiation of proceedings to determine whether the activity or operation is subject to environmental review to continue operation for one year while the appropriate agency makes the determination and conducts any necessary environmental review. This bill also allows a person with the oversight of a previously authorized or permitted activity to renew the appropriate permits while under the environmental review process. **The Department of Land and Natural Resources (Department) supports the intent of this measure and offers the following comments and recommendations.**

Recent judicial interpretations of HEPA have resulted in significant challenges for the Department and other agencies. Notably, the Hawai'i Supreme Court ruled in Umberger, et al. v. DLNR, 140 Hawai'i 500 (2017), that all Aquarium Fish permits issued by the Department's Division of Aquatic Resources (DAR) pursuant to section 188-31, HRS, are subject to HEPA. Subsequently, in Kaupiko et al. v. DLNR, Case No. 1CCV-20-0000125 (2020), the First Circuit Court ruled that HEPA also applies to the taking of aquatic life for commercial aquarium purposes under licenses issued by DAR pursuant to section 189-2, HRS (or "Commercial Marine Licenses" or "CMLs"). As a result, the Department no

longer issues CMLs for commercial aquarium purposes, while continuing to issue CMLs for the commercial harvest of marine resources for food and other non-aquarium purposes.¹

More recently, the Second Circuit Court in Nā Papa‘i Wawae ‘Ula‘ula, et al. v. DLNR, Case No. 2CC-17-1-000483 (2024), enjoined the Department from issuing or renewing any commercial use permits (CUPs) for activities in Kā‘anapali ocean waters off West Maui until a determination is made that the activities are exempt from HEPA, or an environmental review is completed. The initial scope of the litigation targeted six CUPs issued by the Department's Division of Boating and Ocean Recreation (DOBOR), but the court's immediate decision also affects the renewal of a total of thirty active DOBOR CUPs for Kā‘anapali ocean waters. This situation presents a considerable economic risk for these permittees, as many have been operating at Kā‘anapali for decades, and the inability to renew these CUPs would lead to the immediate cessation of longstanding operations. The Department believes the court's ruling has broad implications beyond commercial activities in Kā‘anapali ocean waters and has statewide implications to other commercial activities permitted or authorized by the Department as a whole.

The Department shares the courts' intent to ensure proper environmental review of activities that have the potential for substantial environmental impacts, such as commercial and recreational boating and fishing operations. However, many of these ocean commercial and recreational activities have been permitted for many years, and in some cases more than 20 years. The Department constantly strives to find balance between preserving and protecting our valuable natural and cultural resources while permitting a level of commercial and recreational activity that provides jobs, opportunities for locals and visitors to enjoy our ocean resources, and a source of revenue for the Department. Without a mechanism for continued operations during environmental review, impacted businesses are forced to cease operations indefinitely, resulting in job losses and economic harm without knowing the environmental impact of these long-standing ocean commercial and recreational activities.

The Department believes this measure allows for the status quo (i.e. no expansion above existing commercial activity levels), pending the Department's determination after review of the activities' environmental impacts, in accordance with HEPA. In response to concerns that the original bill may have created an overly broad exemption, the House Committees on Energy & Environmental Protection and Water & Land amended the language in the bill to exclusively apply to activities or operations permitted under Chapter 200, HRS, which are activities that fall under DOBOR (House Draft 1). However, the Department has serious concerns that the scope of the House Draft 1 is too narrow. For instance, applying HEPA to the issuance and usage of all CMLs would have far-reaching and unintended impacts on government functions and the local economy. If HEPA were to apply to all CMLs, all commercial fishing would come to an immediate halt: Local commercial fishers would be suddenly out of work, fishing charter businesses would cease to operate, local seafood, such as opelu, akule, and ahi, would be unavailable in markets, and potentially even local fishers who sell their excess catch to support their families may be prohibited from continuing this activity until the HEPA process is completed for CMLs.

The Department fully intends to comply with HEPA requirements. However, the HEPA process varies depending on the type of Chapter 343 document being prepared. The estimated timeline to complete a 1) 343 exemption and comply with the court's Umberger test would take approximately 6-8 months, 2)

¹ This bill would not apply to commercial aquarium fish activities because DAR has not permitted or authorized any aquarium fish permits.

environmental assessment would take approximately 1-2 years, and 3) environmental impact statement would take anywhere between approximately 2-6 years.

As discussed above, while the Department believes that the intent of this bill, and exemption for certain DOBOR permitted activities, will prevent the potential economic devastation resulting from the Nā Papa‘i outcome, the Department has concerns about potential negative impacts to CMLs that the House Draft 1 does not address. The Department recommends amending this bill to maintain a limited scope while expanding the language in the House Draft 1 to ensure that DAR CMLs can be addressed. The Department also notes that the time to comply with HEPA review processes could likely take more than one year. Therefore, the Department recommends the following amendments:

1. Amending the underlined language on page 2, line 12 to read as follows: "permitted or authorized under chapters 187A, 188, 189, 190, or 200 and renewed within twelve months preceding the initiation of proceedings under this section is challenged as ..."
2. Removing the one-year limitation on page 2, line 16 of this bill.

These two amendments are reflected in the recommended language below, which would replace the language on page 2, lines 9 through 16:

"§343- _____ Temporary continuation of authorized or permitted activities; challenge; exemption. (a) Notwithstanding any law to the contrary, when an activity or operation that is permitted or authorized under [chapter] chapters 187A, 188, 189, 190, or 200 and renewed within twelve months preceding the initiation of proceedings under this section is challenged as being subject to the requirements of this chapter, the activity or operation may continue [for up to one year] pending:

(1) A determination by the appropriate agency as to whether the activity or operation is subject to or exempt from the requirements of this chapter; and

(2) The preparation and submission of an environmental assessment or environmental impact statement, if required;

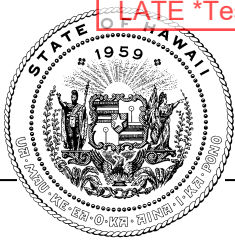
provided that the activity or operation shall comply with all applicable regulatory requirements and shall not include construction, grading, dredging, or other structural modifications

to land, waterways, or marine environments; provided further that the court may extend the continuation period at its discretion.

(b) If an agency determines that an activity or operation that is permitted or authorized under [chapter] chapters 187A, 188, 189, 190, or 200 and renewed within twelve months preceding the initiation of proceedings under this section is subject to this chapter, a person with oversight of the activity or operation may renew the permit while undergoing environmental review; provided that the activity or operation continues to comply with regulatory requirements.

(c) For purposes of this section, "permitted or authorized" means having a valid permit or authorization issued under [chapter] chapters 187A, 188, 189, 190, or 200 that has been renewed within twelve months preceding the initiation of proceedings under this section."

Mahalo for the opportunity to testify on this measure.



LATE *Testimony submitted late may not be considered by the Committee for decision making purposes.

OF HAWAII

**OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT**

JOSH GREEN, M.D.
GOVERNOR

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Statement of
MARY ALICE EVANS, Director

before the
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Thursday, March 27, 2025, 2:00 PM
State Capitol, Conference Room 325

in consideration of
SB 1074, SD 2, HD 1
RELATING TO ENVIRONMENTAL IMPACT STATEMENTS.

Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary & Hawaiian Affairs.

The Office of Planning and Sustainable Development (OPSD) supports the intent of SB 1074, SD 2, HD 1 and offers amendments on SB 1074, SD2, HD 1 which would temporarily suspend the impact that recent court decisions have had on long-standing permitted commercial activities and operations. SB 1074, SD 2, HD 1, amends HRS Chapter 343 by adding a new section with language establishing that under certain limiting circumstances, a currently permitted or authorized action that is being challenged as to whether the action is subject to the requirements of the HRS Chapter 343 may continue for a limited period while the permitting agency complies with those requirements.

HRS Chapter 343 is a general law that applies to a broad range of many different situations, agencies, applicants and actions, and as the general facilitator of the enabled environmental review process, OPSD believes that this statute and process is most effective when kept broad and over-arching. Specific language addressing a single permitting program is best incorporated into the enabling statutes for that permitting program, such as HRS Chapter 200, in this case.

If, however, the Committee's intent is to offer temporary relief to permittees of all permitting programs that may be subject to a judicial decision that the agency granting the permits comply with Ch. 343, then keeping the proposed amendment in Ch. 343 would extend that relief to all permittees without having to re-visit this matter for each court decision.

Depending on the Committee's intent, the bill's placement of the amendment can be left as is, or the proposed new language offered in section 2 of this bill can be added to HRS Chapter 200 rather than Chapter 343:

Thank you for the opportunity to testify on this measure.



House Committee on Judiciary & Hawaiian Affairs

Thursday, March 27, 2025, 2 PM Hearing in Conference Room 325 on
SB 1074, SD2, HD1 Relating to Environmental Impact Statements

TESTIMONY

Douglas Meller, Legislative Committee, League of Women Voters of Hawaii

Chair Tarnas, Vice Chair Poepoe, and Committee Members:

The League of Women Voters of Hawaii opposes SB 1074, SD2, HD1. Chapter 343, Hawaii Revised Statutes, is “triggered” by private permit applications for “use” of public property or the Conservation District. In April 2024, the Hawaii Intermediate Court of Appeals (ICA) ruled that Chapter 343 required a formal determination as to whether an environmental assessment (EA) must be prepared prior to DLNR approval of 6 permit applications for commercial thrill craft at Kaanapali. Since the ICA ruling the DLNR has not determined whether an EA is required for either new boating permits or renewal of several dozen existing boating permits at Kaanapali. DLNR inaction has jeopardized permit renewal and threatened the livelihood of commercial boating employees.

The purpose of SB 1074, SD2, HD1 is to allow existing Kaanapali boating businesses to renew permits and temporarily continue existing commercial activity regardless of whether the DLNR decides to require an EA. However, **legislation is unnecessary because Sections 11-200.1-15(c)(1) and 11-200.1-17(a), Hawaii Administrative rules already allow the DLNR to determine that an EA is not required for renewal of noncontroversial permits for existing commercial boating.**

§11-200.1-15(c) The following general types of actions are eligible for exemption:

(1) Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing; ...

§11-200.1-17 Exemption notices. (a) *Each agency shall create an exemption notice for an action ... that an agency considers to be included within a general type of action pursuant to section 11-200.1-15.*

Thank you for the opportunity to submit testimony.

SB-1074-HD-1

Submitted on: 3/25/2025 12:00:15 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Blake Moore	Teralani Sailing Adventures	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Members of the Committee,

I write in strong support of SB1074 with its proposed amendments, which provide critical clarification and protections for long-permitted commercial operators in Ka‘anapali. This bill recognizes that these businesses, which have operated in full compliance with state and federal regulations for decades, have been erroneously entangled in the environmental review process under Chapter 343 due to a pending lawsuit against the State. I sincerely appreciate the Legislature's recognition of this issue and its efforts to ensure that businesses that serve both our community and visitors are not unjustly forced to cease operations.

The intent of the State’s environmental review process has always been to assess new projects that may pose environmental risks, not to retroactively apply broad definitions of “action” to long-standing, previously vetted activities. However, recent court rulings have expanded the scope of Chapter 343, capturing commercial operators that the State never intended to be subject to environmental review. As a result, businesses that have continuously complied with regulatory requirements for decades are now at risk of being shut down—not due to environmental harm, but because of legal technicalities.

SB1074 provides a balanced approach by allowing the State to properly vet environmental impacts while ensuring that these essential businesses remain operational. These commercial operators support hundreds of families both directly and indirectly throughout the state, providing stable employment, generating tax revenue, and fostering economic sustainability. The ripple effects of shutting down these businesses would be devastating—not only for the families of West Maui who rely on them but for the entire state’s economy.

Additionally, the length of time permits may be renewed must take into account the State’s historical pace in processing these reviews. If the renewal period is not structured appropriately, businesses will again be at risk of becoming collateral damage due to delays in government processing. This is not just a matter of administrative burden; it is about protecting the livelihoods of local families who have already endured significant economic hardship.

As the recent lawsuits have demonstrated, there must be clear legislative language to prevent future legal challenges that seek to shut down businesses that are already federally and state-regulated. Without this protection, our local operators will continue to face uncertainty and potential closure, despite their long-standing compliance with all applicable regulations.

I urge the Legislature to pass SB1074 with its amendments to ensure that Hawaii's regulatory processes remain fair, clear, and aligned with their original intent. Thank you for your time and consideration.

SB-1074-HD-1

Submitted on: 3/25/2025 12:09:55 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lisa Bishop	Friends of Hanauma Bay	Oppose	Written Testimony Only

Comments:

Friends of Hanauma Bay strongly opposes SB1074 because it undermines our State environmental protection act by permitting activities that damage environmental resources held in public trust to occur before environmental impact assessments are completed and evaluated. This runs so contrary to the spirit and letter of the Hawaii Environmental Protection Act (HEPA), passing SB1074 would be rolling the clock back more than 30 years and erasing all the environmental lessons we have learned as a State and a society for benefit of those few who feel entitled to benefit from public trust assets above or before all other residents of our State.

This is a bad Bill in principle, and will have disastrous ramifications. Hawai'i is already the "endangered species capital of the world." Please don't exacerbate this reality by passing this bill.

With Aloha,

Lisa Bishop

President

SB-1074-HD-1

Submitted on: 3/25/2025 12:11:46 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Robert Culbertson	Big island Reef Keepers hui	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas and members of the committee,

This poorly crafted piecemeal legislation is the wrong way to solve a problem that was created by agency lassitude in the first place.

So please defer this legislation while private negotiations are still pending that would obviate the need for this overreach and abuse of the legislative system.

Sincerely,

R A Culbertson

member,

Big Island Reef Keepers hui



Testimony Before The
House Committee on Judiciary & Hawaiian Affairs (JHA)
IN OPPOSITION TO SB1074 SD2 HD1
March 27, 2025, 2:00 p.m., Room 325 & Via Videoconference

We are Olan Leimomi Fisher and Kevin Chang, Kua'āina Advocate and Executive Director, respectively, testifying on behalf of [Kua'āina Ulu 'Auamo \(or KUA\)](#). "Kua'āina Ulu 'Auamo" stands for "grassroots growing through shared responsibility," and our acronym "KUA" means "backbone." **Our mission is to connect and empower communities to improve their quality of life through the collective care for their biocultural (natural and cultural) heritage, serving as a "backbone organization" that supports creative and community-driven solutions to problems stemming from environmental degradation.** Hawai'i's biocultural resources continue to be negatively impacted by political, economic, and social changes, and the increasing dangers of climate change make fostering and empowering resilient communities acutely critical.

Currently KUA supports three major networks of: (1) over 40 mālama 'āina (caring for our 'āina or "that which feeds") community groups collectively referred to as E Alu Pū (moving forward together); (2) over 60 loko i'a (fishpond aquaculture systems unique to Hawai'i) and wai 'ōpae (anchialine pool systems) sites in varying stages of restoration and development, with numerous caretakers, stakeholders, and volunteers known as the Hui Mālama Loko I'a ("caretakers of fishponds"); and (3) the Limu Hui made up of over 50 loea (traditional experts) and practitioners in all things "limu" or locally-grown "seaweed." **Our shared vision is to once again experience what our kūpuna (ancestors) referred to as 'ĀINA MOMONA – abundant and healthy ecological systems that sustain our community resilience and well-being.**

KUA strongly opposes SB1074 SD2 HD1, as a dangerous threat to achieving 'āina momona.

This measure would allow a previously authorized commercial activity to continue regardless of whether it has gone through our time-tested environmental review process. This could allow unsustainable and destructive activities to continue without considering the environmental impacts, mitigation measures, or alternatives. **SB1074 SD2 HD1 is also unnecessary given that our Hawai'i Environmental Policy Act (HEPA) laws already provide for exemptions for activities with minor impacts.** This bill also threatens the health of our nearshore ecosystems, Native Hawaiian cultural and traditional rights, and community stewardship practices, while undermining the necessary public participation and transparency provided through our established environmental review laws. It would create *more* stress and *more* work for DLNR and communities, not less, and for the benefit of only a small vocal minority of commercial aquarium operators.

The communities in our KUA networks, including Native Hawaiians and kama'āina alike, depend on the health and balance of our nearshore ecosystems in order to continue their traditional and customary practices and to mālama their 'āina. SB1074 SD2 HD1's existential undermining of HEPA would make way for far-reaching negative effects on our already suffering i'a (sea life) that do not justify the supposed need to appease the well-documented (and

litigated) exploitation by a small handful of aquarium fishing operators. HEPA serves to ensure public awareness and participation from as many stakeholders as possible, including Native Hawaiian traditional and customary practitioners protected under our Hawai'i State Constitution. HEPA also provides stability for public participation with the constant changes in DLNR leadership and staff.

As the recent Umberger and Kaupiko Supreme Court decisions made clear, DLNR severely lacks capacity to provide proper management and protection of our nearshore resources and Native Hawaiian rights involving aquarium fishing permits alone. Undermining HEPA is *not* the answer, especially with increasing threats (invasive species, pollution, overtourism, natural disasters, etc.) to the fragile biocultural resources that we ALL depend on to live and thrive here in Hawai'i. **This measure is unnecessary and will only lead to more lawsuits, more contested cases, and more community distrust and division.**

SB1074 SD2 HD1 works directly against achieving 'āina momona to ensure healthy and thriving biocultural resources for generations to come.

Mahalo for considering our testimony in strong opposition. Please **hold** SB1074 SD2 HD1.

Aloha 'Āina Momona no nā kau ā kau.



March 25, 2025

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair

Rep. Mahina Poepoe, Vice Chair

Re: Support SB1074 SD2 HD1:

Aloha Chairs, Vice Chairs, and Members of the Committees,

My name is Garrett W. Marrero, and I am writing in strong support of SB1074 SD2 HD1, a crucial measure to protect Maui businesses, jobs, and overall economic stability.

Maui's economy is still struggling to recover from the devastating impacts of COVID-19 and the Maui wildfires. Many local businesses, including those in hospitality, manufacturing, and retail, continue to operate on razor-thin margins. Without the passage of this bill, we risk further economic decline, business closures, and significant job losses—consequences our communities simply cannot afford. Ka'anapali would be further devastated.

The reality of this economic downturn has already hit us hard. Due to the sharp decline in visitors and tourism to West Maui, we were forced to close one of our locations on the west side—an extremely difficult decision that resulted in job losses for our team members. If this bill does not pass, we will undoubtedly see more closures across the island, affecting not just businesses but the hardworking people who rely on them to support their families.

Small and independent businesses are the backbone of Hawaii's economy, providing thousands of jobs and supporting local supply chains. If we fail to act now, we will see increased unemployment, further strain on families already facing high costs of living, and an exodus of businesses seeking more stable environments elsewhere. This bill is not just about protecting businesses; it's about protecting livelihoods and preserving the economic future of our state.

I urge you to support SB1074 SD2 HD1 to prevent further economic hardship and job loss on Maui.

Mahalo for your time and consideration!

Sincerely,

Garrett W. Marrero
CEO/Founder

Handcrafted Ales & Lagers Brewed with Aloha
605 Lipoa Parkway, Kihei, HI 96753
808.213.3002

SB-1074-HD-1

Submitted on: 3/25/2025 1:39:59 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
James Rodrigues	Rodrigues Ohana	Comments	Written Testimony Only

Comments:

Confusing options of support or reject. I do NOT support any and ALL reef harvesting for any commercial activity. Continued pressure by human commerce degrades ecosystems that require healing restoration to preserve Hawai'i's uniqueness beauty and white sand beaches. Stop all reef harvesting for any and all commercial purposes. Allow our reef habitats to thrive.

SB-1074-HD-1

Submitted on: 3/25/2025 1:53:40 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Chandra Bertsch	Holo Holo Charters	Support	Written Testimony Only

Comments:

Aloha,

As a tour boat tour operator I fully support SB 1074 because it allows businesses in good standing to continue operations while lengthy reviews and studies are completed. We are supportive of any research needed to ensure the long term health of our environment, ecosystems and community, but it would be devastating to shut down while that occurs, as we have seen it take years. Our employees, assets, and expertise would be in jeopardy while we waited, so this is a critical bill to support health economies.

Mahalo,

Chandra Bertsch

Co-Owner & General Manager

Holo Holo Charters



**COMMITTEE ON
JUDICIAL AND HAWAIIAN AFFAIRS
DATE: Thursday, March 27, 2025
TIME: 2:00 PM**

Strongly Support 1074 SD2 HD1

Aloha Chair Tarnas, Vice Chair Poepoe and committee members,

My name is Antoinette Davis. It has been my honor to represent the Activities and Attractions Association of Hawaii (A3H), a not-for-profit 501c6 trade organization, as its executive director since 1997 (28 years). ***A3H strongly supports SB1074, requesting a small change.***

SB1074 was introduced to allow commercial operations to continue operation while an EA or EIS is found necessary. The recent draft (HD1) makes a clear distinction by requiring continued operation for legally permitted, annual renewal type of permittees – there is NO Intent to weaken HEPA or allow a resurgence of Aquarium Fisheries. This confusion has clouded the intent.

Other opposition to this Bill speaks of settlement agreements – there are none. A small group of boaters received a list of requests from the plaintiff's attorney (Lance Collins) – which they refused. The boaters are not defendants in the suit; DLNR is the sole defendant in this case. I am unsure how this could be called a potential settlement.

A3H has a concern with the one-year limit language. From DLNR/DOBOR website page which lists [financial and current EA/EIS status](#) information. One EA listed is from 2018, Pohoiki Ramp, trigger in 2018, draft completed April 2023. It doesn't state it but in July 2023 a determination was made: FONSI (finding of no significant impact). The determination is from the [Environmental ReviewProgram](#) website. This 2018 volcanic eruption triggered the EA – one



could conclude it took 5 years to get a draft EA, only 3 months to determine no impact by Environmental Review Program (ERP). It seems it took DLNR/DOBOR 5 years to contract with the Limtiaco Company to produce a Draft EA.

A requested change in the Bill: From:

continue operation for one year while the appropriate agency makes the determination and conducts any necessary environmental review;

To:

continue operation for one year following the Draft environmental review while the appropriate agency makes the determination;

If the Kaanapali 2017 lawsuit is successful, it will provide a tool to close down tourism-related activities, based on accusation.

Simple put THIS BILL prevents weaponization of HEPA against legal, compliant, environmentally sound tourism businesses.

Mahalo, thank you for your time, consideration, and opportunity to testify.

Antoinette M Davis (aka: Toni)



THE RITZ-CARLTON

MAUI, KAPALUA

TESTIMONY SB:1074

Subject: **TESTIMONY IN SUPPORT of Senate Bill SB1074 – Environmental Impact Statements**

Aloha Chair and Members of the Committee,

I, Jon Gersonde, General Manager of The Ritz-Carlton Maui, Kapalua strongly supports **SB1074** as it allows ocean recreation and boating businesses in Ka'anapali to keep operating during the environmental review.

This bill prevents the shutdown of 27 longstanding businesses, protecting 260 jobs and millions in community revenue. These operators have always followed regulations, and their continued operation is crucial for our community's recovery and economic stability. Please vote in favor of **SB 1074**.

Mahalo for considering this testimony.

Sincerely,

Jon Gersonde,
General Manager
The Ritz-Carlton Maui, Kapalua



Environmental Caucus of The Democratic Party of Hawai'i

March 25, 2025

To: House Committee on Judiciary and Hawaiian Affairs
Hon. David A. Tarnas, Chair; Hon. Mahina Poepoe, Vice Chair

Re: SB 1074, SD2, HD1: Relating to Environmental Impact Statements

Hearing: March 27, 2025, 2:00 p.m. , Conference Room 325 & videoconference

Position: Opposition

Aloha!, Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary and Hawaiian Affairs:

The Environmental Caucus of the Democratic Party of Hawai'i continues to OPPOSE SB 1074, for the reasons previously stated in our prior testimony. Fundamentally, when a State agency fails to enforce its duties, especially on a wholesale basis, the agency must promptly resolve this failure. This bill still gives DLNR too much time.

While this version of the bill is improved over earlier versions, the public would still be better off with no bill on this subject at all.

Thank you very much for considering our testimony.

Respectfully,

Alan B. Burdick and Melodie Aduja
Co-chairs of the Environmental Caucus
Democratic Party of Hawai'i

burdick808@gmail.com legislativepriorities@gmail.com

SB-1074-HD-1

Submitted on: 3/25/2025 2:13:31 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Julie Lewer	Island Dream Productions	Support	Written Testimony Only

Comments:

Aloha,

My name is Julie Lewer, I am the manager for Island Dream Productions and I strongly support SB1074.

Please support business on Maui while we continue to recover from all that we already lost by passing SB1074.

I am for the environment and SB1074 simply allows our Ka'anapali employees to continue earning a living while undergoing any required environmental reviews if permits are challenged.

This industry has operated for over 40 years and is highly regulated by the USCG and existing State administrative rules; all of the operations on Ka'anapali Beach are and have been in compliance with.

This bill strikes a fair balance between protecting Hawai'i's natural resources while supporting long-standing, regulated ocean activities operation.

Forcing lawfully permitted operators to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies will inevitably lead to the closure of local business and loss of jobs for so many Maui residents.

History has shown that activities that have lost their permits and been shut down don't come back. Please do not let this be the case for the hundreds of businesses and thousands of residents that depend on these activities for their livelihoods.

Please pass SB1074 and support our local families and businesses.

Mahalo for considering my testimony,

Julie Lewer, Manager, Island Dream Productions



Maui Hotel & Lodging
ASSOCIATION

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair
Rep. Mahina Poepoe, Vice Chair

March 25, 2025

Testimony in Strong Support for SB1074 SD2 HD1

Aloha Chair Tarnas, Vice Chair Poepoe and committee members,

The Maui Hotel and Lodging Association is in **Strong Support** of SB1074 SD2 HD1. SB1074 SD2 HD1 is a critical measure that ensures businesses can continue to operate while undergoing environmental reviews if their permits are challenged. By allowing these businesses to remain open during this process, the bill maintains regulatory stability and prevents unnecessary disruptions for compliant operators.

This bill strikes a crucial balance by upholding environmental protections while avoiding redundant reviews that impose excessive financial and operational burdens on longstanding, law-abiding businesses. It ensures that Hawaii's natural resources are protected while also supporting regulated commercial activities that have been integral to our local economy for years.

Without SB1074 SD2 HD1, requiring lawfully permitted operators to cease operations while waiting for environmental studies could lead to devastating consequences. These businesses would face significant financial hardship, and the maintenance of their vessels could become untenable. History has shown that once industries lose their permits and are shut down, they often do not return.

We cannot afford to allow this to happen again, especially when so many businesses and families rely on these activities for their livelihoods. We respectfully urge the committee to pass SB1074 SD2 HD1 to protect Hawaii's local businesses and working families

We commend the hard work that has been put forth to amend this bill and believe that what is being presented clearly and satisfactorily addresses the many concerns on its applicable scope.

Mahalo,

John Pele
Executive Director
Maui Hotel and Lodging Association



Testimony in Strong Support of **SB1074 SD2 HD1** – Relating to Environmental Review

March 25, 2025

Aloha Chair and Members of the Committee,

OUTRIGGER Hospitality Group **strongly supports SB1074 SD2 HD1**, a critical measure that safeguards the livelihoods of countless workers and the stability of long-standing, lawfully permitted businesses while ensuring Hawai'i's environmental review process remains robust and effective.

Hawai'i's people are the heart of our economy, and for more than 75 years, OUTRIGGER has been committed to responsible business practices that support both environmental stewardship and community well-being. We fully support strong environmental regulations and compliance measures. However, forcing businesses that have already met all regulatory requirements to shut down during permit challenges—before any final determination is made—has severe and destabilizing consequences, especially in a time when so many are already struggling.

In the wake of the devastating wildfires and ongoing economic hardships, families and businesses alike are fighting to stay afloat. Jobs lost due to unnecessary shutdowns don't just affect businesses; they ripple through communities, impacting local families who depend on steady employment to make ends meet. **SB1074 SD2 HD1** provides a necessary safeguard, allowing permitted businesses to continue operations while environmental reviews are conducted—ensuring that workers are not left without income and businesses are not unfairly forced to close their doors permanently.

We have seen firsthand the long-term consequences of previous shutdowns on industries that were never able to recover, such as the commercial aquarium fishing industry. When businesses are driven out due to prolonged bureaucratic processes, they do not come back. Hawai'i cannot afford to continue down a path where lawful businesses, which follow all regulations, are shuttered, leaving workers jobless and communities without vital economic resources.

By passing **SB1074 SD2 HD1**, the Legislature can provide regulatory consistency, uphold environmental accountability, and, most importantly, protect the people of Hawai'i who rely on these businesses for their livelihoods. We urge you to support this bill in the interest of Hawai'i's families, businesses and economic sustainability.

Mahalo for your time and consideration.

A handwritten signature in black ink, appearing to read "MSH", is written above the name "Mike Shaff".

Mike Shaff

Senior Vice President Operations, The Americas

OUTRIGGER Hospitality Group



Dear Chair, Vice Chair, and Members of the Committee,

Please support SB1074 for ocean tour boats. This bill is essential for ensuring that ocean tourism operators in Kaanapali can continue our operations while undergoing environmental review. Without this bill, our long-standing, regulated operations faces the risk of being shut down for years and most likely forever—even when we have complied with all permitting requirements for decades.

We would be forced to sell off our custom designed beach loading catamarans at a loss since we cannot simply sit in the water and then magically restart in 3,4 or more years post conclusion of area assessment. The time and effort required to build, maintain and operate safe boating tours on Maui takes years and years of hard work and dedication. The sheer amount of operational costs to keep the doors open despite the Lahaina Wildfire devastation, low tourism counts of 2024 has forced us to utilize our life savings to hold on. This would be the last straw for us.

This will ensure that Maui's visitors has a well-established, safe, infrastructure of activities, keeping tourists wanting to return to Hawaii annually. Without these types of activities our tourism industry will dry up, and so will the economy of our island state. Our tours give the residents and visitors an opportunity to experience Hawaii's marine environment with minimal disruption, supporting conservation efforts through education and sustainable tourism practices.

This bill strikes a fair balance between protecting our natural resources through 343 and supporting the small ocean tour businesses that have operated responsibly under state oversight for decades.

Please pass SB1074 to protect our local ocean tourism industry, the jobs it supports, and the families who depend on it.

Mahalo, thank you for your time, consideration, and opportunity to testify.

Peter Wood 808-870-3672
Sailing Maui Inc.

SB-1074-HD-1

Submitted on: 3/25/2025 2:45:45 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Don Prestage	Sail Maui	Support	Written Testimony Only

Comments:

Dear Chair, Vice Chair, and Members of the Committee,

On behalf of Sail Maui, I'm writing to express our strong support for SB1074.

This bill is critical for ocean tour operators like us who run sustainable and educational trips out of Kā'anapali. We've followed every rule and permitting requirement over the years, and SB1074 would ensure we can continue operating while going through the necessary environmental review process.

Without this bill, long-standing businesses like ours could be forced to stop operations for years—despite doing everything right. That would hurt not just our company, but also our crew members, their families, and the wider community that relies on this industry.

SB1074 helps keep us in compliance while giving the process the time and space it needs. It's a fair solution that supports both environmental oversight and the livelihoods of local businesses.

Please pass SB1074.

Mahalo,

**Don Prestage
Sail Maui**



Aloha Chair and Members of the Committee,

Sea Sports Distributors Inc., is in strong support of bill SB1074.

Our customers in Maui that we helped supply for decades deserve this bill to pass. This will strike a fair balance by protecting Hawaii's natural resources while supporting long-standing, responsible ocean activity operators. If these businesses were to halt operations for an environmental assessment to be done it will for certain lead to the closure of these businesses putting more strain on our local economy and more of our beloved ohana to move elsewhere. Maui cannot afford to lose more. Most of these are local family operated businesses that have been stewards of our oceans for generations. These individuals love and protect their work environment and would be a great asset in helping with the environmental reviews.

We urge you to please pass SB1074 and help keep Maui Strong. Mahalo Nui Loa for your time and consideration.

Yvette Anderson
Office Manager

SB-1074-HD-1

Submitted on: 3/25/2025 3:12:08 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
GREGORY HOWETH	Lahaina Divers Inc	Support	Written Testimony Only

Comments:

Dear Chair, Vice Chair, and Members of the Committee,

Please support SB1074 for ocean tour boats. This bill is essential to ensure that ocean tourism operators in Kaanapali can continue operating while undergoing environmental review. Without this bill, longstanding, law-abiding operators risk being shut down for years—even though they have complied with all permitting requirements.

These tour operators provide responsible access to Hawaii’s marine environment for residents and visitors alike, while promoting education, conservation, and sustainable practices.

SB1074 strikes a reasonable balance—allowing 343 to do its job while preventing unnecessary harm to local businesses, employees, and families that depend on this industry.

Please pass SB1074.

Mahalo,

Greg Howeth

President,

Lahaina Divers Inc.

SB-1074-HD-1

Submitted on: 3/25/2025 3:34:57 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kevin Ford	Maui Classic Charters	Support	Written Testimony Only

Comments:

Aloha,

We are in full support of this bill.

It is imperative that permittees are allow to continue to operate and renew permits while Environmental Impact Studies are taking place which can last for years before completion.

Thank you for your time.

SB-1074-HD-1

Submitted on: 3/25/2025 3:40:09 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Chris Thibaut	Maui Brewing Co. Restaurants	Support	Written Testimony Only

Comments:

Chair Tarnas. Vice Chair Poepoe and committee members, thank you for the opportunity to submit my thoughts, concerns and testimony relating to SB1074

My name is Chris Thibaut, CEO of Maui Brewing Co. Restaurants. I grew up on West Maui and have restaurants in both TS and Maui Brewing Co. on the westside. As you know, West Maui has been hit incredibly hard after Covid and the tragic wild fires. I hop that you will please consider “not” delivering one more damaging and fatal blow to our business community, hospitality industry and job base here in West Maui. Even beyond the timing the threat of losing all boating and ocean recreation in Ka'anapali with valid permit holders and generational companies forced from business is unfathomable. If indeed an assessment of resource impact is needed, then shutting down the currently permitted businesses while this is ordered and prepared would be brutal. The well over 250 families impacted and the many, many support industries having to face a devastating blow like complete shutdown would be unrecoverable. These businesses, many of which as noted have been valuable and supportive members of our community for decades.

In a more in-depth review of "collateral damage" to multiple parties consider the following:

- The boating operations in Ka'anapali in a cumulative number provide over 220,000 meals of various types to their passengers on different snorkel cruises, whale watch sails, private charters, and sunset dinner or sunset pupu sails. Now, consider the hundreds of people, families and jobs impacted if that goes away. The caterers that provide the food would be impacted, the person or persons ordering the food would be impacted, the persons delivering the food would be impacted, the people and companies selling the food to the caterers would be impacted and many others not at first considered.
- The hotels having less and less activities to provide for potential guest would be significantly impacted. With no Lahaina, 100+ less shops, 100+ less restaurants and no Lahaina Harbor and no boating and ocean recreation in Ka'anapali it would not be a far leap to see potential visitors question why travel to West Maui or even Hawai'i for that matter.

- Tax base revenues to the State of Hawai‘i would be severely reduced. An approximate figure for all revenues generated by all permit holders operating boating and ocean recreation in Ka'anapali is \$60 million annual. At 4.5% the sales tax on that is \$2.7 million, that goes away. Every boating operator in Ka'anapali now pays, as of 2025, \$1.00 per passenger for every person they allow on board, that all goes away
- All ocean recreation companies that hold valid ORMA permits in Ka'anapali must, as part of their permit, pay DLNR 3% of every dollar collected. With the above noted approximate figure of \$60 million in sales the 3% figure of \$1.8 million goes away
- The alcoholic and non-alcoholic beverage companies providing all beverages for boating operations would cease to have that business. This trickles down to less drivers needed, less warehouse people needed, less management needed, less shipping and receiving people needed and other impacts.
- Many island travel agencies staff, activities desk employees and concierge will lose jobs as there would be a drastic reduction in available activities. No Lahaina Harbor, no boating in Ka'anapali, no areas to participate in whale watching without driving to the other side of the island. With no ocean recreation there is no need for those that market and promote these activities
- Uber drivers, rentals cars, bus companies are all impacted if less people are coming to West Maui due to less things to do. Other competing resort destinations would love this opportunity
- Restaurants and all retail in Whalers Village and surrounding areas will lose revenues and as such require less staffing and possibly become less viable as a business if all those pre and post ocean activity passengers and participants just vanish

The most tragic impact of not passing SB1074 will be the human aspect and the impact on individuals, families, and long-standing businesspeople. The secondary financial and resort impact details above are also staggering and a totally unnecessary byproduct. The revisions to SB1074 of limiting the scope to just relate to "current" permit holders will allow for these businesses to continue, these families and employees to remain employed and stay on Maui and the noted collateral damage to be avoided "while" assessments are considered and completed. Please PASS SB1074 for all of us.

With Aloha,
Chris Thibaut



To: The Honorable Representative David Tarnas, Chair, the Honorable Representative Mahina Poepoe, Vice Chair, and Members of the Judiciary and Hawaiian Affairs Committee.

From: Hawai'i Reef and Ocean Coalition and Climate Protectors Hawai'i (by Ted Bohlen)

Re: **Hearing SB1074 SD2 HD1 RELATING TO ENVIRONMENTAL IMPACT STATEMENTS**

Hearing: Thursday March 27, 2025 2:00 p.m. CR325

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Judiciary and Hawaiian Affairs Committee!

The Hawai'i Reef and Ocean Coalition (HIROC) is a group of scientists, educators, filmmakers and environmental advocates who have been working since 2017 to protect Hawaii's coral reefs and ocean. The mission of the Climate Protectors Hawai'i is to educate and engage the local community in climate change action, to help Hawai'i show the world the way back to a safe and stable climate.

Hawai'i Reef and Ocean Coalition and Climate Protectors Hawai'i respectfully but **STRONGLY OPPOSE SB1074 SD2 HD1!**

As a Deputy Attorney General, for 14 years I represented the agencies that administer Hawaii's Environmental Policy Act (HRS chapters 343 and 344, aka HEPA), then known as the Office of Environmental Quality Control and the Environmental Council. It is my considered opinion that **this bill, while greatly improved by the narrowing of its scope in HD1, is still unnecessary to address concerns about existing commercial boating licenses and would still undercut the core purpose of HEPA, to ensure that projects with potential environmental impacts undergo proper review before they proceed, allowing for informed decision-making and public participation.**

The bill is **unnecessary** because **there are administrative mechanisms to declare that the commercial boating actions under HRS Chapter 200 shall be treated under a single environmental assessment.** These actions can be found to be **exempt from environmental review as probably having minimal or no significant effects on the environment** under HRS Section 343-6(a)(1) and (2). **HEPA doesn't need to be gutted unnecessarily in response to court decisions issued almost a year ago or much longer** (*Na Papa'i Wawae 'Ula'ula v. Department of Land and Natural Resources*, April 29, 2024); *Umberger, et al. v. DLNR (2017)*, and *Kaupiko et al. v. DLNR (2020)*). The agency instead **should complete its administrative process and could find the commercial boating actions exempt from environmental review.**

This bill is unnecessary, overbroad and potentially harmful. If litigation over existing charter boat operations has not been settled and an exemption for their actions is still desired, that situation should be addressed narrowly, not used as a basis to extend, as this bill does, an exemption from environmental review to all previously permitted commercial boating operations renewed within the prior year.

Please hold this bill in its current overbroad form!

Mahalo!

Hawai'i Reef and Ocean Coalition and Climate Protectors Hawai'i (by Ted Bohlen)



Dear Chair, Vice Chair, and Members of the Committee,

Please support SB1074 for ocean tour boats. This bill is essential for ensuring that ocean tourism operators in Kaanapali can continue our operations while undergoing environmental review. Without this bill, our long-standing, regulated operations faces the risk of being shut down for years and most likely forever—even when we have complied with all permitting requirements for decades.

Our company employees 18 to 20 people and their families depend on us. This is in addition to many other businesses that we purchase supplies or services from, such as Sysco, Sun Fresh, Johnson Brothers, website builders, reservation service personnel, the list goes on and on. The ripple effect of shutting down our operations will be felt by all these companies and their employees/families. West Maui has already been hit hard by Covid, followed by the Lahaina Wildfires, in the addition to the bottoming out of tourism in 2024. We are struggling to recover and keep our doors open. If we are required to shut down while an EIS is conducted for an unknown amount of time, we will be forced to sell our vessels and either leave the Island or retire. Our employees would be in the same situation, but as they are younger than us with small children in schools this will much more difficult for them.

Our boating tours provide residents and visitors with safe and educational ocean activities. We are the backbone of the tourist economy and a huge part of the draw for tourism at Kaanapali Beach. We respectfully ask that you consider that this bill strikes a fair balance between protecting our natural resources through 343 and supporting our small ocean tour businesses that have operated responsibly under state oversight for over 50 years.

Please pass SB1074 to protect our local ocean tourism industry, the jobs it supports, and the families who depend on it.

Thank you for taking the time to review my testimony in support of this bill.

Inca Robbin
Sailing Maui Inc., Hula Girl Sailing Charters, Shangri-La Sailing Charters

SB-1074-HD-1

Submitted on: 3/25/2025 5:34:18 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Travis Morrin	Three's Bar & Grill	Support	Written Testimony Only

Comments:

Subject: Strong Support for SB1074 – Protecting Local Jobs and Our Ohana

Aloha,

My name is Travis Morrin, and I am one of the owners of Three's Bar & Grill on Maui. I'm writing today in strong support of SB1074 because I know firsthand how vital this bill is to protecting local jobs, sustaining our small businesses, and helping our community continue its long road to recovery.

Three's has proudly served the Maui community for over 15 years. We've built more than just a restaurant—we've built a place where both locals and visitors feel welcome, where our employees are treated like family, and where we've created over 80 jobs that support real people and real families. In addition to our restaurant, we operate a thriving catering partnership with Teralani Sailing Charters, providing tens of thousands of meals each year to guests and contributing directly to Maui's tourism economy.

SB1074 is critical for us. It allows local businesses like ours to continue operating while permit disputes are resolved, instead of being forced to shut down for years during lengthy and expensive environmental reviews. We absolutely support protecting Hawai'i's environment—it's why we live and work here—but there must be a fair and balanced process that doesn't jeopardize livelihoods in the name of delay.

If this bill doesn't pass, businesses like ours could be forced to close during contested permit periods. That would mean the loss of jobs, a blow to the local economy, and irreparable harm to businesses that might never reopen. For our employees—many of whom are family members, friends, and longtime members of the Maui community—that's a risk we simply can't afford.

SB1074 offers a common-sense solution. It maintains necessary oversight and environmental protections while giving our local businesses the ability to keep people employed and support our community during difficult times.

I respectfully urge you to pass SB1074. This legislation is essential to keeping our doors open, preserving jobs, and protecting the future of our community on Maui.

Mahalo for your time and for standing with local businesses and the people of West Maui.

Sincerely,

Travis Morrin

Owner, Three's Bar & Grill



March 27, 2025

House Committee on Judiciary & Hawaiian Affairs

RE: STRONG OPPOSITION SB1074; Relating to Environmental Review

Dear Chair Tarnas, Vice-Chair Poepoe and Committee Members,

For the Fishes, a Maui-based nonprofit organization dedicated to protecting Hawaii's coral reef wildlife **strongly opposes SB1074 SD2 HD1** which would allow previously permitted actions and activities to CONTINUE while an agency, individual or business conducts an environmental analysis. **This bill is completely unnecessary given DLNR has the existing authority and long-established process to exempt certain activities from environmental review. DLNR has chosen instead to use this measure as a means of absolving themselves of their statutory responsibilities in protecting our environment.**

As proposed, this bill would significantly weaken our landmark Hawaii Environmental Policy Act (HEPA) that the legislature adopted to ensure actions/activities, especially those that may cause irreparable harm to our marine and terrestrial environments, are appropriately analyzed, given natural resources are held in the public trust for all the peoples of Hawaii, and are constitutionally protected to prevent impacts to native Hawaiian cultural practices.

While the original intent of this bill may have been to allow very specific non-extractive activities to continue (Kaanapali catamaran operators), as written, the bill remains unnecessary and will have far-reaching implications, even with the addition of a 3-year sunset date.

State agencies routinely review and prepare environmental exemption assessments (i.e. state and county exemption lists are published monthly in the Environmental Notice). We agree that agencies should prepare them promptly, however, blanketly exempting existing permitted activities from HEPA is not the way to address DLNR or other state or county agency dereliction.

Further, exempting existing activities from potential environmental review, even during a 3 year period, completely removes the public and the impacted communities from the process, whereby agencies or applicants would not be required to solicit public opinion or hold public hearings to receive feedback from the impacted communities as is required under HEPA.

We urge the Committee to defer this bill in its entirety.



SIERRA CLUB OF HAWAI'I

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

March 27, 2025

2:00 PM

Room 325

In **OPPOSITION** to **SB1074 SD2 HD1**: RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee,

On behalf of our over 20,000 members and supporters, the Sierra Club of Hawai'i **OPPOSES SB1074 SD2 HD1**, which undermines our environmental review law by allowing the Department of Land and Natural Resources (DLNR) to approve certain actions without first considering their potentially significant and irreversible impacts, and feasible strategies to mitigate those impacts.

The Sierra Club appreciates the amendments made in the House Draft 1 of this bill, which were intended to mitigate its harms and unintended consequences. However, this bill still proposes a significant departure from the purpose and function of our decades-old environmental review law and its mechanisms for environmental accountability, public input, due diligence, and prudent planning. Under this draft, **the DLNR would still be allowed to authorize the commercial use and occupation of our nearshore waters, beaches, and small boat harbors without first considering the potential significant and avoidable impacts these activities may have on our marine resources, ocean water quality, ocean safety, public access, cultural practices, and other vital public interests, as would otherwise be required under the current environmental review process.** This would both directly undermine the public trust in our coastal resources, as well as set a dangerous precedent for the further erosion of our fundamental environmental protections.

The Sierra Club emphasizes that the continued movement of this measure would in fact exacerbate the uncertainty and fear being expressed by the Ka'anapali ocean tour operators it seeks to address. **The DLNR could easily provide these operators with much more timely relief, by agreeing to settle litigation that has resulted in their permits being placed on hold.** Such an agreement would address community concerns regarding water pollution, ocean safety, and public shoreline access, while also providing the commercial operators with a nearly immediate resolution of their situation. However, the continued movement of SB1074 SD2 HD1 will only incentivize the DLNR to drag out any settlement negotiations, minimally for the months it will still take for the bill to be enacted into law.

The DLNR should not be allowed to prolong the hardship and fear being expressed by the Ka'anapali permittees to justify this measure, and undermine the very laws that protect our lands and natural and cultural resources from needless harm.



SIERRA CLUB OF HAWAI‘I

Finally, the Sierra Club notes that the federal government is currently pursuing the complete repeal of regulations implementing the National Environmental Policy Act, as well as the rollback of numerous environmental protections ranging from water quality standards to ecosystem protection. **Hawai‘i must double down on our own environmental protections, and not undermine them as proposed in this measure, just as our islands, planet, and the health and wellbeing of our present and future generations are losing critical federal safeguards at an unprecedented rate.**

As we continue to navigate an era of unprecedented uncertainty and instability, we need much greater, not less, mindfulness and prudence in how we treat our environment - the very foundation of our future generations' existence. This bill proposes the exact opposite. Please do not pass this measure.

Accordingly, the Sierra Club respectfully urges the Committee to **HOLD** SB1074 SD2 HD1. Thank you very much for this opportunity to testify.

SB-1074-HD-1

Submitted on: 3/25/2025 5:53:51 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
jessie croft	Explore Kauai Scuba	Support	In Person

Comments:

Aloha chair,

Please please support SB1074. This bill is vital for many small businesses to stay open!

mahalo

jessie



March 25, 2025

Hawai'i State Capitol
415 S. Beretania St,
Honolulu, HI 96813

RE: Testimony for SB1074 SD2 HD1

Dear Chair Tarnas, Vice Chair Poepoe, and members of the House Judiciary & Hawaiian Affairs Committee,

Aloha. My name is Jonnetta "Jonee" Peters, Executive Director of the Conservation Council for Hawai'i, which is the Hawai'i affiliate of the National Wildlife Federation. I'm sending you my testimony that **STRONGLY OPPOSES SB1074 SD2 HD1**. This is a dangerous measure continues to undermine the power and authority of the environmental review process. It also diminishes the public interest, input and voice in our coastal and marine environment. This is not pono!

Although this measure has been amended to narrow its scope and to provide a sunset date for its provisions. It still flies in the face of our environmental review process as a mechanism for transparency, public input, due diligence, and prudent planning, *before* commercial uses of our vital coastal areas are permitted.

Under this bill as currently drafted, the Department of Land and Natural Resources would be allowed to turn a blind eye to significant potential impacts to water quality, public and cultural practitioner access, public safety, public health, and cultural and ecological resources, among others, in authorizing the commercial use and occupation of our small boat harbors, beaches, and nearshore waters, without first completing the environmental review process. Moreover, the negative consequences of this bill may be easily and exponentially exacerbated by amendments made to it prior to its passage, as well as after its potential enactment into law.

The continued movement of this measure will also prolong the uncertainty and fear that has been expressed by Ka'anapali ocean tour operators, whose operations have been disrupted by the DLNR's refusal to comply with the environmental review process or to accept a settlement offer that would address community concerns regarding water pollution, water safety, and public access. The DLNR's acceptance of such an offer would allow these tour operators to be issued permits nearly immediately, rather than wait the months it would take for this measure to be enacted into law. However, the DLNR has little incentive to agree to such a resolution, if this bill remains alive and moving.

Please HOLD SB1074 SD2 HD1.

Mahalo Nui,


Jonnetta "Jonee" Peters
Executive Director

Telephone/Fax: [224.338-6511](tel:224.338-6511) | email: info@conservehi.org

web: www.conservehawaii.org | P.O. Box 2923, Honolulu, HI 96802

President: Colleen Heyer | Vice President: Bret Nainoa Mossman | Secretary: Makaala Kaumoana

Treasurer: Mashuri Waite, PhD |

Directors: Puanani Anderson-Fung, Steven Lee Montgomery, PhD, Emily Sarasa, Les Welsh, Sunshine Woodford |

Executive Director: Jonnetta "Jonee" Peters Operations and Events Manager: Leah Kocher

National Wildlife Federation Region 12 Director: Rachel Sprague

National Wildlife Federation Pacific Region Associate Director: Emily Martin

Kō Hawai'i leo no nā holoholona lōhiu – Hawai'i's voice for wildlife | State Affiliate of the National Wildlife Federation

SB-1074-HD-1

Submitted on: 3/25/2025 6:16:30 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alison Stanford	Stanford Yacht Tenders, Ltd.	Support	Written Testimony Only

Comments:

As a small business owner in Lahaina, for over 30 years, with a support business to the marine industry in metal fabrication, I am writing in support of SB1074 allowing the permittees to continue operation while the EA is done. As a Lahaina Fire survivor, we lost our home, our recreational vessel in Lahaina Harbor and many of our customers vessels from the harbor. It is vital to the surviving marine industry to support the remaining businesses here for the local economy, as well as the benefit they provide the visitors. I have been a resident of Lahaina since the 1970's and have been active as a sailor, and spent years working on charter boats in Lahaina and Kaanapali in the 70's and 80's and can say from first hand experience that the vessels and operators are run professionally and responsibly. As someone that bears witness to the industry develop since before the permit system existed, it is not the fault of the permittees that the EA was not performed and they should not suffer the loss that would ensue if they had to shut down. Mahalo for your consideration.

SB-1074-HD-1

Submitted on: 3/25/2025 6:43:29 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
dave C weiss	RED Hospitality & Leisure Hawaii, LLC	Support	Written Testimony Only

Comments:

Dear Chair, Vice Chair, and Members of the Committee,

My name is David Weiss and I serve as Senior VP for RED Hospitality and Leisure, Hawaii. I have been a part of the commercial boating on Maui for 45 years.

Please support SB1074 for ocean tour boats. This bill is essential to ensure that ocean tourism operators in Kaanapali can continue operating while undergoing environmental review. Without this bill, longstanding, law-abiding operators risk being shut down for years—even though they have complied with all permitting requirements.

These tour operators provide responsible access to Hawaii’s marine environment for residents and visitors alike, while promoting education, conservation, and sustainable practices. In addition, If this measure fails and the operators are forced to cease operations and after an environmental review there are findings of no significant harm to the environment. The number one attraction in Kaanapali will no longer exist. The operators will have lost their legacy family businesses and the staff will have moved on.

SB1074 strikes a reasonable balance—allowing 343 to do its job while preventing unnecessary harm to local businesses, employees, and families that depend on this industry.

Please pass SB1074.

Mahalo,

Dave Weiss

Senior VP

RED Hospitality & Leisure Hawaii, LLC

SB-1074-HD-1

Submitted on: 3/25/2025 6:59:38 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
LiAnne Driessen	Trilogy Excursions	Support	Written Testimony Only

Comments:

Dear Chair, Vice Chair, and Members of the Committee,

Please support SB1074 for ocean tour boats. As a business owner, native Hawaiian, and involved member of our Maui community, I hope you see how important passing this bill is to ensure that ocean tourism operators in Kaanapali can continue operating while undergoing environmental review. Without this bill, longstanding, law-abiding operators risk being shut down for years—even though they have complied with all permitting requirements. Our business employs over 100 families, who more than half, live/lived on the West side and were displaced by the Lahaina Fires. These families love the ocean, Maui, and getting the opportunity to share our culture out on the water each day with visitors and Kama'aina. Their jobs are tied to this bill passing.

I greatly appreciate your thoughtful consideration and allowing me to submit my testimony.

Mahalo Piha,

LiAnne

SB-1074-HD-1

Submitted on: 3/25/2025 7:30:41 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
John & Rita Shockley	Free Access Coalition	Oppose	Written Testimony Only

Comments:

Aloha!

The Free Access Coalition OPPOSES SB1074. We cannot afford to bypsss environmental portection for our fragile island environment. If we discard safe-guards through private entities being unchecked, we risk the Aina and Wai for the present and future Hawaii generations.

We hope you will shelf SB1074 for all of Hawaii.

SB-1074-HD-1

Submitted on: 3/25/2025 7:56:20 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Zachary LaPrade	Calypso Charters	Support	Written Testimony Only

Comments:

Dear Chair, Vice Chair, and Committee Members,

I respectfully urge your support for SB1074, a bill crucial to allowing ocean tour operators in Kaanapali to continue their services during the environmental review process. Without this legislation, even well-regulated, longstanding operators who have met all permitting requirements could face extended shutdowns.

These operators provide both residents and visitors with a unique opportunity to experience Hawai'i's marine environment responsibly. They also play an important role in conservation by educating the public and promoting sustainable tourism practices.

SB1074 offers a balanced approach—safeguarding our natural resources while supporting the small ocean tour businesses that have operated under state oversight for decades. I encourage you to pass this bill to protect our local ocean tourism industry, the jobs it creates, and the families who depend on it.

Zachary LaPrade

SB-1074-HD-1

Submitted on: 3/25/2025 9:26:13 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Iwa Shaw	Absolute Charters, Inc	Support	Written Testimony Only

Comments:

Aloha. I strongly support this bill. Many longstanding, law abiding, revenue generating, job providing businesses would be greatly affected if not destroyed if not able to operate while an Environmental Review is completed. Any sort of pause in business would be extremwly detrimental to many people. This bill is fair, it allows the businesses to continue operating as they have while an EA is completed, which could take years. Please support this bill.

Mahalo,

Iwa Shaw, VP - Absolute Charters, Inc

SB-1074-HD-1

Submitted on: 3/25/2025 10:16:28 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Samuel Spurrier	The Westin Maui Resort & Spa, Ka'anapali	Support	Written Testimony Only

Comments:

Testimony in support of SB 1074

Aloha Chair and Members of the Committee,

I strongly support bill SB 1074. This bill allows for the environmental assessment to continue to ensure negative impacts are minimized while ensuring local businesses and local jobs are protected. This balanced and reasonable path forward provides a win-win scenario that I strongly support.

West Maui cannot afford to lose more businesses and jobs, and this bill helps to find a fair balance between environmental stewardship and economic stability.

Thank you for your continued efforts to lead our community into a sustainable & responsible future for all.

Mahalo,

Samuel Spurrier
Director of Sales & Marketing
The Westin Maui Resort & Spa, Ka'anapali

JDH SB 1074

3-27-25

Opposed to SB 1074 SD2 HD1 Re: recent Unconstitutional biased changes.

We must have this bill passed with proper wording! HB 661 is on the right track; please proceed with this version.

If HD changes remain, they may violate numerous sections of the law.

SB 1074 HD 1 amended the bill to apply only to one group of ocean users, ocean tourism, "12 authorized under chapter 200, Hawaii Revised Statutes".

This could be unconstitutional. **I have already heard that if this form of the bill passes, a lawsuit will be filed.**

The bill should apply to every user group; if not, there will be serious consequences for these ocean user groups. Decades of management, regulations, and laws on the books to govern these groups will be rendered ineffective due to a defective law, Act 343, the legislature created and appears unwilling to change.

The courts are ruling that Act. 343 applies to all permits issued by DLNR, DOBAR, and other agencies involved in ocean-related activities. Despite being sustainable and well-managed, these permits are being taken away. THIS MUST BE RESOLVED, or many long-standing long-term previously permitted businesses will shut down, and billions and thousands of jobs are at risk.

New Legislative laws are driven by the need to protect our general safety and ensure our rights as citizens against abuses by other individuals, organizations, and the government itself.

This bill appears to violate the Magnuson Steveson Act, which governs Marine Fisheries and protects sustainable fisheries.

The HD1 while exception only one user group, violates the 14th Amendment, 5th Amendment and other Equal Protection Clauses:

This clause states that no state shall "deny to any person within its jurisdiction the equal protection of the laws," which forms the basis for many anti-discrimination laws. All men are created equal (Not just exemptions for a few like Ocean Tourist groups).

- **Fifth Amendment:**

While the Fifth Amendment doesn't explicitly contain an equal protection clause, the Supreme Court has applied equal protection principles to the federal government through the Due Process Clause of the Fifth Amendment.

- **Other Amendments:**

The 13th Amendment abolished slavery, and the 15th Amendment granted voting rights to all citizens regardless of race, further solidifying the principle of equality and prohibiting discrimination.

- **National Origin:**

The Constitution prohibits discrimination based on national origin, with federal laws like those enforced by the Department of Justice's Civil Rights Division protecting against such discrimination.

Judicial Scrutiny:

- **Strict Scrutiny:**

When the government uses racial classifications or infringes upon fundamental rights, courts apply strict scrutiny, requiring the government to demonstrate a compelling interest and that the law or action is narrowly tailored to achieve that interest.

- **Rational Basis Scrutiny:**

For most other types of discrimination, courts apply rational basis scrutiny, requiring the government to demonstrate a legitimate reason for the classification.

HD 1 also appears to violate the "Public Access Doctrine": Our Constitutional Right to Sun, Surf, and Sand, 11 Ocean & Coastal L.J. (2005).

HD 1 violates *The oceans are the common heritage of all mankind*. In Norman A. Martínez Gutiérrez Ed. *Serving the Rule of International Maritime Law: Essays in Honour of Professor David Joseph Attard*, 157–175. Oxfordshire, U. K. Routledge.

United Nations Convention on the Law of the Sea (UNCLOS), The "common heritage of mankind" is a principle of international law stating that certain areas and resources, like the deep seabed and outer space, belong to all humanity and should be managed for the benefit of everyone, not exploited by individual nations or corporations.

The exceptions for permit removal **HD 1 should be changed to also apply to the following sections:**

[188 FISHING RIGHTS AND REGULATIONS](#)

[188C PACIFIC MARINE FISHERIES COMPACT](#)

[188E HAWAII FISHERIES COORDINATING COUNCIL \(REPEALED\)](#)

[188F WEST HAWAII REGIONAL FISHERY MANAGEMENT AREA](#)

[189 COMMERCIAL FISHING](#)

[189G AQUACULTURE ADVISORY COUNCIL \(REPEALED\)](#)

[190 MARINE LIFE CONSERVATION PROGRAM](#)

[190D OCEAN AND SUBMERGED LANDS LEASING](#)

If they do not, the bill will face legal changes. **I have already heard that if the s bill passes, Ocean Tourist Groups will be targeted in lawsuits by HEPA laws. After all, the tourist groups are where the Act. 343 ruling came from their lawsuit.**

Many feel they should be shut down, not fishers. They are the largest source of ecological impact on our oceans by far. This unconstitutional change to SB1074 HD1 will do just that: allow the lawsuit they want!

User group conflict and prejudice stem from individuals who are uncomfortable with ambiguity and thus make generalizations about others, ignoring the science and acting against a specific user group in this case.

“**Pseudoscience** consists of statements, [beliefs](#), or practices that claim to be both scientific and factual but are incompatible with the [scientific method](#).^[1][\[Note 1\]](#) Pseudoscience is often characterized by contradictory, exaggerated, or unfalsifiable claims; reliance on confirmation bias rather than rigorous attempts at refutation; lack of openness to evaluation by other experts; absence of systematic practices when developing hypotheses; and continued adherence to long after the pseudoscientific hypotheses have been experimentally discredited.”

Because [science](#) is a human endeavor, it benefits from our best traits – our curiosity, creativity, and perseverance. Unfortunately, it can also be affected by some of our worst motivations and beliefs – like racism, sexism, ageism, ableism, homophobia, and other forms of prejudice. These prejudices have shaped and continue to shape the course of science in many ways.

Built or used scientific “knowledge” to falsely justify prejudice and prejudiced actions

I hope you read all of this as a legislator. You should be familiar with all these laws and doctrines.

Thanks for your valuable time on this crucial subject.

Shared by,

Ron Tubbs B.S. N.D. UHM 8-year research degree.

SB-1074-HD-1

Submitted on: 3/26/2025 3:54:37 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Teresa Lynn	3two3 Promotions	Support	Written Testimony Only

Comments:

To whom it may concern,

We understand the importance of an environmental review, but we ask that you support SB1074. It is the only fair option to protect our natural resources allowing the ocean tourism to continue in Kaanapali while the review takes place.

Small ocean tour businesses have always operated responsibly and continue to do so. This industry and its tour operators allow visitors and residents to immerse themselves in the majesty of Hawai'i's marine environment which only educates and deepens the respect and desire for conservation.

Narrowing this Bill to just apply to "current" permit holders makes great sense and we support it. If this bill does not pass and operators are forced to shut down, the repercussions on the tourism industry, the businesses that support it and the families that rely on it will be devastating on a community that is still trying to recover from the fire.

WE ARE VERY MUCH IN SUPPORT OF PASSING SENATE BILL SB1074SD2BILL

Best regards

SB-1074-HD-1

Submitted on: 3/26/2025 5:11:18 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
kevin flanigan	schooner creek boat works	Support	Written Testimony Only

Comments:

Hello, I write in support of SB1074. My company, Schooner Creek Boat Works of Portland Oregon, is a builder of commercial catamarans. We have a number of boats we built sailing in Maui. We employ over 30 people to build and launch these boats.

If 1074 passes, we can be sure of businesses in Maui ordering new boats. Our employees are dependent on the active watersport community of Hawaii. Please pass this bill to allow permitted operations to continue in west Maui.

Thank You, Kevin Flanigan

SB-1074-HD-1

Submitted on: 3/26/2025 6:28:17 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jacob McFadin	Schooner Creek Boat Works	Support	Written Testimony Only

Comments:

I am writing to express my strong support for SB1074. The prohibition of current permitted commercial activity or operations would severely impact our boat building business in Portland, Oregon. Our company specializes in constructing catamarans for permit holders and potentially has a full schedule building new and replacing aging vessels. If these operators are no longer allowed to continue their businesses, we will lose years of work and face significant financial hardship.

SB-1074-HD-1

Submitted on: 3/26/2025 6:46:21 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Pat B Lindquist	Napili Bay and Beach Foundation	Oppose	Written Testimony Only

Comments:

Healthy reefs protect the shorelines of Hawaii, and tropical fish are crucial for healthy coral reefs. They have a vital role in nutrient cycling, algae control and overall reef health. Do not allow fishing for the aquarium trade, full stop.

Thank you,

Pat Lindquist

President, Napili Bay and Beach Foundation



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

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair
Rep. Mahina Poepoe, Vice Chair

Rep. Della Au Belatti	Rep. Gregg Takayama
Rep. Elle Cochran	Rep. Chris Todd
Rep. Mark J. Hashem	Rep. Diamond Garcia
Rep. Kirstin Kahaloa	Rep. Garner M. Shimizu
Rep. Amy A. Perruso	

**TESTIMONY OF THE OCEAN TOURISM COALITION IN STRONG SUPPORT
OF SB1074 SD2 HD1**

Dear Chair Tarnas, Vice Chair PoePoe, and Members of the Committee on Judiciary and Hawaiian Affairs

My name is Denver Coon. I am the president of the Ocean Tourism Coalition ("OTC"), representing hundreds of locally owned ocean tourism businesses across the state. I am also the third-generation owner of Trilogy Excursions, a family business that has operated on Maui and Lana'i for 52 years.

OTC is in strong support of SB1074 SD2 HD1. This bill is a narrowly tailored and fair solution to an issue affecting ocean tourism businesses operating under valid, state-issued permits in Kā'anapali. These businesses have been operating for decades and are heavily regulated by federal, state, and county regulations—and this bill does not change or weaken that oversight.

Importantly, the bill does not exempt these activities from Chapter 343, rather it allows them to continue lawful activity during the Chapter 343 environmental review process, while remaining in compliance with all existing regulations.

The Second Circuit court has continued the case until September 2025 to give DLNR the opportunity to issue an exemption determination. However, even if DLNR completes the exemption determination by the September 2025 deadline, that decision is not the end of the process. It will almost certainly be subject to legal challenge, as we've seen in similar cases. And once that happens, unless there is clear legislative guidance, the court may again consider halting permit renewals during the course of litigation—potentially for months or even years—until the issue is resolved.

This is precisely why SB1074 is necessary. It provides a statutory bridge: a narrowly tailored, temporary mechanism that preserves lawful operations and jobs during both the agency's review and any subsequent legal challenge. Without this bill, even a completed exemption determination could be effectively nullified by a court challenge, leaving workers, businesses, and DLNR itself in an unstable position with no clear direction.

SB1074 gives the courts, DLNR, and the public a clear statement of legislative intent: that temporary continuation is allowed under tightly defined conditions while the environmental review process plays out. It helps ensure predictability, continuity, and fairness in a regulatory landscape that is otherwise shaped by shifting court timelines and uncertain outcomes.

For the families who rely on Kā'anapali for their livelihoods—many of whom lost their homes and communities in the Lahaina fire—this bill will mean stability, hope, and the ability to move forward. Knowing they will still have a job allows people to make critical life decisions—whether rebuilding their homes or staying in the place they call home. SB1074 offers the kind of certainty that families need as they continue to heal and rebuild.

In short, SB1074 is a balanced, responsible, and necessary measure—one that protects livelihoods without compromising environmental responsibility. It is a win-win for both Hawaii's working families and for natural resource management.

We respectfully urge the Committee to pass this measure.

Sincerely,



Denver S. Coon
President, Ocean Tourism Coalition

SB-1074-HD-1

Submitted on: 3/26/2025 9:06:49 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tets Yamazaki	Kaanapali Beach Resort Association	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

I, Tets Yamazaki, General Manager of Sheraton Maui Resort & Spa, am in **support of SB1074**. I am fully in support of Ka'anapali boating and ocean recreation and passing SB1074.

I am writing on behalf of management and associates at the resort community.

Maui and Lahaina/Ka'anapali continues to be in critical condition. Recovery for us following the horrendous fires as residents, employees and businesspeople has been at a snail's pace that does not seem to be moving forward with any real pace now or for the foreseeable future.

Not having ocean activity will create a difficulty in tourists and visitors choosing Kaanapali as a destination and this will further set us behind in our recovery. We have already lost local residents working in our industry; we will anticipate more loss should the recovery of visitor further delays.

Hotels, tourism and the businesses related to the hospitality industry are struggling to regain any level of occupancy and productivity. Exacerbating this by any measure to remove, eliminate or further take away business or activities for our guests to participate in while staying in Ka'anapali or West Maui seems unconscionable. Due to a position taken recently by Judge Cahill "*ALL*" *businesses in Kaanapali for ocean recreation, boating and watersports will cease to exist once their current permits expire* and remain closed until an environmental assessment is conducted.

My interpretation of HB661 is that it provides for an operator to go forward and continue with their operations and services during the process of an environmental review. Services as permitted would be allowed to continue everything for operations as is normal circumstance if/when permits are challenged for environmental or other concerns. Having this continuation of services is very important as it allows the operator to remain in business and continue until or if reviews show that for any reason operations should be stopped. If narrowing this Bill to apply to Ka'anapali ORMA permit operators as was the intention assist in moving forward towards approval that would be fully acceptable.

I'm asking you to please vote for and *pass* SB1074 SD2 for the sake of our communities, families, business investments and small entrepreneurs that are the backbone of our economy.

Thank you for your time in reading and considering my testimony.

Mahalo,

Tets Yamazaki

General Manager

Sheraton Maui Resort & Spa

President, Kaanapali Beach Resort Association

SB-1074-HD-1

Submitted on: 3/26/2025 9:15:04 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
George F. Garnes III	Sailing Shipps	Support	In Person

Comments:

Dear Chair, Vice Chair, and Members of the Committee,

My name is George Garnes and I am in STRONG SUPPORT of SB1074. Please support SB1074 for ocean tour boats. This bill is essential to ensure that ocean tourism operators in Kaanapali can continue operating while undergoing environmental review. Without this bill, longstanding, law-abiding operators risk being shut down for years even though they have complied with all permitting requirements.

Us tour operators provide responsible access to Hawaii's marine environment for residents and visitors alike, while promoting education, conservation, and sustainable practices.

SB1074 strikes a reasonable balance by allowing 343 to do its job while preventing unnecessary harm to local businesses, employees, and families that depend on this industry. Please pass SB1074.

Mahalo for your time and consideration.

--George



P.O. Box 37158, Honolulu, Hawai`i 96837-0158
Phone: 927-0709 henry.lifeoftheland@gmail.com

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair

Rep. Mahina Poepoe, Vice Chair

DATE: Thursday, March 27, 2025

TIME: 2:00 p.m.

PLACE: Conference Room 325

SB 1074 EIS

OPPOSE

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee

Life of the Land is Hawai`i's own energy, environmental and community action group advocating for the people and `aina for 55 years. Our mission is to preserve and protect the life of the land through sound energy and land use policies and to promote open government through research, education, advocacy and, when necessary, litigation.

I appreciate that this measure has been amended to narrow its scope and to provide a sunset date for its provisions. However, it still flies in the face of our environmental review process as a mechanism for transparency, public engagement, due diligence, and prudent planning, before commercial uses of our vital coastal areas are permitted. Under this bill as currently drafted, the Department of Land and Natural Resources would be allowed to turn a blind eye to significant potential impacts to water quality, public and cultural practitioner access, public safety, public health, and cultural and ecological resources, among others, in authorizing the commercial use and occupation of our small boat harbors, beaches, and nearshore waters without the completion of any environmental review. Moreover, the negative consequences of this bill may be exacerbated by amendments made prior to

its passage, as well as after its potential enactment into law.

The continued movement of this measure will also prolong the uncertainty and fear that has been expressed by the Ka'anapali ocean tour operators, whose operations have been disrupted by the DLNR's refusal to comply with the environmental review law or accept a settlement offer that would address community concerns regarding water pollution, water safety, and public access. The DLNR's acceptance of such an offer would allow these tour operators to be issued permits nearly immediately, rather than wait the months it would take for this measure to be enacted into law. However, the DLNR has little incentive to agree to such a resolution if this bill remains alive and moving.

Please **HOLD SB1074 SD2 HD1**.

Mahalo,

Henry Curtis,
Executive Director

SB-1074-HD-1

Submitted on: 3/26/2025 9:44:28 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Diane Shepherd	Sierra Club, Maui Griup	Oppose	Written Testimony Only

Comments:

Aloha Legislators, I write again to ask that you not pass SB1074 which would weaken Hawai'i environmental protections. Ecosystems in the main Hawaiian Islands are severely threatened as is. To allow private entities to bypass environmental reviews would further degrade our environment. DLNR must do its job in a timely matter and complete the environmental process as defined in law, not short circuit it.

Hawai‘i Ocean Legislative Task Force



March 27, 2025

Hawai‘i State Legislature
House Committee on Judiciary & Hawaiian Affairs

Re: Testimony in OPPOSITION to SB1074 SD2 HD1, Relating to Environmental Impact Statements

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee,

The Ocean Legislative Task Force, a coalition of over 120 individuals and organizations committed to protecting Hawai‘i’s marine ecosystems, respectfully **opposes** SB1074 SD2 HD1.

This bill allows commercial activities under Chapter 200 to continue for up to one year—even if legally challenged—without completing an environmental review. This weakens Hawai‘i’s Environmental Protection Act (HEPA), which is vital to protecting our cultural and natural resources. This bill creates a loophole by allowing activities to bypass important environmental safeguards.

Mahalo for the opportunity to testify.

The Ocean Legislative Task Force advocates for measures that promote funding for natural resource protection and restoration, ocean resources, coral reefs, subsistence fishing, and coastal resilience, and other priorities.

SB-1074-HD-1

Submitted on: 3/26/2025 11:10:40 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Philippe Le Blanc	Sea Maui	Support	In Person

Comments:

Statement in Support of SB1074

Submitted by: Philippe Le Blanc, Chief Operating Officer, Sea Maui

Aloha Chair and Members of the Legislature,

I'm writing to voice my strong support for SB1074, a bill that is critical to protecting local businesses, jobs, and the stability of Maui's economy.

As the Chief Operating Officer of Sea Maui, I've seen firsthand how commercial operators like us have followed every regulation, secured the necessary permits, and upheld responsible environmental practices—only to now face uncertainty due to shifting interpretations of environmental laws. If long-standing businesses are suddenly forced to halt operations because of these changes, the consequences will be devastating.

We're talking about thousands of jobs that could be lost across multiple industries—tourism, boating, fishing, hospitality, and more. These aren't just businesses; they're the livelihoods of local families who are already struggling to recover from the economic toll of the recent wildfires. Maui's economy has taken a huge hit, and if we allow this regulatory uncertainty to force businesses to shut down, it will only deepen the crisis.

SB1074 provides a fair and necessary solution. It allows businesses with previously authorized permits to continue operating while undergoing environmental review, rather than being forced to shut down immediately. This common-sense approach protects jobs, preserves critical revenue streams for the county and state, and ensures that environmental oversight remains in place without unfairly punishing responsible businesses.

Hawaii must support its local businesses, especially now, when our communities are trying to rebuild and recover. I urge you to pass SB1074 to keep people employed, sustain Maui's economy, and maintain a fair regulatory process for businesses that have always followed the rules.

Mahalo for your time and consideration.

Philippe Le Blanc

Chief Operating Officer, Sea Maui

SB-1074-HD-1

Submitted on: 3/26/2025 11:13:40 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Hedwig Warrington	Kupuna for the Moopuna	Oppose	Written Testimony Only

Comments:

Kūpuna for the Mo‘opuna is in **STRONG OPPOSITION to SB1074 SD2 HD1**, a dangerous measure even as amended that continues to subvert the environmental review process and by extension, the public interest in our coastal and marine environment! Hewa!

For the sake of the next generations to come, **please do not pass S1074 SD2 HD1!**

Nicholas Ware
General Manager
Duke's Maui
Nick@dukesmaui.com
808-237-9024
March 26, 2025

Subject: Letter of Support for SB1074

Dear Legislators,

I am writing to express my strong support for Senate Bill 1074, which proposes essential amendments to Hawaii's environmental review process. As the General Manager of Duke's Maui, I have seen firsthand how critical it is to balance responsible environmental stewardship with the need to sustain our local businesses and workforce.

The devastating Lahaina Wildfire of 2023 has had a profound impact on West Maui's economy, displacing workers and forcing many businesses to close or significantly reduce operations. At a time when our community is striving to rebuild, SB1074 provides much-needed stability by allowing previously permitted activities under Chapter 200 to continue operating for up to one year while undergoing environmental review. This provision is vital to protecting existing jobs, ensuring that businesses can continue to employ residents and contribute to the economic recovery of our region.

Additionally, the bill's provision allowing permit renewals during the environmental review process is a necessary step in avoiding unnecessary business disruptions. Many businesses in West Maui are still navigating a challenging road to recovery, and a regulatory framework that supports continuity while maintaining environmental accountability is essential.

By passing SB1074, we can help protect jobs, sustain livelihoods, and foster economic resilience in West Maui, all while upholding responsible environmental review practices. I urge you and your colleagues to support this measure and help our community recover and thrive. Please feel free to contact me if you have any questions or need further insight from the hospitality industry's perspective.

Sincerely,

Nicholas Ware

A handwritten signature in black ink, appearing to be 'N. Ware', written in a cursive style.

General Manager
Duke's Maui

SB-1074-HD-1

Submitted on: 3/26/2025 11:23:51 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mike Marcol	Exclusive Limo Maui	Support	Written Testimony Only

Comments:

Statement in Support of SB1074

Submitted by: Mike Marcol, Owner, Exclusive Limo Maui

Aloha Chair and Members of the Legislature,

My name is Mike Marcol, and I'm the owner of Exclusive Limo Maui. I'm writing in strong support of SB1074 because my business, like many others on this island, depends on the continued operation of Maui's boating and ocean activity industry.

For years, we've provided transportation for guests heading to and from boat tours, snorkeling trips, and sunset cruises. When those boats are running, so are we. If they're forced to shut down because of sudden changes to how the laws are being applied—even after decades of operating legally—our business suffers too, and so do the drivers and staff who count on those jobs.

After the devastating wildfires, Maui's economy has been hanging on by a thread. People are still trying to get back on their feet. Taking away the ability for long-standing, permitted businesses to operate would only make things worse—not just for them, but for all the small, local companies connected to them.

SB1074 gives these businesses a fair chance. It allows them to keep working while going through environmental review, instead of being forced to shut down immediately. This bill keeps people employed and businesses running, while still respecting environmental processes.

Maui's families and local businesses need support, not more disruption. I urge you to pass SB1074 to help keep our economy alive and our community moving forward.

Mahalo for your time and consideration,

Mike Marcol

Owner, Exclusive Limo Maui

March 25, 2025

Aloha Committee members,

We are writing testimony in support of SB1074

Imagine a world where the heartbeat of West Maui is silenced, again. Closing these businesses on Maui won't just have a devastating impact on the tourism industry, which is already struggling to stay afloat—it's the ripple effect that will truly reshape lives.

When these businesses close their doors, it's not just the employees who will suffer. The businesses that depend on them—caterers, farmers, fiberglass workers, metal fabrication shops, activity centers in hotels, shopping centers, and so many others—will all feel the sting. These aren't just jobs; these are livelihoods, families, and entire communities at risk.

This isn't just about a single bill or a local issue—this is about protecting the heart of an economy and the people who keep it alive. That's why we stand behind SB1074. It's not just a bill; it's a lifeline for Maui, its people, and its future. Let's ensure we protect what makes this island so special.

Thank you very much for your consideration and time.

Jerry & Eryn Cook

Custom Metal Creations
831 Eha street #102
Wailuku, Hawaii 96793
808 244 1468
custom.metal1@gmail.com

SB-1074-HD-1

Submitted on: 3/26/2025 11:28:30 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gabe Miranda	Island Scuba Inc.	Support	Written Testimony Only

Comments:

Statement in Support of SB1074

Submitted by: Gabe Miranda, Island Scuba Inc. / Sea Maui Surf

Aloha Chair and Members of the Legislature,

My name is Gabe Miranda, and I run Sea Maui Surf in Kā‘anapali. I’m writing in strong support of SB1074 because this bill could make the difference between keeping our doors open or losing everything we’ve built.

Right now, not only are boat tours at risk—*every* ocean activity in Kā‘anapali is under threat. Surf schools, paddleboard rentals, snorkeling tours—you name it. Long-standing businesses with valid permits, like mine, are now facing the possibility of being shut down because of how the laws are suddenly being reinterpreted.

If that happens, what will visitors even *do* when they come to Maui? Ocean activities are a huge part of the experience. Without them, hotel occupancy will drop. Restaurants will feel it. Transportation companies will feel it. And most importantly, local people will lose their jobs. We’re not talking about a few businesses here—this would send a shockwave through Maui’s economy.

SB1074 is a practical and fair solution. It allows companies that have been playing by the rules to continue operating while going through the environmental review process. It doesn’t take away oversight—it just keeps the lights on while we follow the steps.

I urge you to support SB1074—for the future of our island, for our workers, and for the visitors who come here expecting to enjoy what Maui has always offered.

Mahalo,
Gabe Miranda
Sea Maui Surf

SB-1074-HD-1

Submitted on: 3/26/2025 11:32:07 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Danna Reyes	Fun Charters Inc.	Support	Written Testimony Only

Comments:

Statement in Support of SB1074

Submitted by: Danna Reyes, Fun Charters Inc.

Aloha Chair and Members of the Legislature,

My name is Danna Reyes, and I work with Fun Charters Inc., a long-time operator in Maui’s ocean activity industry. I’m writing today to express my strong support for SB1074 because it helps protect the many businesses and workers who are at risk of losing everything—not because they broke any rules, but because the rules are suddenly changing.

Our company, like many others on the water, has always operated with proper permits, followed environmental guidelines, and worked in full compliance with state regulations. But now, due to recent changes in how these laws are being interpreted, our future is uncertain. We’re being grouped in with new projects, even though we’ve been operating for decades without issue.

This isn’t just about one company—it’s about the entire network of businesses tied to ocean tourism in West Maui. Surf schools, catamaran tours, snorkel companies, even the hotels and restaurants—everyone feels the impact when one part shuts down. If SB1074 doesn’t pass, you’ll see more than just boats pulled off the beach. You’ll see job losses, business closures, and a big drop in visitor activity.

What this bill does is simple—it gives existing, permitted businesses the ability to keep operating while they go through the environmental review process. That means we don’t have to close our doors while waiting for decisions to be made. It keeps people employed and gives small businesses a fair shot at survival.

I urge you to vote in favor of SB1074 and help protect the future of Maui’s ocean economy and the local families who rely on it.

Mahalo for your time,

Danna Reyes

Fun Charters Inc.



COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair
Rep. Mahina Poepoe, Vice Chair

Subject: Testimony in **Strong Support of SB1074 SD2**– Relating to Environmental Impact Statements

Aloha Chair Rep. Tarnas and Vice Chair Rep. Poepoe and Members of the Committees,

I am Mendy Dant, President of Fair Wind Cruises and Kona Sunrise Charters, a family-owned business in Kona since 1971. As a long-time member of Hawaii's ocean tourism community, I strongly urge you to support SB1074 SD2. This bill is critical for ensuring the continued operation of local, family-owned businesses like ours, and it will help protect the livelihoods of thousands of Hawaii residents who depend on these businesses.

Many of Hawaii's ocean tourism businesses have been operating lawfully for decades, and we are deeply committed to our community and our environment. However, without immediate legislative action, companies like ours face the real threat of closure. SB1074 SD2 ensures that previously authorized or permitted activities and operations can continue while the appropriate agencies assess whether they are subject to or exempt from the review process.

This bill strikes a vital balance between protecting Hawaii's natural resources and supporting long-standing, regulated operations. It will also prevent unnecessary, redundant reviews, making the regulatory process more efficient while still maintaining the high environmental standards Hawaii is known for.

Hawaii's ocean tourism industry significantly contributes to the state's economy, providing thousands of jobs for local families. By passing SB1074 SD2, you will ensure that these families can continue to thrive and that our businesses, critical to the state's economy and culture, can operate without disruption.

Please vote YES on SB1074 SD2. Your support will help protect the future of Hawaii's ocean tourism industry and the families who rely on it.

Mahalo for considering this testimony.

Sincerely,
Mendy Dant
President
Fair Wind Cruises
Kona Sunrise Charters
Keauhou Bay, Kona, Hawaii

SB-1074-HD-1

Submitted on: 3/26/2025 11:38:21 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gabriel Lucy	Capt. Andy's Sailing Inc.	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Members of the Committee,

I am submitting testimony in strong support of SB 1074, SD2, HD1. I understand that this is the final time this important bill is being heard, and I want to express my appreciation for the opportunity to weigh in.

This bill provides a reasonable and balanced approach to ensuring continuity for long-standing commercial operations that have historically complied with regulatory requirements. The temporary continuation provision—while agencies determine the applicability of environmental review—is a practical solution that prevents abrupt disruptions to businesses and livelihoods, while still upholding environmental protections.

Allowing these operations to continue for up to one year under current compliance, and to renew permits during the review process, ensures fairness and avoids unintended consequences from evolving interpretations of the law.

Please pass SB 1074, SD2, HD1 to support regulatory clarity and protect responsible operators in our community.

Mahalo for your time and consideration.

SB-1074-HD-1

Submitted on: 3/26/2025 11:50:33 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Daniel Hazen	Holo Holo Charters, Inc.	Support	Written Testimony Only

Comments:

Dear Chair, Vice Chair, and Members of the Committee,

Please support SB1074 for ocean tour boats. This bill is essential to ensure that ocean tourism operators in Kaanapali can continue operating while undergoing environmental review. Without this bill, longstanding, law-abiding operators risk being shut down for years—even though they have complied with all permitting requirements.

These tour operators provide responsible access to Hawaii’s marine environment for residents and visitors alike, while promoting education, conservation, and sustainable practices.

SB1074 strikes a reasonable balance—allowing 343 to do its job while preventing unnecessary harm to local businesses, employees, and families that depend on this industry.

Please pass SB1074.

Mahalo,

Daniel Hazen

Holo Holo Charters, Inc.

SB-1074-HD-1

Submitted on: 3/26/2025 12:03:55 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rod Nichols	Ka'anapali Kai Charters	Support	Written Testimony Only

Comments:

I am Rod Nichols and I strongly support SB1074.

This bill strikes a fair balance between protecting Hawaii's natural resources and supporting long-standing and well regulated small businesses. These small businesses employ hundreds of employees and spend millions of dollars in our community. We cannot afford another industry shutdown. Families are already struggling. This bill does not in anyway provide a loop hole for fish collecting.

Mahalo for considering this testimony.

Sincerely,
Rod Nichols



REPRESENTATIVE DAVID A. TARNAS, CHAIR
REPRESENTATIVE MAHINA POEPOE, VICE CHAIR
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

TESTIMONY IN **STRONG OPPOSITION** TO SENATE BILL SB 1074, HD1,
RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

March 27, 2025, 2:00 p.m.
Conference Room 325
State Capitol
415 South Beretania Street

Dear Chair Tarnas, Vice-Chair Poepoe, and members of the House Committee on Judiciary & Hawaiian Affairs:

Earthjustice **strongly opposes SB 1074, HD1**, which, if passed, would gut core protections provided by the Hawai'i Environmental Policy Act ("HEPA"), one of Hawai'i's bedrock environmental laws. The proposed measure would allow the Department of Land and Natural Resources ("DLNR") to continue indefinitely rubberstamping approvals for commercial boating uses of public trust land, water, and ocean resources, no matter how environmentally and culturally destructive. This negates HEPA's fundamental purpose to consider and mitigate such impacts *before they occur*. Please reject and hold this bill.

The legislature established HEPA over 50 years ago to mandate the disclosure of environmental impacts and "ensure that environmental concerns are given appropriate consideration in decision making." Hawai'i Revised Statutes ("HRS") § 343-1. This purpose is just as or even more important today as when the law was originally passed. HEPA defines applicable "actions" to include "program[s] or project[s] initiated by an agency or applicant" and specifically identifies the types of actions that trigger the requirement for environmental review. *Id.* § 343-5(a). For decades, HEPA and its public review process have stood as a charter mandate for protecting Hawai'i's environment for the long-term benefit of its citizens. SB 1074, HD 1 cuts to the heart of HEPA's purpose, subordinating the public interest in service to "commercial activities."¹

SB 1074, HD1's preamble suggests that "the State's environmental review process" is to blame for "commercial operations" being "forced to cease operation." In the boating context and lawsuit underlying this bill, however, we understand that the plaintiffs have made repeated efforts to reach a settlement that would allow operations to continue with sensible provisions to mitigate environmental impacts pending a determination of whether the boating

¹ See House Stand. Com. Rep. No. 1398.

permits require environmental review or, alternatively, whether such permits may be eligible for HEPA exemptions. Most recently, in light of DLNR's obstinate refusals to pursue a negotiated agreement, the plaintiffs have asked the court directly to intervene and modify the terms of its order, again to allow commercial boating operations to continue. The legislature should respect the court process and not change the law on behalf of specific parties or interests in pending litigation, particularly when that party (*i.e.*, DLNR) has repeatedly roadblocked any near-term resolution of the lawsuit.

The further assertion that "recent court decisions have broadened the definition of 'action'" misrepresents the law. *See, e.g., Umberger v. Dep't of Land & Natural Res.*, 140 Hawai'i 500, 515-16, 403 P.3d 277, 292-93 (2017) (listing examples of "the wide range of activities and courses of conduct to which HEPA has been applied"); *see also* HRS § 343-2 (defining "action" broadly as "any program or project to be initiated by an agency or applicant"). The *Umberger* court based its interpretation of the term "action" on the plain, dictionary meanings of the words "program" and "project." 140 Hawai'i at 513, 403 P.3d at 290. More recently, in 2019, the Office of Environmental Quality Control promulgated specific further definitions for "program" and "project." Hawai'i Administrative Rules ("HAR") § 11-200.1-2. If anything, the courts and the 2019 HEPA rules have *narrowed* the definition of "action" by providing greater clarity as to what "action" means.

Having begun from faulty premises, SB 1074, HD 1 then subverts HEPA's core purpose by proposing to allow ongoing or recurring permitted boating activities to continue even while undergoing environmental review. This is an overblown response to the stated reasons for the legislation and threatens to cause sweeping damage beyond its intended scope. Giving a free pass to ongoing activities under HEPA would mean that, in instances where such activities are in fact causing environmental damage, they would be allowed to heedlessly continue, even if environmental review is required and even if it is determined that continuing the action would have significant environmental effects. Put simply, SB 1074 is gross overkill: it threatens to undo decades of environmental progress in Hawai'i, and it is entirely unnecessary to achieve its stated goals.

HEPA already expressly provides that agencies may exempt from environmental review "specific types of actions, because they will probably have minimal or no significant effects on the environment." Haw. Rev. Stat. § 343-6(a)(2); *see also* HAR §§ 11-200.1-15, -16, -17 (provisions for general exemptions, agency-specific exemption lists, and procedures for exemption notices). These provisions have been in place and available to state agencies for decades and are still available now to exempt minor activities and allow them to continue. Agency inaction, delay, or recalcitrance in processing appropriate exemptions is no reason to dismantle HEPA. Rather it only highlights the need for the agency to respect the law and process and allow it to work and fulfill its fundamental purpose.

It is by now common knowledge that this and similar bills this session are targeted at a specific circumstance on Maui involving commercial tour boat operators in Ka'anapali. Again, we understand that, thanks to the efforts of the community plaintiffs in the Ka'anapali lawsuit, the case is headed toward a resolution that would allow tour operations to continue, with conditions that address the West Maui community's concerns including ocean safety. In other words, HEPA appears to be fulfilling its purpose in that case.

Indeed, commercial tour boat operators, even more than most commercial entities, rely directly on healthy marine ecosystems for their business, and many of the operators testifying to the legislature on this and related bills have repeatedly stated that they do not wish to compromise environmental protections. HEPA has long been an important and necessary tool for protecting Hawai'i's natural and cultural resources, including specifically our marine ecosystems. Gutting HEPA as proposed in SB 1074, HD 1 will ultimately hurt these businesses along with the rest of the community and public who share in these ocean resources. We urge this Committee to hold this bill and foster real solutions to identifiable and actionable issues, rather than capitulate to overreactions, fearmongering, or government intransigence.

For these reasons, Earthjustice strongly opposes SB 1074, HD 1 and respectfully requests that it be held. Mahalo nui for this opportunity to testify. Please do not hesitate to contact us with any further questions or for further information.



Isaac H. Moriwake
Kylie Wager Cruz
Elena L. Bryant
Mahesh Cleveland
Earthjustice,
Mid-Pacific Office

SB-1074-HD-1

Submitted on: 3/26/2025 12:41:37 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ashley Roussel	Sail Maui	Support	Written Testimony Only

Comments:

Testimony in Support of SB1074 (HD1)

Submitted by: Ashley Roussel, Maui Resident and Business Operator

Date: March 26, 2025

Position: Support

Aloha Chair and Committee Members,

I am writing in strong support of SB1074 (HD1), which provides a fair and reasonable framework for allowing permitted and authorized operations under Chapter 200, Hawai‘i Revised Statutes, to continue during the environmental review process.

This bill strikes a necessary balance between environmental responsibility and operational continuity. It ensures that lawful, permitted activities—many of which contribute significantly to Hawai‘i’s economy and local communities—can remain operational while undergoing proper environmental scrutiny. The proposed one-year continuation window and permit renewal allowance are practical, time-bound measures that prevent unnecessary disruption to businesses and livelihoods, especially those already in compliance.

As a business operator committed to responsible stewardship of our natural resources, I appreciate legislation that both honors environmental due diligence and supports those who are operating in good faith within the regulatory framework. SB1074 reflects that balance and offers a thoughtful path forward.

Mahalo for considering this testimony in support.

Sincerely,
Ashley Roussel
Sail Maui

SB-1074-HD-1

Submitted on: 3/26/2025 12:50:26 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sands Dyer	Sailing Shipps, LTD. dba Gemini Sailing Charters	Support	Remotely Via Zoom

Comments:

loha,

I am submitting my testimony in **STRONG** support of HB 1074. The passing of this bill ensures the security of hundreds of jobs on the already struggling west side of Maui in regards to the recovery efforts after the Lahaina wildfires. Our businesses cannot afford to endure another shutdown while an EA or an EIS is conducted. The west side of Maui will feel the negative effects for even longer if the Ka'anapali permittees are forced to shut down business once again. Our local economy depends on tourism and there will be a strong ripple down effect to many more people in Lahaina that are already struggling. The passing of SB 1074 is paramount to the recovery of Lahaina and the safety of hundreds of jobs that support local families of Lahaina. We have all endured enough and this bill will go a long way to bring stabilization to locally owned businesses and locally employed families.

Thank you for hearing my testimony,

Sands Dyer,

President, Sailing Shipps LTD. dba Gemini Charters



Testimony of Nā Alakaʻi o ʻAhahui o Hawaiʻi

Before the House Committee on Judiciary and Hawaiian Affairs

Wednesday, March 26, 2025

State Capitol, House Conference Room 325

415 South Beretania Street

Honolulu, HI 96813

Re: SB1074 SD2 HD1

Aloha e Chair Tarnas, Vice-Chair Poepoe, and committee members,

We are the alakaʻi of ʻAhahui o Hawaiʻi (“the Hui”), an organization of law student advocates at the William S. Richardson School of Law. For over 50 years, the Hui has advocated for Native Hawaiian justice in all areas of law, especially those affecting Native Hawaiian communities, traditional and customary practices, resource management, and environmental protection. Today we submit this **testimony in strong OPPOSITION of SB1074 SD2 HD1.**

ʻAhahui’s key concerns with SB1074 are that it:

- Allows any ongoing or recurring permitted activities to continue while undergoing environmental review;
- Allows any permits to be renewed while undergoing environmental review;
- Suggests that any long-standing commercial operations should not be subject to an assessment for environmental compliance.

Despite recent amendments that limit the scope of SB1074 to commercial boating activities, **this measure continues to undermine the foundational environmental protections established under the Hawaiʻi Environmental Policy Act (HEPA) and sets a reckless precedent.** As an organization dedicated to the stewardship of our ʻāina and the protection of Native Hawaiian Rights, we recognize that SB1074 would result in devastating consequences to Hawaiʻi’s natural resources, cultural practices, and indigenous rights. **HEPA was designed to prevent environmental harm before it occurs** by ensuring that businesses and developers will thoroughly analyze all the possible impacts their proposals, projects, and operations will have before impacts may occur.

Hawaiʻi has an extensive history of legal battles where HEPA has played a critical role in safeguarding and further establishing Native Hawaiian traditional and customary rights, the public trust and the duty to aloha ʻāina. SB1074 would completely dismantle these protections by allowing projects to continue operating despite clear violations of these duties and rights, for a period long enough to cause

Nā Alakaʻi o ʻAhahui o Hawaiʻi

Advocates for Native Hawaiian Justice

William S. Richardson School of Law | University of Hawaiʻi at Mānoa



ʻAHAHUI
O HAWAII
Advocates for Native Hawaiian Justice

irreversible harm—effectively erasing them before accountability can be enforced. Supporters of this bill suggest that recent judicial findings now subject many long-standing commercial entities to halt their business for new environmental reviews. However, these supporters fail to note that HEPA already provides for exempting minor activities that the governing agency may find have no significant impacts. Businesses should expect the requirement to mitigate impacts upon discovering them and embrace their duty as commercial entities in Hawaiʻi to adhere to our tradition of aloha ʻāina and prioritize long-term well-being over short-term gain.

The principles enshrined in HEPA and the Hawaiʻi State Constitution make it clear that environmental stewardship is not optional—it is a legal duty. Allowing projects to bypass proper environmental review sets a dangerous precedent that prioritizes private business interests over the well-being of the environment, the people, and our future generations.

We urge you to **HOLD SB1074 SD2 HD1** and uphold Hawaiʻi’s environmental law. We cannot afford to make exceptions when it comes to protecting the land and waters that sustain us. As lawmakers, you have the opportunity to uphold your kuleana to the people of Hawaiʻi by ensuring that environmental review remains a proactive, necessary step in all decision-making.

Please vote in opposition to SB1074 and in favor of the people, land, and resources your office represents.

Mahalo for this opportunity to provide this testimony.

Aloha ʻĀina!

Nā Alakaʻi o ʻAhahui o Hawaiʻi

Nā Alakaʻi:

B. Oriana McCallum (ʻ25)

Andrea Leialoha Mākuanani (ʻ25)

Kyle K. Moriguchi (ʻ26)

Bronson Gonzales (ʻ26)

Lenei Naipo (ʻ27)

Derek Kamakanaaloha Soong (ʻ27)

Aloha Chair and Committee Members,

My name is Tony Coscia, and I serve as the Operations Manager for Captain Andy's Sailing Adventures, a locally owned and operated sailing charter company that has provided unforgettable experiences along Kauai's Nā Pali Coast for decades. I am submitting this testimony in strong support of SB 1074.

SB 1074 provides critical protections for operations that have been legally permitted and renewed within the last 12 months by allowing them to continue while the necessary environmental determinations are made. This measure ensures that businesses are not unfairly forced to shut down overnight due to an unexpected regulatory shift—something that could lead to significant job losses, economic harm, and disruptions to Hawaii's tourism industry.

Importantly, this bill does not allow businesses to bypass environmental protections. It simply provides a reasonable transition period to prevent unnecessary business closures while the review process takes place. This is a fair and balanced approach that allows Hawaii to uphold its environmental standards without unduly punishing companies that have followed the rules for years.

At Captain Andy's, we fully support efforts to preserve and protect Hawaii's natural resources, but we also believe that long-standing, law-abiding businesses should not be put in jeopardy due to evolving interpretations of regulations. SB 1074 strikes the right balance, and I respectfully urge the committee to pass this bill.

Mahalo for your time and consideration.

Tony Coscia
Operations Manager
Captain Andy's Sailing Adventures



SB-1074-HD-1

Submitted on: 3/26/2025 1:17:36 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mike Nakachi	Moana Ohana	Oppose	In Person

Comments:

Kakahiaka no, This is Mike Nakachi from Moku o keawe from the District of Kekahawaiole, representing myself and Moana Ohana and I strongly oppose SB1074 SD2 HD1 which would allow a vast range of illegally authorized activities to continue, potentially indefinitely, without a required consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

Our environmental review law allows decisionmakers and the public to make more fully informed decisions that can balance and mitigate potential long-term impacts to the public interest from certain proposed activities, before those activities and their impacts are allowed to proceed. This ensures prudent planning while reducing conflict, minimizing adverse outcomes, and safeguarding the health and well-being of present and future generations.

Unfortunately, the failure of certain departments to comply with this law before authorizing certain actions - such as permitting the take of an unlimited number of of ecologically critical marine specimens for the aquarium trade, or the decades-long dewatering of streams in East Maui - has resulted in severe and in some cases irreparable ecological, cultural, social, and economic harms that could and should have been avoided through the prudent planning embodied in our environmental review law. HEPA is needed to build capacity for Aina Momona!

By allowing illegally authorized activities to continue while environmental review challenges are resolved - something that has taken literal decades in the dewatering of East Maui's streams - this bill would turn our environmental review process into an afterthought, legitimizing unlawful and irresponsible agency practices that have inflicted and that will continue to inflict tremendous generational harms and injustices upon our islands and communities.

I urge you to oppose SB1074 SD2 HD1

Mahalo nui loa, Mike Nakachi Moana 'Ohana, Moku o Keawe

TESTIMONY IN FULL SUPPORT OF SB1074

Chair Tarnas. Vice Chair Poepoe and committee members, thank you for the opportunity to submit my thoughts, concerns and testimony relating to SB1074

For nearly 50 years I've been a resident, businessperson and highly involved member of the West Maui and Lahaina community. Having been through a United Airlines strike, Gulf Wars, SARS, Covid and most recently our tragic and heartbreaking Lahaina fire I've encountered many changes and challenges in our community. The recovery, if one can call it that, from the recent fires may be the hardest and most protracted process moving past all other noted impacts. With that in mind I implore you to please consider "not" delivering one more damaging and fatal blow to our business community, hospitality industry and job base here in West Maui. Even beyond the timing the threat of losing all boating and ocean recreation in Ka'anapali with valid permit holders and generational companies forced from business is unfathomable. If indeed an assessment of resource impact is needed, then shutting down the currently permitted businesses while this is ordered and prepared would be a terrible proposition. The well over 250 families impacted and the many, many support industries having to face a devastating blow like complete shutdown would be unrecoverable. These businesses, many of which as noted, have been valuable and supportive members of our community for decades. The owner's financial contributions towards keeping their businesses updated, fresh and marketable through personal commitment and bank loans would be completely lost. They would be forced to sell off millions of dollars of assets at a loss since these cannot simply sit in the water and then magically restart in 3,4 or more years post conclusion of area assessment. This Bill is the lifeline for continuation of services, and it is the "only" lifeline as, contrary to some earlier⁴ testimonies, no agreement, deal or arrangement is pending with DLNT, the boating community or plaintiffs seeking to shut down operations. Please do not allow this to occur. Support us, Maui, our families and our multigenerational businesses.

In a more in-depth review of "collateral damage" to multiple parties consider the following:

- The boating operations in Ka'anapali in a cumulative number provide over 220,000 meals of various types to their passengers on different snorkel cruises, whale watch sails, private charters, and sunset dinner or sunset pupu sails. Now, consider the hundreds of people, families and jobs impacted if that goes away. The caterers that provide the food would be impacted, the person or persons ordering the food would be impacted, the persons delivering the food would be impacted, the people and companies selling the food to the caterers would be impacted and many others not first considered.
- The hotels having fewer and less activities to provide for potential guests would be significantly impacted. With no Lahaina, 100+ less shops, 100+ less restaurants and no Lahaina Harbor and no boating and ocean recreation in Ka'anapali it would not be

a far leap to see potential visitors question why travel to West Maui or even Hawai'i for that matter.

- Tax base revenues to the State of Hawai'i would be severely reduced. An approximate figure for all revenues generated by all permit holders operating boating and ocean recreation in Ka'anapali is \$60 million annually. At 4.5% the sales tax on that is \$2.7 million, that goes away. Every boating operator in Ka'anapali now pays, as of 2025, \$1.00 per passenger for every person they allow on board, that all goes away
- All ocean recreation companies that hold valid ORMA permits in Ka'anapali must, as part of their permit, pay DLNR 3% of every dollar collected. With the above noted approximate figure of \$60 million in sales the 3% figure of \$1.8 million goes away
- The alcoholic and non-alcoholic beverage companies providing all beverages for boating operations would cease to have that business. This trickles down to less drivers needed, less warehouse people needed, less management needed, less shipping and receiving people needed and other impacts.
- Many island travel agencies staff, activities desk employees and concierge will lose jobs as there would be a drastic reduction in available activities. No Lahaina Harbor, no boating in Ka'anapali, no areas to participate in whale watching without driving to the other side of the island. With no ocean recreation there is no need for those that market and promote these activities
- Uber drivers, cars, and bus companies are all affected if less people are coming to West Maui due to less things to do. Other competing resort destinations would love this opportunity
- Restaurants and all retail in Whalers Village and surrounding areas will lose revenues and as such require less staffing and possibly become less viable as a business if all those pre-and-post activity passengers and participants just vanish

The most tragic impact of not passing SB1074 will be the human aspect and the impact on individuals, families, and long-standing businesspeople. The secondary financial and resort impact details above are also staggering and totally unnecessary byproduct. The revisions to SB1074 limiting the scope to just relate to "current" permit holders will allow for these businesses to continue, these families and employees to remain employed and stay on Maui and the noted collateral damage to be avoided "while" assessments are considered and completed. Please PASS SB1074 for all of us.

Sincerely,

Michael T. Kelley



Please Vote NO - DEFER SB1074 SD2 HD1 / HB661 HD2

The gutting of the EPA places more responsibility on the State.

These bills deeply undermine the State's ability to protect natural and cultural resources.

SB1074 SD2 HD1: Proposed in the name of Kā'anapali ORMA permit-holders with no extractive activities, this bill represents an assault on Kāne'ōhe Bay coral reefs and state marine ecosystems by **exempting all of the massive 74-part HRS Chapter 200 from normal HEPA rules**, including *all new and high-impact commercial activities in Kāne'ōhe Bay and all high-speed boating and commercial tourism throughout state waters permitted by DLNR in the future, prior to the sunset of this bill.*

HB661 HD2: Proposed in the name of Kā'anapali ORMA permit-holders with no extractive activities, this bill represents an assault on Kāne'ōhe Bay, Papahānoumokuākea,¹ other marine protected areas² and all marine ecosystems in the state by exempting from normal HEPA rules an enormous range of *future* controversial high-impact extractive and commercial activities found not only in HRS Chapter 200 but also in 187A, 188, 189, and 190, including aquarium fishing,³ aquaculture,⁴ the operation of thrill craft, commercial high-speed boating throughout state waters⁵, and *all* commercial ocean use activities in Kaneohe Bay.⁶

The proposed exemptions apply to **future** permits issued by DLNR - there is NO language limiting the bill to *existing* Kā'anapali ORMA permittees for non-extractive purposes.

Instead, these bills propose to allow all of these activities to proceed *prior to any environmental review* – regardless of how damaging or irreversible the impacts on public trust lands and waters - until DLNR finally conducts an environmental review which, in the past, has taken decades. A complete and unacceptable reversal of normal HEPA rules.

These bills also provide a **perverse incentive** and have encouraged DLNR to delay efforts to resolve the Kā'anapali issue through simple known steps (parking, waste management plans, etc.) *including during current negotiations.*

Instead of improving DLNR accountability, these bills release DLNR from accountability under the law.

The plight of the boaters harmed by DLNR negligence is being used as a Trojan Horse to undermine protections for public trust natural and cultural resources throughout the state. Please oppose these bills.

Summary - SB1074 HD1 and HB661 HD2

As described, repeatedly, in House and Senate Committee notes, these controversial bills originated as an effort to correct the harms arising from a specific circumstance on Maui involving years of DLNR neglect of a group of commercial tour boat owners operating for decades on the Kā'anapali coast who currently had annual ORMA permits and who have been harmed by DLNR inaction impacting their permit renewals.

DLNR can simply resolve this issue - at any point in time, including now - by taking simple known steps (parking, waste management plans, etc.). There is no need for any legislative action.⁷ (Details below.)

The bills have morphed from a “backward-looking” effort to address prior and current harm caused by DLNR in Kā’anapali into broad forward-looking bills - in no way focused on **non-extractive** Kā’anapali businesses – and propose to exempt a staggeringly wide range of controversial high-impact and extractive activities throughout our public trust lands and waters from normal HEPA requirements.

These bills vastly increase DLNR’s unaccountability by exempting a wide range of new permits that DLNR could issue in the future – no matter how harmful or damaging – from normal HEPA requirements with direct impacts on our fragile ecosystems, coral reefs, and cultural practices.

Under this amended language, if DLNR – once again - illegally issues permits without any environmental review for damaging and potentially irreversible activities in violation of HEPA, and affected community members would be – once again – forced to sue DLNR as the only recourse possible. This law would allow such an activity – no matter how illegal or irreversibly damaging - to continue for at least an entire year – in violation of HEPA – with the potential to continue for far longer than a year.

SB1074 HD1 proposes exempting **HRS 200** - a lengthy statute with over 70 sections and subsections⁸ covering a wide range of high impact ocean activities including the operation of thrill craft, “commercial high speed boating” throughout all state waters from normal HEPA requirements. (i.e. HRS §200-37 *Operation of thrill craft; parasailing; water sledding; commercial high speed boating.*)

This bill poses a direct threat to the fragile reef systems of Kāne’ohe Bay by specifically exempting all commercial ocean activities in Kāne’ohe Bay from normal HEPA requirements, including controversial commercial high-speed boating, parasailing, water sledding, commercial sailing, diving and fishing tours, etc. (i.e. HRS §200-39 *Kaneohe Bay commercial ocean use activities; permits; restrictions.*) Kāne’ohe Bay is the only bay in Hawai’i Nei which features fringing, patch and barrier reef systems. It is highly vulnerable to damage, with a long history of boaters slamming into reefs.⁹

In 2023, the legislature approved a bill to *strengthen* protections for Kāne’ohe Bay from out-of-control commercial activities (HB1134 – 2023). This bill represents a threatening step backwards.

It is utterly unreasonable to exempt this entire statute from normal HEPA requirements - an extraordinary and unacceptable weakening of Hawai’i’s foundational environmental law.

Vague Language of SB1074 SD2 HD1 - applies to future permits

Despite the House and Senate descriptions of the purpose of the bill as a remedy for the Kā’anapali issue, nowhere does the language of the bill restrict it to (1) *existing Ka’anapali ORMA permit holders* or (2) *existing permit holders at all*.

If the proposed amendments to HEPA temporarily applied to *existing Kā’anapali permittees and their existing permits*, *this would be specified in the language of the bill*. Instead, the bill states

“For purposes of this section, "permitted or authorized" means having a valid permit or authorization issued under chapter 200 that has been renewed within twelve months preceding the initiation of proceedings under this section”

This bill is brought forth – according to Committee reports - under the guise of addressing complaints that in Kā’anapali, “long-standing commercial operations may be forced to cease operation despite their decades-long compliance with regulatory requirements.”

But the language does not:

- 1) Apply solely **to existing, long term Kā'anapali ORMA permit holders** with a **record of regulatory compliance**;
 - a. Instead, it applies to ALL activities with a valid permit under the 74-part HRS 200 - including **all commercial ocean use activities in Kāne'ohe Bay and high impact commercial activities, high speed boating throughout state waters**
- 2) Apply solely to permits *already in existence as of a given prior date*, say January 1, 2025 – i.e. a time-stamped definition of “existing permits” -
 - a. Instead, this bill applies to permits that DLNR may grant in the future. I.e. DLNR illegally – without any environmental review – could issue a permit for a new and highly damaging activity June 1, 2025. On September 2025, this new activity could then be considered a “previously permitted” activity and this bill would thus apply to it, exempting this new activity from HEPA requirements for *a minimum of a year*.

“Protecting Marine Resources”

Claims have been made that this bill “protects marine resources” by “limiting” the permits for marine activities.

While the bill does not provide HEPA exemptions to “construction, grading, dredging, or other structural modifications to land, waterways, or marine environments”, it opens the door wide to high impact extractive activities such as aquarium fishing, prohibited fishing in protected state waters of Papahānaumokuākea, high-risk high-impact activities throughout Kāne'ohe Bay and all of state waters – all of which can deeply endanger our marine ecosystems.

The Kā'anapali ocean tourism permit holders and the Ocean Tourism Coalition - who the bills were designed to benefit - have testified that the broad language “*could be interpreted to allow a wide range of activities far beyond the scope of what we believe the bill intends to address.*” They seek “*narrowly tailored*” language addressed specifically at commercial boats *already previously permitted for decades (30 – 50 years)* in Kā'anapali and engaged in *non-extractive* activities and would accept a *sunset clause* for the bills.¹⁰

This complete and unacceptable reversal of HEPA - which requires either a determination of minimal impact (no review required) or an environmental review PRIOR to allowing an activity - has generated **widespread public opposition** from fishers, recreational and commercial ocean users, leading cultural practitioners, civic clubs, scientists, former and current members of the Papahānaumokuākea Advisory Council and citizens throughout the islands.¹¹

The gutting of the US EPA, the threats to NEPA, and the chaotic directives from Washington, D.C. increase the responsibility of the State to protect our public trust natural and cultural resources.

At a time like this, when federal protections are being eviscerated, we must ensure the continued strength of our state protections and uphold accountability requirements for State agencies.

HB661 HD2

HB661 HD2 proposes exempting not only HRS 200, but in addition, HRS chapters 187A, 188, 189, and 190, posing a direct threat not only to Kāneʻohe Bay, but also to Papahānaumokuākea¹² and public trust resources throughout our islands.

This bill even excludes high-impact extractive activities in the marine environment from normal HEPA requirements, including

- Long-prohibited fishing and lobster harvest in Papahānaumokuākea (HRS §188-37, §189-6)
- Aquarium fishing throughout the islands (HRS §187A-3.5, §188-31)
- Anchoring and boating in Marine Life Conservation Districts throughout the islands (HRS §190-4.5)
- Aquaculture throughout state waters (HRS §187A-3.5)
- Coral harvesting, longlining and other commercial fishing throughout state waters (HRS §188-68, §189-2, §189-2.5)
- The operation of thrill craft, commercial high-speed boating throughout state waters (HRS §200-37)
- All commercial ocean activities in Kāneʻohe Bay (HRS §200-39)

This bill represents a dangerous attempt to eviscerate environmental protections throughout Hawaiʻi Nei.

Overview of Statutes proposed for exemption from HEPA by DLNR in HB661 HD2 - HRS chapters 187A, 188, 189, 190, and 200

§187A Aquatic Resources

§187A-3.5 Aquaculturist license and license to sell prohibited aquatic life.

§188 Fishing Rights and Regulations

§188-31 Permits to take aquatic life for aquarium.

§188-37 Fishing in the Northwestern Hawaiian Islands.

§188-68 Permits for coral and rock with marine life attached.

§189 Commercial Fishing

§189-2.5 Longline fishing.

§189-2 Commercial marine license and commercial marine vessel license.

§189-6 Licenses for marine life from waters not within state jurisdiction -> “lobsters taken from the waters of the Northwestern Hawaiian Islands.”

§190 Marine Life Conservation Program

§190-4 Permits.

§190-4.5 Anchoring, boating, and mooring in marine life conservation districts.

§200 Ocean Recreation and Coastal Area Programs consists of 5 Parts and 74 Sections or Sub-sections, covering a wide range of activities, including:

§200-37 Operation of **thrill craft; parasailing; water sledding; commercial high speed boating.**

§200-39 **Kaneohe Bay commercial ocean use activities.**

§200-36 **Preemption of local law and special rules** asserts that” If any ordinance or rule of any county of the State conflicts or is inconsistent with this part or with the rules adopted pursuant thereto, the ordinance or rule

shall be void,” possibly **hampering a County government** from adopting stricter rules, or prohibiting certain ocean recreation activities in areas deemed environmentally or culturally sensitive.

DLNR and The Origin of HB661 HD2 and SB1047 SD2

For decades, DLNR:

- **Illegally issued and automatically renewed Kā’anapali ocean tourism permits** in an increasingly crowded area without any environmental review and without any assessment to show that due to minimal impacts, no environmental review was required;
- **Constantly ignored community concerns** about waste dumping, shoreline access and gathering rights, ocean safety and coral reef damage on the Kā’anapali coast;
- **Got sued¹³ in 2017** by cultural practitioners of Maui’s Na Papa’i Wawae ‘Ula’ula, the West Maui Preservation Association and well known waterman, Randy Draper, for failure to conduct environmental reviews or assess whether the Kā’anapali activities caused minimal harm and should therefore be exempt from environmental review;
- **Lost the lawsuit** and was enjoined from issuing or renewing any Kā’anapali commercial ocean use permits until a determination is made that either the activities are exempt from HEPA or an environmental review is completed;
- **Despite the past 8 years of lawsuit, DLNR has still failed to do mandatory environmental reviews** and failed determine that – if there are only minimal impacts from Ka’anapali ocean tourism – no environmental review is necessary.

On February 27, 2025, under pointed questioning by JHA Committee Vice Chair Representative Mahina Poepoe who reminded DLNR that their mandatory duty is to protect public resources on behalf of the public, DLNR’s Chang admitted that despite having been engaged in litigation for 8 years on the subject, despite knowing the results of other similar cases, and despite longstanding complaints about waste dumping, shoreline access, accidents, ocean safety issues and lawsuits, DLNR still had not even begun to initiate any environmental reviews of the Kā’anapali ocean tourism permit-holders. DLNR Chair Chang stated that reviews would take (and could have taken) 6 to 8 months to complete.

On March 18, 2025, a DLNR representative was questioned by the Committee (EEP/WAL hearing) whether any environmental assessment had been initiated, including a good-faith effort to determine whether or not Kā’anapali activities could automatically be excluded from the need to do an EA or EIS as a result of a finding of no significant impact. DLNR indicated that they still had not begun any assessment.

In addition, DLNR has refused to respond to suggestions by plaintiffs to resolve the issues by implementing simple solutions such as having boat companies secure parking for their customers, provide waste management plans (since the commercial operators claimed that they were not waste dumping) and mark clear ingress/egress spots on the beach to avoid accidents.¹⁴

Instead of doing their job of environmental review or responding to suggestions by plaintiff for solutions to the Kā’anapali problems, DLNR now proposes to gut HEPA, and introduce extraordinarily damaging threats to our public trust environment, instead of carrying out the kuleana of preservation for future generations.

Mahalo nui loa,

On behalf of the Northwestern Hawaiian Islands hui:

Isaac "Paka" Harp, fisherman

Former NWHI Reserve Advisory Council Vice-Chair
Former Chair of the NWHI Reserve Enforcement Working Group
Papahānaumokuākea Cultural Working Group, Founding member

Stephanie Fried, Ph.D.

Former Reserve Advisory Council Alternate Member
Senior Scientist, Environmental Defense Fund, 1995-2009

Victoria Holt Takamine, Kumu Hula

Executive Director, PA'I Foundation
2024 Lillian Gish Award recipient
Papahānaumokuākea Cultural Working Group member

Dave Raney

Former NWHI Reserve Advisory Council Secretary
Former U.S. Coral Reef Task Force Member
Former Chair, Sierra Club Coral Reef Subcommittee

Cha Smith, Founder KAHEA: The Hawaiian Environmental Alliance

¹ HRS Chapter 188 – includes §188-37 *Fishing in the Northwestern Hawaiian Islands* and HRS Chapter 189 – *Commercial fishing*, including “**lobsters taken from the waters of the Northwestern Hawaiian Islands**”. See: https://www.capitol.hawaii.gov/hrscurrent/Vol03_Ch0121-0200D/HRS0188/HRS_0188-0037.htm

In response to questions from the JHA committee, DLNR Chair Chang carefully testified that the proposed language of the bill does not apply to *current* activities in Papahānaumokuākea . It is true that *currently* no permits for commercial fishing or extractive activities are issued in Papahānaumokuākea and that, *currently*, there is a certain management structure for the region. If, however, state NWHI State Refuge protections are weakened or if the Papahānaumokuākea management structure changes – there are currently efforts underway in Washington DC and in Hawai’i to do this - **the proposed HEPA exemptions (HRS 188 and 189 pertaining to extractive activities in the Northwestern Hawaiian Islands) would apply to future activities in Papahānaumokuākea.** These rules would come into play if the state weakens NWHI State Refuge protections. There are indications that this could occur. See details re Papahānaumokuākea: <https://nwhihui.wordpress.com/legislation/>

² HRS Chapter 190 – *Marine Life Conservation Program*

³ HRS Chapter 188 – *Fishing Rights and Regulations, includes §188-31 Permits to take aquatic life for aquarium purposes.*

⁴ HRS Chapter 187A – *Aquatic Resources*

⁵ HRS Chapter 200 – includes §200-37 *Operation of thrill craft; parasailing; water sledding; commercial high speed boating.*

⁶ HRS Chapter 200 – includes §200-39 *Kaneohe Bay commercial ocean use activities; permits; restrictions.*

⁷ Plaintiffs in the Kā’anapali lawsuit have offered **simple solutions** that the state could implement but has never done so, including:

- “Having boat companies secure parking for their customers so they don’t take public access stalls;
- Requiring companies to provide plans for waste management disposal; and
- Creating clear ingress and egress markings on the beach to avoid potential accidents like the [Teralani catamaran that grounded in September](#) and injured four people.”

<https://mauiNOW.com/2025/01/05/preservation-groups-demand-state-follow-court-order-and-pause-commercial-permits-at-kaanapali-beach-until-study-is-done/>;

⁸ **HRS §200** - https://www.capitol.hawaii.gov/hrscurrent/Vol03_Ch0121-0200D/HRS0200/HRS_0200-.htm

Part I. General Provisions	–	31 Sections or Subsections
Part II. Boating Law	–	22 Sections or Subsections
Part III. Abandoned Vessels on Public and Private Property Generally --		9 Sections or Subsections
Part IV. Vessels Abandoned on Premises of Persons Engaged in Repair Business, Private Marinas, Yacht Clubs, or on Other Private Property		5 Sections

Part V. Trespass to Vessel - 3 Sections
Part VI. Vessel Identification Numbers - 4 Sections

In addition to §200-39 – regarding **all** commercial ocean use activities in Kaneohe Bay and §200-37 on thrill craft, commercial high speed boating, etc. throughout the state, **Section §200-36** (*Preemption of local law and special rules*) asserts that “If any ordinance or rule of any county of the State conflicts or is inconsistent with this part or with the rules adopted pursuant thereto, the ordinance or rule shall be void,” possibly **hampering a County government** from adopting stricter rules, or from prohibiting certain ocean recreation activities in areas deemed environmentally or culturally sensitive.

⁹ Boater admits hitting coral in Kaneohe Bay - no penalty or apparent enforcement response:

<https://www.bdoutdoors.com/forums/threads/late-report-but-gotta-get-it-off-my-chest-kaneohe-first-time-in-the-new-boat-ran-aground-and-bolo.592814/>; Examples of reported boat grounding incidents – many incidents are not reported: boat runs aground, catches fire in Kaneohe Bay: <https://www.youtube.com/watch?v=p6KrgPyhLj4> ; <https://www.hawaiinewsnow.com/story/20059157/boat-destroys-coral-and-concerns-environmentalists/>; <https://www.hawaiinewsnow.com/story/20112676/boat-stuck-on-kaneohe-reef-for-another-day/>;

¹⁰ Written testimony submitted by Ocean Tourism Coalition, Kā’anapali commercial tour boat permittees, Sheraton Maui, Maui Banyan, etc. <https://nwhihui.wordpress.com/legislation/>

¹¹ These bills are widely opposed throughout the islands including by fishers, commercial and recreational ocean users, scientists, cultural practitioners, the Environmental Caucus of the Democratic Party of Hawai‘i, Office of Hawaiian Affairs; Snorkel Bob’s, Ted Bohlen, former Deputy Attorney General for 14 years; He‘eia National Estuary Research Reserve; Native Hawaiian Legal Corporation; Sierra Club of Hawai‘i; Ko‘olaupoko Hawaiian Civic Club; ‘Ilio‘ulaokalani Coalition; Na Papa‘i Wawae ‘Ula‘ula; Hawaii’s Thousand Friends; Northwestern Hawaiian Islands Hui; Pua Ali‘i ‘Ilima; Malu ‘Aina; Kanaeokana, Kula Hawai‘i Network;; Conservation Council for Hawai‘i; Friends of Hanauma Bay; Ko‘olau Foundation; Pō‘ai Wai Ola; Shark Stewards; Moana Ohana; Hawaii Island Aha Moku; Nā Kia‘i Kai; Hawai‘i Reef and Ocean Coalition; Hui Maka‘ainana o Makana; Na Kia‘i o Wai Ha; Environmental Justice Club of the University of Hawaii at Manoa; Green Party of Hawai‘i; Surfrider Foundation Hawai‘i Region; Free Access Coalition; Kua‘āina Ulu ‘Auamo; For the Fishes; Surfrider Foundation Kauai Chapter; Kauhakō ‘Ohana Association; Kupuna for the Moopuna; League of Women Voters of Hawaii; Makahanaloa Fishing Association; Center for Biological Diversity; Ko‘olauloa Hawaiian Civic Club; Recycle Hawaii; Animal Rights Hawai‘i; Kihei Community Association; Native Hawaiian Legal Corporation; Earthjustice; Sierra Club Maui Group; current and former members of the Papahānaumokuākea Advisory Council, kumu hula and cultural practitioners throughout the islands including Vicky Holt Takamine, Dr. Pualani Kanaka‘ole Kanahale, Michael Pili Pang, Kuhio Lewis CEO, Council for Native Hawaiian Advancement, Grammy Nominee, Robert Uluwehi Cazimero, Kumu Hinaleimoana Wong-Kalu, Tehani Gonzado, Lahela Ka‘aihue, Nā Kumu Hula Sonny Ching & Lopaka Igarta-De Vera, Nā Kumu Hula Lono Padilla and Keano Kapu Kumu Hula Mehanaokalā Hind Kumu Hula Kuana Torres Kahele, among others.

¹² HRS Chapter 188 – includes §188-37 *Fishing in the Northwestern Hawaiian Islands* and HRS Chapter 189 – *Commercial fishing*, including “**lobsters taken from the waters of the Northwestern Hawaiian Islands**”. See: https://www.capitol.hawaii.gov/hrscurrent/Vol03_Ch0121-0200D/HRS0188/HRS_0188-0037.htm

¹³ <https://savewestmaui.com/2017/11/23/lawsuit-calls-for-study-of-tour-boat-operations-off-kaanapali/>

¹⁴ Plaintiffs have offered **simple solutions** that the state could implement but has never done so, including:

- “*Having boat companies secure parking for their customers so they don’t take public access stalls;*
- *Requiring companies to provide plans for waste management disposal; and*
- *Creating clear ingress and egress markings on the beach to avoid potential accidents like the [Teralani catamaran that grounded in September](#) and injured four people.”*

<https://mauinow.com/2025/01/05/preservation-groups-demand-state-follow-court-order-and-pause-commercial-permits-at-kaanapali-beach-until-study-is-done/>;

**Testimony in STRONG OPPOSITION to SB 1074, HD 1
Relating to Environmental Impact Statements**

**House Committee on Judiciary & Hawaiian Affairs
Hearing: March 27, 2025, at 2:00 PM
State Capitol Conference Room 325**

Aloha e Chair Tarnas, Vice Chair Poepoe, and Committee Members,

Nā Kiaʻi Kai submits this testimony in **strong opposition to SB 1074, HD 1**. We urge this committee to reject this bill.

Nā Kiaʻi Kai is a community-based organization established by West Kauaʻi residents, including Native Hawaiian fishers and cultural practitioners, to protect West Kauaʻi's river and coastal waters, humans, and aquatic life from pollution. For decades, Nā Kiaʻi Kai has advocated on behalf of our community against a multitude of environmental harms.

For more than a century, West Kauaʻi has borne the brunt of the island's environmental and cultural injustices. Beginning in the late 1800s, sugar plantations filled and channelized the Mānā Plain—once home to a thriving network of wetlands and freshwater springs—to artificially create dry land suitable for sugar cultivation. For over a century, these sugar plantations dammed and completely drained the Waimea River and its tributaries to irrigate its crops. This water pumping and water diversion infrastructure is still in operation today and has all but destroyed the complex stream, wetland, and reef ecosystems along West Kauaʻi from mauka to makai.

After the last sugar plantation closed in 2000, it did little to clean up and remediate the land it had once occupied, leaving the soil and water contaminated with long-lasting pesticides. With the end of the plantation era, the biotech industry saw an opening to seize agricultural lands on the Mānā Plain and quickly transformed West Kauaʻi into ground zero for agrochemical “GMO” operations. Rampant pesticide use on the west side came to a head in 2006 and 2008, when students and staff at Waimea Canyon Middle School were taken to the hospital suffering symptoms of pesticide exposure.

West Kauaʻi also hosts numerous industrial uses, including a gravel and asphalt plant, a county wastewater treatment plant, a sand and rock mining operation, and a U.S. Navy base that occupies a vast stretch of coastline. Agricultural and industrial runoff is discharged along the West Kauaʻi coastline and has devastated our once-thriving reef ecosystems and traditional fishing grounds. West Kauaʻi is also home to the island's only landfill.

Through decades of advocacy, our community has become far more aware of our rights and the legal tools we have to protect our resources, our livelihoods, and the health and well-being of our future generations. HEPA has been and continues to be a valuable legal

tool for our community by ensuring government decision-makers consider the environmental and cultural impacts of activities before they occur. This bill would allow decision-makers to bypass consideration of environmental harms and give a free pass to industries to continue destructive environmental practices without first complying with the law. Our communities have successfully taken agencies like DLNR to court to demand accountability. This bill would eliminate this hard-fought progress and send us back to the days when corporate interests trumped pono stewardship of our lands and resources.

Nā Kia'i Kai strongly urges this Committee to protect the integrity of one of the most valuable legal tools we have to protect our community by voting **NO to SB 1074, HD 1.**

Mahalo for the opportunity to testify,

Kawai Warren
President, Nā Kia'i Kai

House Committee on Judiciary & Hawaiian Affairs
Hearing: March 27, 2025, at 2:00 PM
State Capitol Conference Room 325

Pō‘ai Wai Ola’s Testimony in STRONG OPPOSITION to SB 1074, SD 2, HD 1

Aloha e Chair Tarnas, Vice Chair Poepoe, and Committee Members,

Pō‘ai Wai Ola submits this testimony in strong opposition to SB 1074, SD 2, HD 1.

Pō‘ai Wai Ola is a community-based organization of residents in West Kaua‘i. Pō‘ai Wai Ola members are cultural practitioners, maha‘ai (farmers), and fresh water and reef lawai‘a (fishers). Our roots in the West Kaua‘i ahupua‘a span many generations. Our hui is dedicated to managing and conserving water resources for present and future generations and protecting the long-term sustainability and health of our watershed, from its mauka headwaters to makai nearshore marine areas.

Waimea River is the lifeblood of our community and supports a host of protected instream public trust uses—such as kalo cultivation and subsistence gathering. For generations, our community has watched as the Waimea River’s waters were diverted, first to feed plantations, and then by corporate farms who took over operation of the outdated and inefficient plantation-era water diversion infrastructure. For decades, tens of millions of gallons of water were diverted from the river every day, often causing large stretches of the river to run dry, cutting off the connection between the mountains and the sea. Throughout our lives, those with power and money have decided what to do with Waimea River’s precious water resources, which are supposed to belong to all of us. This is a power dynamic our community continues to combat as we seek to restore Waimea River flows to support public trust uses and restore dwindling populations of native streamlife that have been devastated by decades of wholesale water diversion.

Through decades of advocating to restore Waimea River flows to protect our community’s resources and preserve our traditional and customary practices, our community has become far more aware of our rights, and we have remained vigilant to make sure those rights are respected. The Hawai‘i Environmental Policy Act, or HEPA, has been a necessary and valuable legal tool for our community to protect our resources, our practices, our livelihoods, and the health and well-being of our future generations.

This bill threatens one of the few legal tools rural communities like West Kaua‘i has to protect itself from corporate greed. SB 1074, SD 2, HD 1 would turn HEPA on its head, allowing destructive activities to continue for years on end without any prior look at the action’s environmental impacts, mitigation measures, and alternatives. This is moving us backwards, to where we were a century ago when corporate diverters were allowed to make wholesale diversions of valuable water resources without regard to the disastrous impacts it would have on our communities, our livelihoods, and our environment.

Pō'ai Wai Ola is deeply concerned about how this bill would give a blanket free pass to commercial users of our public trust land, water, and ocean resources, no matter what the harms. We strongly urge this committee to protect one of our bedrock environmental laws and uphold fundamental principles of pono environmental stewardship. **Please vote 'A'OLE to SB 1074, SD 2, HD 1.**

Mahalo for the opportunity to testify on this important bill.

John A'ana
Vice-President, Pō'ai Wai Ola



House Committee on Judiciary & Hawaiian Affairs
March 27, 2025, at 2:00 PM, State Capitol Conference Room 325

Kūmano I Ke Ala's Testimony in STRONG OPPOSITION to SB 1074

Aloha e Chair Tarnas, Vice Chair Poepoe, and Committee Members,

Kūmano I Ke Ala submits this testimony in **strong opposition to SB 1074**. Kūmano I Ke Ala ("KIKA") is a 501(c)(3) non-profit community-based organization with the mission of empowering West Kaua'i through native land rehabilitation, food system revitalization, workforce training and youth development. Our work is centered around purveying Hawaiian culture, designing restored agricultural spaces, engaging the next generation of cultural practitioners and increasing commercial production of kalo locally to secure long term community access to affordable native Hawaiian staple foods.

Since 2015, KIKA has come to steward over 50 acres of indigenous agricultural land in West Kaua'i, revitalizing traditional Hawaiian practices like mahi'ai kalo (kalo farming) to promote food sovereignty and sustainability. Through hands-on stewardship, KIKA engages thousands of residents, especially youth, fostering a deep connection to 'āina while creating green jobs, preserving culture, educating future generations and improving access to kalo and other native Hawaiian food staples. In 2024, KIKA processed and sold 70,000 pounds of kalo to support local farmers and increase Hawai'i's food sovereignty, collaborated with volunteers for a total of 8,800 volunteer hours at site visits and community workdays, and directly engaged 5,000 Hawai'i youth with cultural educational experiences. The work we do at KIKA depends on pono environmental stewardship of 'āina, consistent access to wai, and the continued ability to preserve and protect our cultural sites and practices.

By significantly gutting HEPA, SB 1074 threatens our community's continued ability to protect our public trust land, water, and ocean resources from environmentally destructive activities and to demand accountability from government decision-makers. HEPA's core purpose is to ensure that government decision-makers are fulfilling their kuleana (responsibility) to consider the environmental and cultural impacts of activities, as well as mitigation measures and alternatives, *before* an activity is permitted to occur. SB 1074 would turn HEPA on its head and allow state agencies to rubberstamp permits for environmentally destructive activities without prior consideration of impacts until such time as the agency finally gets around to looking at the impacts to 'āina and kānaka. This is not what HEPA was intended to do.

Kūmano I Ke Ala strongly urges your Committee to uphold the integrity and purpose of HEPA and **VOTE 'A'OLE on SB 1074**.

Me ke aloha 'āina,
Kaina Makua, President, Kūmano I Ke Ala

SB-1074-HD-1

Submitted on: 3/26/2025 1:48:58 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Virginia Armstrong	Kona Snorkel Trips	Support	Written Testimony Only

Comments:

Dear Chair, Vice Chair, and Members of the Committee,

I respectfully urge your support for **SB1074**, which is critical for the continued operation of ocean tour boat companies in Kaaanapali during the environmental review process. Without this bill, well-established and compliant operators face the risk of being forced to shut down for years—despite meeting all existing permitting requirements.

These companies provide responsible, educational, and sustainable access to Hawaii’s marine environment for both residents and visitors. They play a vital role in promoting ocean conservation and environmental stewardship.

SB1074 offers a balanced approach—allowing the Chapter 343 environmental review process to move forward without inflicting unnecessary harm on local businesses, workers, and families who depend on this industry for their livelihoods.

I respectfully ask you to pass SB1074.

Thank you for your consideration.

Best Fishes,
Virginia

SB-1074-HD-1

Submitted on: 3/26/2025 2:00:08 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kai Nishiki	Na Papai Waewae Ula ula	Oppose	Remotely Via Zoom

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the House Judiciary & Hawaiian Affairs Committee,

My name is Kai Nishiki from Maui, and I am writing in strong **OPPOSITION** to **SB1074 SD2 HD1**.

Frankly, if the Department of Land and Natural Resources (DLNR) continues to operate as though its primary responsibility is to promote commercial ocean tourism—rather than protect the public trust—then it might as well hand over its permitting authority to the Hawaii Tourism Authority. If DLNR’s legal counsel, Miranda Steed, is going to continue advocating for policies that undermine environmental review, public access, and cultural rights, perhaps she should go work for them too.

DLNR is not a business development agency. It is a resource management agency, entrusted with a sacred kuleana. The mission of the Department of Land and Natural Resources is clear: *“to enhance, protect, conserve, and manage Hawaii’s unique and limited natural, cultural, and historic resources held in public trust for current and future generations, in partnership with others from the public and private sectors.”*

This bill blatantly contradicts that mission. SB1074 SD2 HD1 would allow DLNR to authorize commercial use of small boat harbors, beaches, and nearshore waters **without** completing any environmental review—completely bypassing public input and sidestepping consideration of serious potential impacts to water quality, marine ecosystems, cultural practices, and public safety.

We have continued to offer DLNR a very reasonable settlement that would allow ocean tour operators to continue operations during the environmental review process through the implementation of basic protective measures—such as temporary safety buoys and parking advisories. DLNR refused to even discuss it. So we filed that proposal with the court, and it is now set for a decision by April 16, 2025, or sooner.

The continued advancement of this measure only prolongs the uncertainty and anxiety felt by the Ka’anapali ocean tour operators. Their operations have been disrupted—not by the environmental review process itself—but by DLNR’s ongoing refusal to comply with the law or engage in good faith resolution. Accepting our offer would allow permits to be issued almost

immediately—**much faster** than waiting for this bill to pass and take effect. But as long as this bill stays alive, DLNR has little incentive to do the right thing.

Please hold this measure. DLNR must be held accountable to its mission and to the public it serves—not to the convenience of commercial interests. Hawai‘i’s natural and cultural resources deserve protection, not a political workaround.

Mahalo for your time and consideration.

~Kai Nishiki



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

HEARING BEFORE THE HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 325
Thursday, March 27, 2025 AT 2:00 P.M.

To The Honorable David A. Tarnas, Chair
The Honorable Mahina Poepoe, Vice Chair
Members of the Committee on Judiciary & Hawaiian Affairs

SUPPORT SB1074 SD2 HD1 RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

The Maui Chamber of Commerce **SUPPORTS SB1074 SD2 HD1**, which allows an activity or operation that is permitted or authorized under chapter 200, Hawaii Revised Statutes, and renewed within twelve months preceding the initiation of proceedings to determine whether the activity or operation is subject to environmental review to continue operation for one year while the appropriate agency makes the determination and conducts any necessary environmental review; and allows a person with oversight of a previously authorized or permitted activity to renew the appropriate permits while under the environmental review process.

The Chamber emphasizes that these permitted activities have been conducted for decades without incident. Our collaboration with commercial ocean recreation permittees has shown that they often exceed environmental protection standards, ensure guest safety, and comply with regulations. Many permit holders are exemplary stewards of the environment, educating both residents and visitors on how to safeguard the ocean and marine life. This is especially true for the Ka'anapali Ocean Recreation Management Area (ORMA) operators, who need full support as we all recover from the recent disasters. If this bill is not passed, not only will Ka'anapali operators face significant challenges, but it will also greatly impact state revenues from permit fees to DLNR, general excise tax (GET) revenue, and more.

While exemptions may not always be feasible under state law, we appreciate that this bill allows the department to extend existing permits and expedite the environmental assessment process. This approach provides a balanced solution that addresses both environmental protection and the economic well-being of our community.

We prefer the previous draft (SD2) be reinstated as it allows for more flexibility in the types of activities that have been operating for a long time.

For these reasons we **SUPPORT SB1074 SD2 HD1** and respectfully request that it or the previous version (**SD2**) be passed.

Sincerely,

Pamela Tumpap
President

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



KO'OLAUPOKO HAWAIIAN CIVIC CLUB

House Committee on Judiciary & Hawaiian Affairs
March 27, 2025, at 2:00 PM, State Capitol Conference Room 325

Testimony in **STRONG OPPOSITION** to SB1047, SD 2, HD 1 Relating to Environmental Impact Statements

Aloha Chair Tarnas, Chair Poepoe, and Honorable Committee Members,

The Ko'olaupoko Hawaiian Civic Club (KPHCC) submits this testimony in strong opposition to SB1074, SD 2, HD 1. KPHCC is a not-for-profit community organization established in 1937 by a group of kama'āina residents in the Ko'olaupoko area. Our membership exceeds 100 adult and 'ōpio members including cultural practitioners, community leaders, lawai'a, and descendants of konohiki families with roots in the Ko'olaupoko community dating back to time immemorial. KPHCC's primary mission is to perpetuate and cultivate Native Hawaiian culture and values, including lawai'a pono, mālama 'āina, 'āina momona, and aloha 'āina. KPHCC furthers its mission through advocacy, volunteerism, community engagement, and education.

Ending commercial aquarium collection in Ko'olaupoko (which includes Kāne'ōhe Bay, a collection hot-spot), has been a club priority for decades. Our club mission and lifeways depend upon Hawai'i's coral reef ecosystems, which provide recreational, cultural, educational, subsistence, and other social benefits, as well as ecological and structural protections against the effects of climate change. For many years, the KPHCC and its members have actively engaged in legislative and administrative efforts to prohibit commercial aquarium collection statewide.

Thanks to the Hawai'i Environmental Policy Act ("HEPA") and recent court rulings, our reefs have finally gotten a break from unlimited aquarium extraction while the collectors and the Department of Land and Natural Resources ("DLNR") take a hard look at environmental and cultural impacts, mitigation measures, and alternatives through the public environmental review process, a process our club has been actively engaged. HEPA has allowed our community to demand accountability by DLNR for our public trust resources.

SB 1074, SD 2, HD1 would undo decades of public education and advocacy efforts to ensure informed agency decision-making *before* handing the global pet market a free pass to extract millions of fish and invertebrates from Hawai'i's reefs. SB 1074, SD 2, HD 1 would turn HEPA review into an afterthought—a meaningless formality to rationalize or justify decisions already made. Please do not hand agencies like DLNR a blank check to rubberstamp environmentally harmful activities like commercial aquarium collection without any prior look at the action's environmental impacts.

The Ko'olaupoko Hawaiian Civic Club was established in 1937 and is one of the largest in the Association of Hawaiian Civic Clubs nationwide. Ko'olaupoko HCC is a not-for-profit community organization dedicated to preserving and perpetuating the history, heritage and culture of Native Hawaiians and providing leadership and scholarships. Its membership is open to people of Hawaiian ancestry and those who are "Hawaiian at heart."



KO`OLAUPOKO HAWAIIAN CIVIC CLUB

HEPA is the cornerstone of Hawai'i's statutory environmental protections. The KPHCC strongly urges your Committee to uphold the integrity of HEPA and **vote 'A'OLE to SB 1074, SD 2, HD 1.**

Me ke aloha 'āina,

Charles Na'umu Pelekikena (President)
Ko'olaupoko Hawaiian Civic Club

The Ko'olaupoko Hawaiian Civic Club was established in 1937 and is one of the largest in the Association of Hawaiian Civic Clubs nationwide. Ko'olaupoko HCC is a not-for-profit community organization dedicated to preserving and perpetuating the history, heritage and culture of Native Hawaiians and providing leadership and scholarships. Its membership is open to people of Hawaiian ancestry and those who are "Hawaiian at heart."



Hawaii's Thousand Friends

335 Hahani Street #342132 * Kailua, HI 96734 * Phone (808) 262-0682 E-Mail: htf3000@gmail.com

March 27, 2025

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David a. Tarnas, Chair

Rep. Mahina Poepoe, Vice Chair

SB 1074 SD2 HD1

RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

Chair Tarnas, Vice Chair Poepoe and Committee members

Hawaii's Thousand Friends, a non-profit organization dedicated to ensuring that appropriate planning, management and land use decisions are made that protect the environment, human health and cultural resources and that decision are made in conformity with the law opposes SB 1074 SD2 HD1.

SB 1074 SD2 HD1 changes Hawaii's environmental review law HRS 343 to allow activities, which have been permitted without consideration of impacts to the environment, and natural and cultural resources to continue until the appropriate agency determines *after-the-fact* that the activity is required to follow HRS 343 or is exempt from environmental review.

Just because departments have not required certain activities to conduct an Environmental Assessment or Environmental Impact Statement doesn't make impacts to the environment, cultural and natural resources any less harmful.

In addition, ignoring HRS 343 processes eliminates the public's opportunity to participate in environmental oversight of activities that may impact their community and robs decision makers of information needed to make informed decisions

We urge you to not condone these past practices and hold SB 1074 SD2 HD1 in committee.

SB-1074-HD-1

Submitted on: 3/27/2025 4:53:31 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Julie Bogert	Maui Concierge Services	Support	Written Testimony Only

Comments:

Dear Chair, Vice Chair, and Members of the Committee,

Please support SB1074 for ocean tour boats. This bill is essential to ensure that ocean tourism operators in Ka'anapali can continue operating while undergoing environmental review. Without this bill, longstanding, law-abiding operators risk being shut down for years—even though they have complied with all permitting requirements for many years.

These tour operators provide responsible access to Hawaii's marine environment for residents and visitors alike, while promoting education, conservation, and sustainable practices.

SB1074 strikes a reasonable balance—allowing 343 to do its job while preventing unnecessary harm to local businesses, employees, and families that depend on this industry.

Please pass SB1074.

Mahalo,

Julie Bogert

Lobby Concierge, The Ritz-Carlton Maui, Kapalua



March 27, 2025

House Committee on Judiciary and Hawaiian Affairs
Hawaii State Legislature
Via Electronic Transmission

Re: Testimony in OPPOSITION of SB1074 SD2 HD1, Relating Environmental Impact Statements
Hearing: Thursday, March 27, 2025, 2:00 PM CR 325 Via Videoconference

To: The Honorable Chair Tarnas, Vice Chair Poepoe and Members of the Committee,

Surfrider Foundation Hawaii Region strongly opposes Senate Bill 1074 SD2 HD1 which would allow state agencies to permit commercial activities even before environmental review is complete. This undercuts the core function of the Hawaii Environmental Policy Act (HRS Ch. 343), which requires a hard look at environmental impacts *before* a potentially hazardous commercial activity is permitted.

Surfrider Foundation is a grassroots activist network dedicated to the protection of our oceans, waves, and beaches. Our chapters on Maui, O'ahu, and Kaua'i have tirelessly defended and protected Hawaii's coastal and marine environments for decades. Hawaii's environmental review process is pivotal to this mission.

We appreciate amendments that narrow the scope of this bill providing a twelve month limit on extensions and tailoring activities to previously issued permits (rather than all previous activities). However, this bill is still concerning as it disrupts the environmental review process which centers planning, transparency, and public input prior to commercial use of our precious coastal areas.

We oppose SB1074 for the following reasons:

This Bill is Unnecessary

Chapter 343 *already* allows exemptions or streamlined processes for activities that are not likely to be environmentally hazardous. This includes benign permit renewals if a commercial activity has been operated safely in the past.

Undermines the Environmental Review Process.

The efficacy of the environmental review process relies on the foundation that it prevents harm. This bill would essentially rubber-stamp commercial activities and provide protections after the fact.

Opens a Dangerous Door for Commercial Operators

Despite recent amendments narrowing the bill to previously permitted activities, this distinction is still shockingly broad and invites exploitation at the cost of the environment. SB1074 SD2 HD1 would allow commercial operators a licence to proceed because they were previously permitted regardless of how outdated or inadequate those approvals may have been.

Prioritizes Commercial Activities Over Environmental Responsibility

This bill sends the wrong message and prioritizes commercial operators over environmental responsibility. At a time when Hawai'i's natural and cultural resources face ever increasing threats, including environmental protections being viciously dismantled and gutted on a national level- Hawai'i needs to stand firm in our environmental laws and protections with the utmost diligence. I urge you to OPPOSE SB 1074 SD 2.

Mahalo for the opportunity to provide testimony on this important matter.

Sincerely,

Hanna Lilley
Hawai'i Regional Manager
Surfrider Foundation

SB-1074-HD-1

Submitted on: 3/25/2025 11:28:19 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alexis Akeo	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

My name is Alexis Akeo, and I am writing in **strong support of SB1074**.

This bill is essential in ensuring that previously permitted activities can continue operating while undergoing environmental review if their permits are challenged. By allowing businesses to remain open during this process, SB1074 helps maintain regulatory stability and prevents unnecessary disruptions for compliant operators.

SB1074 upholds environmental protections while also preventing redundant reviews that can impose excessive financial and operational burdens on longstanding, law-abiding businesses. It strikes a fair balance between preserving Hawai'i's natural resources and supporting regulated commercial activities that have been an integral part of our local economy for years.

Requiring lawfully permitted operators to cease operations while waiting years for environmental studies to be conducted coupled with significant financial resources required for the maintenance of these vessels will inevitably result in business closures and job losses. History has shown that once certain industries lose their permits and are shut down, they do not return. We cannot afford to let this happen again, especially when so many businesses and residents depend on these activities for their livelihoods.

I respectfully urge the committee to pass SB1074 and help protect Hawai'i's local businesses and working families.

Mahalo for your time and consideration.

Sincerely,
Alexis Akeo

SB-1074-HD-1

Submitted on: 3/25/2025 11:48:01 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Amy Dewbre	Individual	Support	Written Testimony Only

Comments:

Aloha,

Please pass the bill to allow the boats on Ka'anapali to run while the environmental survey is being planned and executed.

I have lived through COVID, Lāhainā fires, and now to have the government with it's foot on my jugular ready to bleed the last of my wages into the sand - I am angry!

Thousands like myself will lose our jobs. Jobs that are at a level of pay impossible to replicate on Maui. You have restauranters, concierge, hotel staff and management, retail stores and workers, and literally thousands of local tourist based local businesses that will go bankrupt.

As a hard working mother of four children, one about to go to college, I ask why you as a government would bury the hard working people and business owners of the West Side, decimate an enormous tax revenue base, and cower to a few radical people who don't work at all and prefer to create chaos.

As a Concierge Services Manager of two West Dide Ka'anapali Beach hotels, I can emphatically state our tourists will go elsewhere and not return if you stop the boats and businesses running on the beach.

In this day and age, why anyone would be for shutting down businesses that pay a fair and living wage is beyond me. Ascend from the cluttered cries of a small group of non-working radicals and protect the families who voted you into office.

Mahalo,

Amy Dewbre

Aqualani Concierge Services Manager

SB-1074-HD-1

Submitted on: 3/25/2025 11:49:22 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kari Scamara	Individual	Support	Written Testimony Only

Comments:

Aloha

My name is Kari Scamara, and I am writing in strong support of SB1074.

This bill is essential in ensuring that previously permitted activities can continue operating while undergoing environmental review if their permits are challenged. By allowing businesses to remain open during this process, SB1074 helps maintain regulatory stability and prevents unnecessary disruptions for compliant operators.

SB1074 upholds environmental protections while also preventing redundant reviews that can impose excessive financial and operational burdens on longstanding, law-abiding businesses. It strikes a fair balance between preserving Hawai'i's natural resources and supporting regulated commercial activities that have been an integral part of our local economy for years.

This will affect myself and my family, and numerous other hard working people. It will also affect our tourists, that may choose to spend their vacation somewhere else.

I respectfully urge the committee to pass SB1074 and help protect Hawai'i's local businesses and working families.

Mahalo for your time and consideration.

TESTIMONY FOR Senate Bill 1074

TESTIMONY IN SUPPORT of Senate Bill 1074 - Environmental Review

To the Chair and Members of the Committee,

As a resident of Maui that has served over 40 years in our Hospitality Industry, I am in **strong support** of SB 1074.

Ever since the disastrous fires in Lahaina, our visitor Industry continues to suffer the aftermath with hotels, tourism and related businesses not nearly back to operating conditions experienced prior to August 2023.

The position recently taken by Judge Cahill stating that “**All businesses in Kaanapali for ocean recreation, boating and watersports will cease to exist once their current permits expire and remain closed until an environmental assessment is conducted.**”

The Kaanapali ORMA permit holders and ocean recreation operators provide a unique service and experience with minimal impact on our natural resources.

As I interpret Senate Bill 1074, I believe it provides for these operators to go forward and continue with their operations and services during the process of an environmental review. Services as permitted would be allowed to continue everything for their operations as is normal circumstance if or when permits are challenged for environmental or other concerns. Having this continuation of services is obviously important as it allows the operator to remain in business and continue until a decision is made.

If narrowing this Bill to apply to Kaanapali ORMA permit operators as was the intention, assist in moving forward towards approval, that would be acceptable.

If long standing permit holders that have operated within all guidelines and followed all regulations are put into a position whereby they need to cease all activities of their business during environmental reviews, we will lose strong dependable operators and punish them for following and abiding by all State mandated guidelines. *This would surely contribute to loss of Hawaii jobs and community businesses.*

Beyond the immediate impact to our Kaanapali and West Maui visitors and employees of these businesses, many other support organizations to these operators would be severely impacted.

Another critical factor to consider is the loss of income in the tens of millions of dollars annually to the State that would disappear. Add to that the huge loss of \$ to various restaurants, shops, mechanics, fuel providers, transportation, concierge and caterers would be lost having an even wider negative impact.

In summary I am asking you to **please vote for and pass SB 1074** for the sake of our communities, families, business investments and small operators that represent the backbone of our economy in Maui.

Terry Dowsett

General Manager

Team Member since 2005 Aston at the Maui Banyan

2575 South Kihei Road Kihei, Hawaii 96753 email: terry.dowsett@aquaaaston.com | web: www.aquaaaston.com

SB-1074-HD-1

Submitted on: 3/25/2025 12:03:12 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dylan Stelly	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

My name is Dylan Stelly, and I am writing in strong support of SB1074.

This bill is essential in ensuring that previously permitted activities can continue operating while undergoing environmental review if their permits are challenged. By allowing businesses to remain open during this process, SB1074 helps maintain regulatory stability and prevents unnecessary disruptions for compliant operators.

SB1074 upholds environmental protections while also preventing redundant reviews that can impose excessive financial and operational burdens on longstanding, law-abiding businesses. It strikes a fair balance between preserving Hawaii's natural resources and supporting regulated commercial activities that have been an integral part of our local economy for years.

I respectfully urge the committee to pass SB1074 and help protect Hawaii's local businesses and working families.

Mahalo for your time and consideration.

SB-1074-HD-1

Submitted on: 3/25/2025 12:06:01 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Douglas Perrine	Individual	Oppose	Written Testimony Only

Comments:

SB 1074 undermines Hawaii's Environmental Protection Act and risks damage to our natural resources. Please kill this dangerous bill. Mahalo.

SB-1074-HD-1

Submitted on: 3/25/2025 12:06:56 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kim Moore	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Members of the Committee,

I am a mother of two who depends on operations in Ka‘anapali to provide for my family and continue living on Maui. I am submitting this testimony in strong support of SB1074 with its amendments, which would help protect businesses like the one I work for—businesses that have been operating legally and responsibly for decades but are now at risk due to an unintended legal technicality.

The lawsuit against the State has wrongfully pulled long-standing, permitted businesses into an environmental review process that was never meant to apply to them. These businesses, including the one I work for, have followed every regulation, complied with every law, and provided for families like mine for years. If these operations are forced to shut down, I, along with hundreds of other local workers and their families, will be left without a way to support ourselves.

I don’t just see this as a policy issue—I see it as the difference between being able to raise my children here on Maui or being forced to leave the only home they’ve ever known. The cost of living is already incredibly high, and many of us are barely making ends meet. The uncertainty of whether we will have jobs next month or next year is overwhelming. We need the Legislature to act now to protect us from being collateral damage of a law that has been evoked in a legal battle that was never meant to target businesses like ours.

This bill ensures that proper environmental oversight remains in place while allowing responsible businesses to continue operating. It also considers the reality that permit renewals must be handled in a way that reflects the time it takes for the State to process them. Without that, we could find ourselves in this same crisis again, unable to work simply because of government delays.

Most importantly, SB1074 needs clear language to protect businesses like ours from future lawsuits that could jeopardize our livelihoods. We follow all state and federal regulations, yet we are still facing the threat of losing everything because of shifting legal interpretations. That is not fair to me, my children, or the hundreds of families who rely on this industry.

I urge you to pass SB1074 with its amendments and give families like mine the security we need to keep living and working in Maui. Please don't let us become casualties of a legal fight that is too broadly interpreting Chapter 343, that was never meant to take away our jobs.

Thank you for your time and consideration.

Subject: Support for SB1074 and continuing Ocean Activity Permits at Kā'anapali Beach

To Whom it may concern,

As a 15-year homeowner in the area, I am writing to express my strong support for the continuation of permits for ocean activities at Kā'anapali Beach.

These activities are an integral part of Maui's cultural heritage, local economy, and visitor experience. I urge you to advocate for a balanced approach that allows commercial ocean operators to continue their work while ensuring the protection and sustainability of our coastal environment.

Kā'anapali Beach has long been a hub for responsible ocean recreation, including snorkeling, diving, sailing, and guided cultural experiences. Many local businesses and families depend on these activities for their livelihoods, and a pause in commercial permits threatens their economic stability. The loss of these ocean-based experiences would not only hurt small business owners and their employees but also impact visitors who seek safe, educational, and regulated access to our marine resources.

I recognize the importance of protecting our environment and supporting community interests, and I believe that a solution can be found that upholds both economic sustainability and environmental stewardship. Implementing responsible permitting processes, environmental impact assessments(while operations continue), and community engagement initiatives can ensure that these activities continue in a way that aligns with conservation efforts.

I respectfully urge you to support policies that restore and maintain ocean activity permits while incorporating best practices for sustainability. Thank you for your time and consideration. I would appreciate any updates on efforts to address this issue and look forward to your leadership in finding a balanced resolution.

Sincerely,

Carol Mulkay

235 Haloko Place Lahaina, HI, 96761

Mulkayhouse@gmail.com

SB-1074-HD-1

Submitted on: 3/25/2025 12:14:45 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jeff Swartz	Individual	Support	Written Testimony Only

Comments:

Chair Tarnas, Vice Chair Poepoe, and committee members, thank you for letting me share my concerns about SB1074.

I run a business on Oahu that works with boat tour operators in Maui, specifically in Ka'anapali. If permitted businesses were forced to shut down during assessments, it would be a huge blow. Over 250 families and many other supporting industries depend on these businesses, and a shutdown would be devastating. These businesses have been part of our community for years, with owners investing their personal savings and loans to keep them going. If they were forced to close, they wouldn't be able to reopen anytime soon.

This bill is essential to help us survive. Despite what was said earlier, no agreements are in place to address this issue, so SB1074 is the only way to keep these businesses running.

If these businesses are shut down, here's what could happen:

- Ka'anapali's boating operations serve over 220,000 meals to passengers, which supports caterers, food suppliers, delivery companies, and many others.
- Without boating and ocean activities, hotels will have fewer things to offer their guests, which could drive tourists away from West Maui and Hawai'i.
- The state would lose a significant amount in tax revenue—boating in Ka'anapali alone brings in \$60 million annually, including \$2.7 million in sales tax and \$1.8 million paid to DLNR.
- Many other local businesses like beverage companies, travel agencies, and concierge services would also suffer, leading to job losses.
- Less tourism would affect transportation services (like Uber, rental cars, and buses), as well as retail businesses in Whalers Village, causing even more job losses.

But the biggest impact is on the people—families, workers, and business owners who rely on these industries. The financial loss would be unnecessary and hard to recover from. Limiting the scope of the bill to current permit holders will allow businesses to continue operating while assessments are being done.

Please support SB1074 to help our community, families, and businesses.

SB-1074-HD-1

Submitted on: 3/25/2025 12:15:35 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Blake Moore	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Members of the Committee,

I am a father, a husband, and the sole provider for my family. We have a home here on Maui, and like so many others, we have fought to stay afloat through the hardships of the last few years. Now, for the third time in three years, our ability to survive here is being threatened.

I am submitting this testimony in strong support of SB1074 with its amendments, because without the Legislature’s help, my family may be forced to leave Maui—the place we have built our lives and our future. We simply cannot endure another shutdown. The businesses in Ka’anapali that provide for families like mine are being wrongfully caught up in a lawsuit that was never meant to apply to long-standing, permitted operations. These businesses have followed every regulation for decades, yet now we are being swept up in legal battles that could put us out of work.

I have already experienced the devastation of multiple industry shutdowns in the past three years—from the pandemic to the Lahaina fires—and each time, we’ve struggled to get back on our feet. Our family has relied on savings, taken on debt, and made sacrifices just to keep a roof over our heads. If we are forced into yet another period of unemployment because of lawsuits targeting businesses that have always complied with state and federal regulations, we won’t make it this time.

This is not just about business; this is about real families who will be forced to leave Hawaii if our livelihoods are taken away. The cost of living is already unmanageable, and if we lose these jobs, there are simply no alternatives that will allow us to stay.

SB1074 ensures that proper environmental oversight remains in place while protecting responsible businesses and the families that rely on them. It also accounts for the fact that permit renewals must be handled realistically, considering how long these processes take at the state level. Without these adjustments, we could find ourselves in the same crisis again simply due to bureaucratic delays.

More importantly, SB1074 must include clear legislative language that protects chapter 200 operators from future lawsuits. Our industry is already federally and state-regulated. It is completely unjust that despite following every rule, we are still at risk of losing everything due

to shifting legal interpretations. This uncertainty is unbearable for families like mine who are just trying to work hard and provide for our children.

I urge you to pass SB1074 with its amendments to give working families like mine the security we need to stay in Hawaii. Please don't force us to uproot our lives and leave our home simply because of legal technicalities that were never meant to destroy our industry.

Mahalo.

SB-1074-HD-1

Submitted on: 3/25/2025 12:16:47 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tyler Thompson	Individual	Support	Written Testimony Only

Comments:

Aloha,

supporting SB 1074 is very very dear to me. As we all know the recovery for Lahaina after the wild fires has been devastating in many ways including economically and emotionally. If this is not approved the burden that would be put on yet more families as far as loss of jobs as well as the recovery of not only Kaanapali but the island of Maui as a whole would be another punch to the gut and beyond devastating as far as recovery for this island. I support this bill very heavily for me and many many families on this island to survive economically.

SB-1074-HD-1

Submitted on: 3/25/2025 12:31:15 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jim McKennon	Individual	Support	Written Testimony Only

Comments:

As I have submitted before, Hawaii is one of my favorite places to vacation and relax. I enjoy the Hawii in particular for the water and related activities. The surfing, not that I;m that good, snorkeling, scuba, and water excursions are the reasons I choose the islands over closer and less expensive destination. Without the ability to enjoy those activities, there would certainly be less reasons for my family and me to go. The impact on taxation, employment, sales and all the ancillary tourism related income has got to be substantial.

please do not restrict these activities that makes your beautiful island unique among all others.

SB-1074-HD-1

Submitted on: 3/25/2025 12:42:38 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Luana Teixeira	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

My name is Luana Teixeira, and I am the owner of Island Dream Productions, a local business that provides photography services on Teralani vessels. I employ over 45 hardworking people and have been a part of Maui’s community for over 20 years.

I have spent my entire career in the tourism industry, starting from the ground up—taking photos at a surf school in Ka’anapali and working tirelessly to build this business. But this bill could change everything. If these long-standing, legally operating boats lose their permits, not only will my business be at risk, but so will the livelihoods of my employees and their families.

We’ve already been through so much. As a business owner, I’ve had to navigate the uncertainty of COVID, not knowing if I could keep my business running and continue employing people who depend on me. Then came the fires—our office burned down, and one of the boats we work on was completely lost. Again, we faced months of uncertainty, struggling to rebuild, hoping we could keep going. And now, this bill presents yet another massive challenge.

Please do not take away the permits of boats that have been operating for decades. These businesses support local families, and the people who work for them show up every day and work incredibly hard just to make a living in Hawai‘i—where we all know it is already difficult enough to afford life. If this bill forces these boats to shut down, many of us will be left with nothing. People who have already lost their homes to the fire may now also lose their jobs.

I beg you to find a solution that protects the environment without destroying the lives of local families who have already suffered so much. We have faced one crisis after another, and this bill threatens to be the next. Please, consider the impact this will have on real people who just want to continue doing their jobs and supporting their families.

Mahalo for your time and consideration.

Sincerely,

Luana Teixeira

Owner, Island Dream Productions

SB-1074-HD-1

Submitted on: 3/25/2025 12:46:10 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Maria Schotte	Individual	Support	Written Testimony Only

Comments:

PLEASE SUPPORT SB 1074 WE NEED TO WOK AND BE ABLE TO PUT FOOD ON THE TABLE AND PAY BILLS while the epa study is conducted

maria schotte

TESTIMONY IN SUPPORT OF SB1074

Aloha Chair and Members of the Committee,

I, Claudio H. Andrade am in FULL SUPPORT OF SB1074.

After working in the hospitality and tourism industry for over 40 years, I have never encountered situations as dire as what we are facing now in West Maui. We are all aware of the severe impact that the devastating fires had on our community and businesses, forcing many residents to make the very difficult decision to leave the place they loved, and where they were born and raised. Recovery for us following the fires as residents, employees and businesspeople has been slow and difficult. Lahaina with its charm, history, shops and restaurants was a most important attraction for visitors from the world over. The possibility of further taking away business or activities for our guests to participate in while staying in Ka'anapali or West Maui seems unconscionable, and quite frankly cruel. The position taken by Judge Cahill threatens several businesses that bring in jobs, revenue for the County and State, and the livelihood of thousands of residents.

I'm asking you to please vote for and pass SB 1074 for the sake of our communities, families, business investments and small entrepreneurs that are the backbone of our economy.

Thank you for your time in reading and considering my testimony.

Regards,

Claudio H. Andrade

SB-1074-HD-1

Submitted on: 3/25/2025 12:48:08 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Venus	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe and committee members,

Mahalo for the opportunity to submit my thoughts, concerns and testimony relating to SB1074

I **support** Senate Bill 1074 (SB1074 SD2) to allow continued commercial operations in Ka'anapali while environmental studies are conducted. These long-standing activities provide vital economic benefits to Hawai'i and its residents. The narrowing of this Bill to just apply to 'current' permit holders makes great sense, and I support it. Let's take the opportunity to gather any clear evidence of harm and negative impact from operators who do not follow strict regulations to protect the environment. A full pause on permits could have unnecessary consequences if studies ultimately find current management sustainable. Let's preserve jobs, support local businesses, and showcase Hawai'i's beauty responsibly. Please PASS SB1074.

Venus Yi

Local Resident (born & raised)

Lahaina, Hawaii

SB-1074-HD-1

Submitted on: 3/25/2025 12:58:29 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
jacob b Colvin	Individual	Support	Written Testimony Only

Comments:

I am reaching out today to request your assistance. I've learned that starting in 2025, all boating permits and related services in Ka'anapali may be suspended due to a ruling by Judge Cahill, which states that permits will not be renewed until an environmental assessment is completed. This could significantly disrupt tourism activities, and such assessments can take years to finalize.

I am concerned that this could force many operators out of business, potentially leading them to leave Maui altogether, which would further strain our already challenging holiday season and beyond. As someone working in the service industry, I can attest to the struggles we face, and any additional setbacks will likely affect our personal income.

For these reasons—both personal and concerning our tourism and community—I urge you to help find an alternative way to meet the necessary requirements while keeping these businesses operational.

SB-1074-HD-1

Submitted on: 3/25/2025 1:01:43 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
nicholas	Individual	Support	Written Testimony Only

Comments:

As a teacher in Lahaina, I'm writing in strong support of this bill because we need this industry and the income it brings in order to survive. Living and working on Maui is becoming increasingly unsustainable for local families, especially those of us who serve the community in education.

The cost of living continues to rise, and with the economic hardships we've faced—especially post-wildfires—our island needs real, long-term solutions that generate opportunity and stability. This bill represents hope, resilience, and a step forward for working families. We can't afford to lose any more local talent to the mainland because they can't afford to stay home.

Please stand with Lahaina. Please stand with Maui. Do not further disrupt our economy.

-Nicholas Russo

-lahaina intermediate teacher

SB-1074-HD-1

Submitted on: 3/25/2025 1:07:26 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Brett Greenberg	Individual	Support	Written Testimony Only

Comments:

Please consider The revisions to SB1074 of limiting the scope to just relate to "current" permit holders and allow these current businesses to continue, without renewing their permits these families and employees cannot remain employed and stay on Maui. They just cannot survive another devastating loss. Please PASS SB1074 for all of us.

SB-1074-HD-1

Submitted on: 3/25/2025 1:09:02 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Sager	Individual	Support	Written Testimony Only

Comments:

Subject: Testimony in Strong Support of SB1074 SD2 HD1 – Relating to Environmental Review

Aloha,

My name is Elizabeth Sager and I am a resident and employee of West Maui. I am writing in support of SB1074 SD2 HD1, as amended, which is essential for ensuring that current ocean tourism operators in Kā'anapali can continue their operations while undergoing environmental review.

I am a firm believer of the importance of businesses and individuals taking accountability for their impacts on the environment and support government regulations to ensure this is followed. However, arbitrarily not reissuing permits to businesses that have been following the current guidelines without offering them the time to become compliant with the current request for environmental review seems like an unfair practice that undermines the industry at large.

SB1074 SD2 HD1 is not about bypassing environmental review but rather allowing businesses to continue operations while an environment review takes place. Without its passage, there will inevitably be closure of local businesses and the loss of job for many.

The boating industry is an important part of our local economy and impacts the livelihood of many of local families. Without the passage of SB1074 SD2 HD1, this industry will be irreparably harmed, forcing long standing businesses to shut down and causing additional hardship to local families.

Thank you for considering my testimony. I ask that you please pass SB1074 SD2 HD1 and support our local families and businesses.

Sincerely,
Elizabeth Sager

SB-1074-HD-1

Submitted on: 3/25/2025 1:12:39 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sarah Moretti	Individual	Support	Written Testimony Only

Comments:

I am submitting this testimony in strong support of **SB1074**.

West Maui’s small businesses, particularly those in Ka’anapali, are being unfairly caught up in a broader environmental issue—one that now threatens the livelihoods of dozens of locally owned businesses and the hundreds of West Maui families who depend on them. These businesses have long adhered to the strict regulations set by both the U.S. Coast Guard and the State of Hawai‘i, ensuring safe and responsible ocean activities.

While protecting our environment is essential, we must also ensure that local businesses and working families are not unintended casualties of the process. **SB1074** offers a practical solution—allowing businesses that are already compliant with existing laws and regulations to continue operating while environmental assessments are conducted.

This bill accomplishes two key objectives:

- Protecting the environment through proper assessments and planning.
- Supporting local jobs and families, many of whom are still recovering from the devastating wildfires.

West Maui cannot afford to lose more businesses and jobs due to unnecessary bureaucratic delays. This bill strikes a fair and necessary balance between environmental responsibility and economic stability. I strongly urge you to pass **SB1074** to protect our local businesses, sustain West Maui families’ livelihoods, and ensure that responsible operators can continue serving our community.

Mahalo for your time and consideration.

Sarah Moretti

SB-1074-HD-1

Submitted on: 3/25/2025 1:18:17 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
James E. Simmons	Individual	Support	Written Testimony Only

Comments:

Aloha nui kakou,

I strongly support SB1074 !

Please allow previously and/or legally permitted commercial boat activity to operate on West Maui (Ka'anapali) during the enviromental review process. Many of my ohana, friends and colleagues are employed in this area, loosing their jobs would be absolutely devastating!

Mahalo nui loa for your kind consideration,

James

SB-1074-HD-1

Submitted on: 3/25/2025 1:19:01 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bryson sylvia	Individual	Support	Written Testimony Only

Comments:

I remain in support of SB1074, as it will enable many individuals to keep working in Ka'anapali, helping to sustain the island's economy.

Mahalo,

Bryson Sylva

SB-1074-HD-1

Submitted on: 3/25/2025 1:19:37 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Greg Miller	Individual	Support	Written Testimony Only

Comments:

My wife Celeste and I are in strong support of SB1074. We own a home here and have a long history in Hawai'i having worked in the resort industry for many years.

The recent bill makes great sense; it allows time for an environmental assessment while preserving the businesses and hundreds of Maui jobs for those already permitted for the time being.

Please support SB1074 to facilitate continued regrowth of West Maui commerce & tourism. The risk is high for the many folks who may soon unemployed, multiple businesses shuttered and lost tax revenues to the state, if the Bill is not passed.

Mahalo for your consideration,

Greg & Celeste Miller

SB-1074-HD-1

Submitted on: 3/25/2025 1:23:41 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Noah Milton	Individual	Support	Written Testimony Only

Comments:

Aloha Community members,

I continue to support SB1074, as it will allow many individuals, including those born and raised here, to continue working in Ka'anapali. This bill helps preserve local jobs, sustain the island's economy, and support families who have deep roots in our community.

Noah Milton

SB-1074-HD-1

Submitted on: 3/25/2025 1:24:09 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
linda willaby	Individual	Oppose	Written Testimony Only

Comments:

Stop the rape of our reefs. My name is Linda Willaby and I have lived in Kalapana on the big island for 17 years. I snorkel every day and I have seen the decline in fish life on the reef since I have been here. I truly believe the tropical fish belong on the reef and not in an aquarium.

SB-1074-HD-1

Submitted on: 3/25/2025 1:24:42 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Peter o riordan	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, vice chair and comitee members.

My name is Peter O Riordan and i strongly support this bill.

Please review a more in-depth review of "collateral damage" to multiple parties consider the following:

- The boating operations in Ka'anapali in a cumulative number provide over 220,000 meals of various types to their passengers on different snorkel cruises, whale watch sails, private charters, and sunset dinner or sunset pupu sails. Now, consider the hundreds of people, families and jobs impacted if that goes away. The caterers that provide the food would be impacted, the person or persons ordering the food would be impacted, the persons delivering the food would be impacted, the people and companies selling the food to the caterers would be impacted and many others not at first considered.
- The hotels having less and less activities to provide for potential guest would be significantly impacted. With no Lahaina, 100+ less shops, 100+ less restaurants and no Lahaina Harbor and no boating and ocean recreation in Ka'anapali it would not be a far leap to see potential visitors question why travel to West Maui or even Hawai'i for that matter.
- Tax base revenues to the State of Hawai'i would be severely reduced. An approximate figure for all revenues generated by all permit holders operating boating and ocean recreation in Ka'anapali is \$60 million annual. At 4.5% the sales tax on that is \$2.7 million, that goes away. Every boating operator in Ka'anapali now pays, as of 2025, \$1.00 per passenger for every person they allow on board, that all goes away
- All ocean recreation companies that hold valid ORMA permits in Ka'anapali must, as part of their permit, pay DLNR 3% of every dollar collected. With the above noted approximate figure of \$60 million in sales the 3% figure of \$1.8 million goes away

- The alcoholic and non-alcoholic beverage companies providing all beverages for boating operations would cease to have that business. This trickles down to less drivers needed, less warehouse people needed, less management needed, less shipping and receiving people needed and other impacts.
- Many island travel agencies staff, activities desk employees and concierge will lose jobs as there would be a drastic reduction in available activities. No Lahaina Harbor, no boating in Ka'anapali, no areas to participate in whale watching without driving to the other side of the island. With no ocean recreation there is no need for those that market and promote these activities
- Uber drivers, rentals cars, bus companies are all impacted if less people are coming to West Maui due to less things to do. Other competing resort destinations would love this opportunity
- Restaurants and all retail in Whalers Village and surrounding areas will lose revenues and as such require less staffing and possibly become less viable as a business if all those pre and post ocean activity passengers and participants just vanish

The most tragic impact of not passing SB1074 will be the human aspect and the impact on individuals, families, and long-standing businesspeople. The secondary financial and resort impact details above are also staggering and a totally unnecessary byproduct. The revisions to SB1074 of limiting the scope to just relate to "current" permit holders will allow for these businesses to continue, these families and employees to remain employed and stay on Maui and the noted collateral damage to be avoided "while" assessments are considered and completed. Please PASS SB1074 for all of us.

Mahalo nui loa

Testimony in Strong Support of SB1074 – Relating to Environmental Review

Aloha Chair and Members of the Committee,

My name is Irene Wandtke, and I am writing in **strong support of SB1074**.

This bill is essential in ensuring that previously permitted activities can continue operating while undergoing environmental review if their permits are challenged. By allowing businesses to remain open during this process, SB1074 helps maintain regulatory stability and prevents unnecessary disruptions for compliant operators.

SB1074 upholds environmental protections while also preventing redundant reviews that can impose excessive financial and operational burdens on longstanding, law-abiding businesses. It strikes a fair balance between preserving Hawaii's natural resources and supporting regulated commercial activities that have been an integral part of our local economy for years.

Requiring lawfully permitted operators to cease operations while waiting years for environmental studies to be conducted coupled with significant financial resources required for the maintenance of these vessels will inevitably result in business closures and job losses. History has shown that once certain industries lose their permits and are shut down, they do not return, which negatively impacts the revenue generated from commercial operators (HB649 suggests to increase gross receipt fees from 3% to 5% - which is irrelevant if commercial operators have to cease operations). We cannot afford to let this happen again, especially when so many businesses and residents depend on these activities for their livelihoods.

I respectfully urge the committee to pass SB1074 and help protect Hawaii's local businesses and working families.

Mahalo for your time and consideration.

Sincerely,
Irene Wandtke

SB-1074-HD-1

Submitted on: 3/25/2025 1:29:43 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Philip akeo	Individual	Support	Written Testimony Only

Comments:

Dear Members of the Committee,

I am writing in strong support of SB1074, which seeks to permit holders to continue operating while an environmental impact assessment is being conducted. This legislation is essential for ensuring that local workers, businesses, and families continue to thrive, particularly in Ka'anapali and throughout Maui.

As someone who relies on these permits in Ka'anapali, I have seen firsthand how critical it is to maintain steady employment opportunities for those who call Hawai'i home. Many individuals, especially those born and raised here, rely on jobs in Ka'anapali to support their families, preserve cultural traditions, and contribute to the island's economic stability. SB1074 provides the necessary framework to protect these livelihoods while fostering sustainable growth for our communities.

Additionally, this bill aligns with our state's broader goals of economic resilience and workforce retention. By ensuring that local workers can continue to live and work in their home communities, we are investing in Hawai'i's future and strengthening the foundations of our island economy and harboring environmental safety.

I respectfully urge you to pass SB1074 to support the hard-working people of Maui and Hawai'i as a whole. Thank you for the opportunity to testify, and I appreciate your time and consideration.

Sincerely,

Philip Akeo IV

SB-1074-HD-1

Submitted on: 3/25/2025 1:31:37 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ed Sultan	Individual	Support	Written Testimony Only

Comments:

TESTIMONY IN STRONG SUPPORT OF SB1074

Submitted to Chair Tarnas, Vice Chair Poepoe, and Members of the Committee

Aloha Chair Tarnas, Vice Chair Poepoe, and esteemed committee members,

Mahalo for the opportunity to express my heartfelt support for SB1074. As a lifelong visitor to Maui—both as a vacationer and as a Maui business owner—I’ve seen the island’s resilience through economic downturns, natural disasters, and the devastating Lahaina fire. Each challenge has tested this community, but none threatens the fabric of West Maui quite like the potential loss of our boating and ocean recreation industry. I urge you to pass SB1074 to safeguard the livelihoods of operators and workers, their families, and the vibrant essence that makes Maui a cherished place to live and visit.

For decades, the permitted boating operations in Ka’anapali have been more than businesses—they’ve been cornerstones of this community. They employ hundreds of local residents, from captains and crew to office staff and maintenance workers. These companies sponsor school events for our keiki, support cultural preservation, and offer visitors a profound connection to our ocean that fosters respect for our natural resources. To suddenly halt their operations—under the pretext of an assessment that could stretch on for years—would unravel a vital web of jobs, traditions, and economic stability when West Maui is already fighting to recover.

The ripple effects of shutting down these businesses would be devastating. Local farmers who supply fresh produce for the thousands of meals served annually on these vessels—sustaining passengers during snorkeling trips, whale watches, and sunset cruises—would lose a crucial market, forcing them to scale back or shut down. Delivery drivers, fuel suppliers, and repair shops that maintain these boats would see their incomes disappear. Hotels and resorts, still reeling from Lahaina’s loss, would struggle to attract guests without the draw of ocean adventures. Whalers Village, a bustling hub for shopping and dining, would suffer as foot traffic dwindles without visitors flowing to and from these excursions.

The numbers paint a grim picture. These boating operations generate millions in annual revenue, fueling our state’s economy through taxes, permit fees, and consumer spending. The General Excise Tax alone provides substantial funds for public services. Add the 3% of gross revenues paid to the Department of Land and Natural Resources (DLNR) by permit holders and the \$1.00 per passenger fee introduced in 2025, and the state stands to lose millions if these businesses are

forced to close. This isn't just about profits—it's about the public good these funds support, from education to infrastructure.

As a frequent visitor myself, I've always found that a day on the water is the highlight of any Maui vacation. I'm certain countless other visitors feel the same. Please don't diminish the magic of the Maui experience by stripping away these irreplaceable days on the ocean.

I recognize the importance of responsibly assessing our ocean resources. Yet SB1074 offers a fair solution: it protects current permit holders, allowing them to continue operating while studies proceed. This isn't about evading oversight—it's about ensuring our community isn't crushed by an uncertain process. With no pending agreement from DLNR or any other party to fill this gap, SB1074 is our only shield against irreparable harm.

Please, for the sake of West Maui's families, workers, and future, pass SB1074. Keep our boats in the water, our people employed, and our island thriving. We've endured so much loss already—don't let this be the blow that breaks us.

Mahalo Nui Loa,
Ed Sultan
CEO
Na Hoku, Inc.

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair
Rep. Mahina Poepoe, Vice Chair

Rep. Della Au Belatti Rep. Gregg Takayama
Rep. Elle Cochran Rep. Chris Todd
Rep. Mark J. Hashem Rep. Diamond Garcia
Rep. Kirstin Kahaloa Rep. Garner M. Shimizu
Rep. Amy A. Perruso

NOTICE OF HEARING

DATE: Thursday, March 27, 2025
TIME: 2:00 p.m.

TESTIMONY OF JAMES E. COON IN STRONG SUPPORT SB 1074,SD2,HD1

Aloha Chair Tarnas, Vice Chair Poepoe and Members of the Committee:

My name is Jim Coon speaking in Strong Support of SB 1074, SD2 HD1

This bill merely makes it possible for existing permitted Kaanapali operators that have been fastidious in their compliance with the boating and environmental rules to continue to stay in business while an environmental review is taking place.

To deny these operators the permit to operate, most which have been doing this safely and responsibly for 40 years or more, and in the case of our family business over 50 years, would be a grave injustice and would put most if not all of them out of business. This would also put the many ancillary support businesses that supply vital services to the Charter Boat industry out of work. This would massively impact our community taking away the livelihood of so many people. Most of these families are from the Lahaina area and are already suffering so much from our recent fires. These are all West Maui Lahaina businesses and families that are already struggling, and most would never be able to recover have a lengthy shut down.

Please support SB 1074.

Sincerely,

James E. Coon captcoon@gmail.com 808-870-9115

Testimony in Strong Support of SB1074 – Relating to Environmental Review

Aloha Chair and Members of the Committee,

My name is Adam Campbell, and I am writing in **strong support of SB1074**.

This bill is essential in ensuring that previously permitted activities can continue operating while undergoing environmental review if their permits are challenged. By allowing businesses to remain open during this process, SB1074 helps maintain regulatory stability and prevents unnecessary disruptions for compliant operators.

SB1074 upholds environmental protections while also preventing redundant reviews that can impose excessive financial and operational burdens on longstanding, law-abiding businesses. It strikes a fair balance between preserving Hawaii's natural resources and supporting regulated commercial activities that have been an integral part of our local economy for years.

Requiring lawfully permitted operators to cease operations while waiting years for environmental studies to be conducted coupled with significant financial resources required for the maintenance of these vessels will inevitably result in business closures and job losses. History has shown that once certain industries lose their permits and are shut down, they do not return, which negatively impacts the revenue generated from commercial operators (HB649 suggests to increase gross receipt fees from 3% to 5% - which is irrelevant if commercial operators have to cease operations). We cannot afford to let this happen again, especially when so many businesses and residents depend on these activities for their livelihoods.

I respectfully urge the committee to pass SB1074 and help protect Hawaii's local businesses and working families.

Mahalo for your time and consideration.

Sincerely,
Adam Campbell

SB-1074-HD-1

Submitted on: 3/25/2025 1:37:34 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kealani miller-patacsil	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

I am submitting this testimony in strong support of HB661, HD1.

West Maui’s small businesses, particularly those operating in Ka’anapali, are being unfairly caught up in a broader environmental issue—one that now threatens the livelihood of dozens of locally owned businesses and hundreds of West Maui families who rely on them. These businesses have long operated in full compliance with stringent regulations set by both the U.S. Coast Guard and the State of Hawai‘i, ensuring safe and responsible ocean activities.

While protecting our environment is critical, we must also ensure that local businesses and working families are not collateral damage in the process. HB661 provides a commonsense solution—allowing businesses that are already compliant with existing laws and regulations to continue operating while environmental assessments are completed. This approach achieves two critical goals:

1. Safeguarding the environment through proper assessments and planning.
2. Protecting local jobs and families who have already suffered immense economic hardship following the devastating wildfires.

West Maui cannot afford to lose more businesses and jobs due to unnecessary bureaucratic delays. This bill strikes a fair balance between environmental stewardship and economic stability. I strongly urge you to pass HB661 to protect our local businesses, preserve West Maui families’ livelihoods, and ensure that responsible operators can continue serving our community.

SB-1074-HD-1

Submitted on: 3/25/2025 1:38:39 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Brody B Long	Individual	Support	Written Testimony Only

Comments:

Please Pass this for the well being and livelyhood of Maui. We cannot handle any more challenges that will cost people thier jobs, thier income and thier way of life.

SB-1074-HD-1

Submitted on: 3/25/2025 1:39:04 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Laura Covey	Individual	Support	Written Testimony Only

Comments:

Dear commity members,

I strongly support SB1074 and urge you to continue backing this bill. Many families, including my own, depend on Ka'anapali and it's jobs to make Maui our home. While we are not opposed to the impact study, it is essential that permits be extended so businesses can continue operating during the process.

Mahalo for your time and consideration.

Sincerely,

Laura Covey

SB-1074-HD-1

Submitted on: 3/25/2025 1:45:10 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jeffrey Melcher	Individual	Support	Written Testimony Only

Comments:

i support sb 1074

SB-1074-HD-1

Submitted on: 3/25/2025 1:49:50 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Maki Morinoue	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas and the members of the Judiciary and Hawaiian Affairs committee

I strongly oppose SB1074 because it would legitimize illegally authorized activities, like commercial aquarium collection, that devastate Hawai'i's ecosystems, cultural heritage, and future generations.

For years, commercial collectors have extracted hundreds of thousands of fish from our reefs, including essential species like lau'ipala (yellow tang) and pāku'iku'i (Achilles tang). This reckless removal disrupts marine ecosystems and threatens Native Hawaiian subsistence fishing. Thanks to HEPA and court rulings, our reefs have finally had a chance to recover. SB1074 would undo this progress, allowing harmful activities to continue indefinitely without proper environmental review.

Hawai'i's environmental review law ensures that decision-makers and the public can weigh long-term impacts before permitting actions that could cause irreversible harm. When agencies fail to follow these laws, such as permitting unlimited aquarium fish collection or dewatering East Maui's streams for decades, the results are severe and often irreparable.

By allowing these illegally authorized activities to continue while challenges drag on for years, SB1074 would turn HEPA into a meaningless afterthought. It would reward irresponsible agency practices that prioritize industry profits over environmental protection, cultural preservation, and the well-being of our communities.

VOTE NO on SB1074. Protect our reefs, our culture, and our future.

Mahalo for taking the time to listen to the public,
Maki Morinoue
Hawai'i Island - Holualoa

SB-1074-HD-1

Submitted on: 3/25/2025 2:00:56 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bianca Isaki	Individual	Oppose	Remotely Via Zoom

Comments:

Please oppose SB1074. This bill isn't necessary and is the result of a scare campaign aimed against advocacy for environmental protections. HEPA is meant to apply broadly to promote environmental consciousness, but nonetheless provides for exemptions of activities that have minor impacts. This amendment is not needed.

Yours,

Bianca

SB-1074-HD-1

Submitted on: 3/25/2025 2:04:26 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alyssa P	Individual	Support	Written Testimony Only

Comments:

I write to express my strong support for SB1074, a bill that plays a crucial role in maintaining the stability of businesses that have been legally operating under previously issued permits, while undergoing necessary environmental reviews. This bill ensures that businesses can remain open and continue their operations during the review process, preventing unnecessary disruptions and maintaining regulatory certainty for those who have complied with established laws.

SB1074 strikes an important balance between environmental protection and the operational stability of businesses that have long been part of Hawaii's economy. It upholds the intent of safeguarding our natural resources, while also recognizing that redundant environmental reviews can impose unnecessary financial and operational burdens on businesses that have consistently followed the rules. This ensures that Hawaii's economy, which is heavily dependent on these regulated commercial activities, can continue to thrive without unnecessary hindrances.

Requiring businesses to cease operations while waiting for environmental studies, particularly in industries that depend on expensive infrastructure such as vessels, could lead to business closures and significant job losses. History has shown that industries that lose their permits and shut down often do not return, which has long-lasting negative impacts on local economies. The additional tax increases proposed in HB649 (suggesting an increase in gross receipt fees from 3% to 5%) are irrelevant if businesses are forced to cease operations altogether.

We cannot afford to allow this disruption to our local businesses and working families. SB1074 offers a fair solution, ensuring that Hawaii's commercial operators, who provide valuable services to residents and visitors alike, can continue their operations while complying with environmental reviews.

I respectfully urge the committee to pass SB1074 to protect Hawaii's local businesses and the livelihoods of those who depend on them.

Mahalo for your time and consideration.

SB-1074-HD-1

Submitted on: 3/25/2025 2:05:41 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

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

Comments:

I am writing to express my strong support for SB1074, a critical bill that ensures boat maintenance businesses, like mine, can continue operating during the environmental review process if our permits are challenged. As a business that provides essential maintenance services to vessels in Hawaii, it is crucial that we are allowed to remain open during environmental reviews, ensuring minimal disruption to our operations and the broader maritime industry.

Boat maintenance is a vital part of Hawaii's economy, supporting both commercial and recreational industries. SB1074 ensures that businesses which have obtained permits in compliance with existing regulations can continue to operate while undergoing environmental assessments. This bill protects against unnecessary halts to our operations, which would otherwise have serious financial and operational consequences.

Environmental reviews are necessary to preserve Hawaii's natural resources, but requiring lawful boat maintenance businesses to cease operations while waiting for these reviews could lead to severe financial strain. The costs associated with maintaining vessels, paying staff, and covering operational overhead during these extended periods of review would put a significant burden on businesses like ours. If forced to stop, many boat maintenance businesses would likely face closures, resulting in job losses and a ripple effect throughout the local economy.

History has shown that industries like ours, once shut down due to regulatory hurdles, often struggle to recover. If boat maintenance companies are unable to stay in business, the supply chain for both commercial and recreational vessels would be disrupted, leading to further economic loss.

SB1074 strikes an important balance between protecting Hawaii's environment and ensuring the continued operation of businesses that are vital to the local economy. I strongly urge the committee to pass SB1074 to safeguard Hawaii's boat maintenance industry, the workers it employs, and the families that depend on its success.

Mahalo for your time and consideration.

SB-1074-HD-1

Submitted on: 3/25/2025 2:09:46 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Antonio G	Individual	Support	Written Testimony Only

Comments:

I am writing to express my strong support for SB1074, which is essential for maintaining the continuity of supply delivery businesses during environmental review processes. As a supply delivery operator, it is crucial that businesses like ours remain operational even while undergoing environmental assessments if our permits are challenged. This bill ensures that we can continue our services without unnecessary disruption, which is vital for the ongoing stability of our business and the local economy.

SB1074 provides a necessary safeguard by allowing lawfully permitted businesses to operate during the review process. It preserves regulatory stability and minimizes the financial and operational challenges that would otherwise result from having to halt operations while waiting for environmental studies to be completed. For industries like supply delivery that depend on efficiency, these kinds of interruptions can have significant negative consequences, including delays in services and disruptions to the supply chain.

Additionally, SB1074 helps prevent redundant environmental reviews that could impose undue burdens on businesses. These reviews, while important for protecting the environment, can become a financial strain on long-standing businesses that have already met regulatory requirements. Supply delivery companies, which provide essential goods and services to communities, cannot afford to pause operations without serious consequences. The costs of maintaining our fleets, equipment, and staff during long periods of review could force many businesses to shut down, resulting in lost jobs and economic hardship for workers and families.

History has shown that once supply delivery businesses lose their operating permits and are forced to shut down, they often do not recover. This could cause a ripple effect, impacting not only operators but also the broader economy, especially if we see revenue loss from businesses that have been integral to local operations.

SB1074 offers a practical solution to protect the livelihood of businesses and the workers who depend on them. By passing this bill, you will ensure that supply delivery companies can keep serving the community, providing essential services without unnecessary interruption, while complying with environmental regulations.

I respectfully urge the committee to support SB1074 to protect Hawaii's supply delivery businesses and the families that rely on them.

Mahalo for your time and consideration.

SB-1074-HD-1

Submitted on: 3/25/2025 2:14:47 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Julie Lewer	Individual	Support	Written Testimony Only

Comments:

My name is Julie Lewer, and I strongly support SB1074.

I am a resident of East Maui, and I too would be greatly impacted if this bill is not passed.

Not passing this bill would have repercussions across the island, including for me on the other side of the island in Hana, Maui.

I'm grateful to do what I love every day for a locally owned Maui business that collaborates with many of the permitted operators. This role allows me to work remotely from Hana. If these businesses shuttered, it would impact our business and possibly my employment.

SB1074 allows employees to keep working and living on Maui while undergoing any required environmental reviews. This bill fairly balances environmental protection with sustaining long-standing ocean activities.

Forcing lawful operators to shut down for years will lead to business closures and job losses for many in our community. History shows that once these operations shut down, they rarely return.

Please support SB1074 to protect our local families and businesses. Mahalo for your time and consideration.

Julie Lewer

SB-1074-HD-1

Submitted on: 3/25/2025 2:24:25 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
carol cozzi schmarr	Individual	Oppose	Written Testimony Only

Comments:

March 25, 2025

I STRONGLY OPPOSE SB1074 which is supposed to be for tour activities that do not “extract” resources. Aquarium collection of reef fish for the pet trade on the mainland is NOT a tour activity and must not be allowed to be viewed as a tour activity just to pacify a few greedy people who want to take cheap fish that belong to our entire community for a few easy to get dollars. Aquarium collection causes non repairable damage to our Reefs in West Hawaii. It is a permanently damaging EXTRACTIVE activity and must not be allowed. You will not be able to sleep at night if you allow this.

1, Carol Cozzi- Schmarr, own and operate The Ocean Rider Seahorse Farm, located within the Natural Energy Lab in Kona, since 1998. We produce over 10,000 farm raised seahorses (aquarium fish) per year for the pet trade in a profitable and sustainable manner.

Because of the fact that wild aquarium fish die within a month after capture due to stress and starvation, 1 million seahorse were taken out annually for home aquarium hobbyists before 1998. When our farm raised seahorses came on the market in 1998, the total number of seahorses consumed by the pet trade went down to 10,000 per year because farm raised seahorses live 10 years or more in a home aquarium. Not only do they live longer but they also are more colorful, friendly and healthier simply making a better pet.

Today in 2024 no one in the aquarium industry can even remember a wild caught seahorse being taken off the reef and put into an aquarium. It just doesn't make ecological or economic sense. This s a model that must be applied to all aquarium fish. They must be farmed, not fished off the reef just to die in some one's tank on the mainland. This is simply a Jurassic idea, The economic value of each fish is so much greater alive on our reefs year after year here in Hawaii. They bring in huge money for the tourist industry including the scuba diving industry, the boat snorkeling industry. They are worth much so more alive than the few dollars the collectors get for the fish. It is a tragic idea to even consider opening up our precious reefs to the raping of our fish followed by the death of our reefs.

Anyone who favors the collection is clearly in the pockets of the wholesalers who just want cheap fish. Don't let anyone tell you there are enough fish out there for the collectors. That is a lie and simply a false reality with false numbers. I have been in the ocean here every day with a mask on my face since 1984 and I can tell you the numbers of yellow tangs, butterfly fish, angel

fish, pipe fish and any beautiful fish are down by 90%. We cannot afford to share what is left for mainland greed.

Please don't let greed and false information sway you to make a horrific decision that affects everyone in Hawaii and destroys the last of our world's coral reefs. No single person or small group of people have that right. Carol Cozzi-Schmarr

SB-1074-HD-1

Submitted on: 3/25/2025 2:29:40 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
BENNETT CONVERSE	Individual	Support	Written Testimony Only

Comments:

Thank you

Subject: Testimony in Strong Support of SB1074_SD2_HD1

Aloha Chair Tarnas, Vice Chair Poepoe and Committee Members,

I am Dan Shydler and I **strongly support SB1074_SD2_HD1.**

SB1074_SD2_HD1 is a good regulatory solution. SB1074_SD2_HD1 allows previously permitted activities to continue operating while undergoing environmental review if permits are challenged. This is critical for ensuring regulatory stability and preventing unnecessary interruptions for compliant businesses. The bill also recognizes the importance of maintaining environmental standards while avoiding redundant reviews. It strikes a fair balance between protecting Hawaii's natural resources and supporting long-standing, regulated operations.

The passing of SB1074_SD2_HD1 is crucial for Maui families who depend on jobs and income tied to involved businesses. Maui's businesses and economy were set far back by the fires while still trying to recover from the COVID shutdowns. Visitor volume is already down. On the mainland, the devastation to Maui and families from the fires has been bumped from the news broadcasts – Maui has almost become an afterthought. It would be further devastating to Maui workers and their families to have another deep setback if this is not passed from even more businesses closing and eliminating jobs and paychecks. The ripple effect on associated and supporting businesses and the Maui economy is profound.

Please PASS SB1074_SD2_HD1 and support local families and businesses.

Mahalo for considering this testimony.

Sincerely,

Dan Shydler

SB-1074-HD-1

Submitted on: 3/25/2025 2:35:34 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cliff Robinson	Individual	Support	Written Testimony Only

Comments:

I support this. It's good for local business

SB-1074-HD-1

Submitted on: 3/25/2025 2:35:44 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mark okeefe	Individual	Support	Written Testimony Only

Comments:

SB1074 was introduced to support Ka'anapali operators facing shutdown. This bill allows operators to remain open for business while an environmental review is conducted. If not approved, it would shut them down completely and put business owners and employees in a very challenging position of neither earning an income nor contributing to the local economy. There have been meaningful investments made by business owners in equipment and training that would unfairly be taken away, even if only for a short period. This bill ensures that operators that followed all State regulations can continue their livelihood while an investigation is undertaken.

If long-standing permit holders who have complied with all State guidelines and regulations are forced to shut down operations during environmental reviews, we will lose experienced operators and business leaders. Please save these valuable local jobs and reputable businesses.

Aloha Chair Tarnas and Committee Members,

I oppose SB1074 SD2 HD.

This bill provides an end run around the Hawai'i Environmental Policy Act (HEPA), negating its purpose and procedure. This and its companion bill have been heard and amended repeatedly, but the poison pills remain. This bill, despite some of its stated intentions, is a threat to both Hawaii's natural resources and its rule of law relating to environmental review. This you cannot evaluate by the number of testimonies for vs. against; you must use your na'au and vote pono.

This measure is beyond amending; it must be held. Please do so.

Mahalo,

Rick Warshauer, Volcano

March 27, 2025

Representative David Tarnas, Chair
Committee on Judiciary & Hawaiian Affairs
Conference Room 325
State Capitol
415 S. Beretania Street
Honolulu, HI 96813

Subject: Testimony in Strong Support of SB 1074 SD2 – Relating to Environmental Impact Statements

Aloha Chair Tarnas and Members of the Committee on Judiciary & Hawaiian Affairs:

My name is Edwin Torres, General Manager of the OUTRIGGER Kā'anapali Beach Resort, and I strongly **support SB 1074, SD2.**

Recent court decisions indicate that hundreds, if not thousands, of permit holders are in jeopardy of being shut down due to the application of Chapter 343 to longstanding permitted activities.

Local family businesses that have been lawfully operating for decades under administrative rules will be forced to close unless the legislature takes immediate action.

This bill ensures that long-standing, law-abiding commercial activities are not unfairly subjected to redundant environmental reviews under Chapter 343. Hawaii's ocean tourism operators already comply with strict administrative rules designed to protect natural resources. SB 1074, SD2 provides much-needed clarity and prevents unnecessary disruptions.

By excluding ongoing, permitted activities from the definition of "action," this bill ensures regulatory efficiency while protecting the thousands of local residents that depend on permits issued by the State to make a living.

Mahalo for considering this testimony.

Sincerely,



Edwin Torres
General Manager

SB-1074-HD-1

Submitted on: 3/25/2025 2:41:12 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

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

Comments:

VOTE NO on SB1074. Protect our reefs, our culture, and our future.

Mahalo for taking the time to listen to the public,

Richard Bodien

Hawi

SB-1074-HD-1

Submitted on: 3/25/2025 2:42:59 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jennifer Owen	Individual	Support	Written Testimony Only

Comments:

I support this bill. Please help us keep Lahaina strong. We need our jobs and our visistors.

SB-1074-HD-1

Submitted on: 3/25/2025 2:49:14 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nancy Redfeather	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas and the members of the Judiciary and Hawaiian Affairs committee

I strongly oppose SB1074 because it would legitimize illegally authorized activities, like commercial aquarium collection, that devastate Hawai'i's ecosystems, cultural heritage, and future generations.

It is disheartening to continue year after year to protect the reef from the commercial aquarium collectors. If you can show that this is not the case be sure to let the community know.

Aloha,

Nancy Redfeather - Kona

Testimony for SB1074, SD1

Subject: Testimony in Strong Support for SB1074, SD1

Aloha Chair David A. Tarnas and Vice Chair Mahina Poepoe and members of the Committee on of the Water and
Judiciary & Hawaiian Affairs

My name is Richard C Lim and I strongly support SB1074, SD2, HD1 (HSCR 1398)

While I am currently retired, I was in banking for roughly 30 years, culminating as president of CityBank. I was also formerly a director of DBEDT and recently retired (12/2024) as president of Tradewind Capital. In these roles I have gleaned a decent amount of knowledge about business and the economy and the impacts that negative exogenous events can have on a business and the business community. Judge Peter Cahill's ruling clearly falls into this category.

I urge you to pass this bill to save the boating industry in Maui, where the tourism industry has yet to recover from the Lahaina fires.

The recent court decision to not allow the renewal of permits for Ka'anapali Beach seems draconian and would deal a devastating blow to the industry, **which was not responsible for and had no control over the completion of the EIS.**

Allowing boaters to continue to operate for twelve months during which time an environmental review can be completed is a common sense solution. It entails no cost to the taxpayers while failure to extend the leases will almost certainly result in the closure of businesses (many of which will be permanent) and the loss of jobs consistent with such closures. It will also deprive the State and Maui of income as tour boat operators are required to contribute 3% of gross revenues (MCTAT) in addition to paying general excise taxes income taxes.

There is no indication that allowing the boaters to operate until the EIS has been completed and any requisite regulations are promulgated would have a material impact on the environment. In fact, DLNR already has a responsible regulatory framework, designed to protect the environment with specific regulations to control pollution and protect the reefs. In addition there is a requirement for mandatory boating education as well as regulations that require boats to have mufflers and marinas to provide garbage reception facilities. Violations of these regulations can result in fines, administrative penalties and serious offenses may be deemed criminal.

As for complaints about crowding resulting from the engaging in onboarding from the shore, the temporary increase in beach traffic is hardly sufficient reason to disrupt the industry and it is not unreasonable to assume that many of the boat customers would spend more time on the beach if they were not boating.

In light of the dire consequences of inaction and the fact that there is no clear evidence that a relatively short term renewal of the boating licences will have adverse impacts on the environment, I respectfully urge you to pass HB661.

SB-1074-HD-1

Submitted on: 3/25/2025 2:58:46 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bard Peterson	Individual	Support	Written Testimony Only

Comments:

Chair Tarnas. Vice Chair Poepoe and committee members,

I am writing to you in support of SB1074. This bill is critical to many family owned and operated business. Without being able to renew permits these business will be forced to close which will have catastrophic impacts on their workers and ultimately families. Many of these business are well-established with an excellent history of being good stewards of our island's natural resources. These businesses and employees have already endured back to back hardships with COVID and then the wildfires of 2023. Please do not allow this shutdown of these businesses to occur. Support us, Maui, our families and our multigenerational businesses.

With Aloha. Bard Peterson.

SB-1074-HD-1

Submitted on: 3/25/2025 2:58:59 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Abigail Braceros	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

I am writing in strong support of SB1074 SD2 HD1.

As Maui remains in recovery mode due to the devastating fires, it is imperative to ensure that previously permitted activities can continue to operate while undergoing environmental review if their permits are challenged. These activities and the businesses that operate them provide much needed services to guests visiting Maui as well as employment to hundreds within our community.

Yes, environmental reviews are necessary, we must always protect our ‘āina, however, businesses that have been long standing permit holders operating within all guidelines should not be penalized. They respect the environment and in most cases, they pass on those sentiments to guests who walk away appreciating Maui even more – having learned about the reefs and marine life or even the simple joys of riding a wave.

Requiring lawfully permitted operators to cease operations while waiting years for environmental studies to be conducted would be devastating to our economy and ultimately our community. The ripple effect this will have on the island would be felt as supporting business (restaurants, drivers, etc.) will struggle with the loss. Not only will there be significant jobs lost, tourists will opt for visiting other islands due to the lack of activities offerings here... another blow to Maui and its people.

I strongly urge the committee to support SB1074 SD2 HD1 for the sake of our island and our community. Thank you for the opportunity to provide testimony, and I appreciate your consideration of this important matter.

Sincerely,
Abigail Braceros

SB-1074-HD-1

Submitted on: 3/25/2025 3:07:49 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
peter o riordan	Individual	Support	In Person

Comments:

Dear chair , vice chair and comitttee,

As an owner/operator i strongly support the passing of this bill.... i will expalin again in my testimony. There are too many things to mention, mentally physically and finacally that will be so devestaing to the very people that have and continue to help this community and beautiful island heal.

There is no "negotiating" or settlement as stated ny DLNR in the prior court proceedng between plaintiff and defendant. This is currently the only option as the time is quickly ticking to our permits being needed to be renewed.

mahalo nui loa

Mahalo for your time

SB-1074-HD-1

Submitted on: 3/25/2025 3:11:44 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
rasheem Carter	Individual	Support	Written Testimony Only

Comments:

Please continue to support this bill. Us workers need it to continue to live on the island of Maui.

mahalo,

Rasheem.

SB-1074-HD-1

Submitted on: 3/25/2025 3:12:59 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jennifer Ching	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas and the members of the Judiciary and Hawaiian Affairs committee

I strongly oppose SB1074 because it would legitimize illegally authorized activities, like commercial aquarium collection, that devastate Hawai'i's ecosystems, cultural heritage, and future generations.

For years, commercial collectors have extracted hundreds of thousands of fish from our reefs, including essential species like lau'ipala (yellow tang) and pāku'iku'i (Achilles tang). This reckless removal disrupts marine ecosystems and threatens Native Hawaiian subsistence fishing. Thanks to HEPA and court rulings, our reefs have finally had a chance to recover. SB1074 would undo this progress, allowing harmful activities to continue indefinitely without proper environmental review.

Hawai'i's environmental review law ensures that decision-makers and the public can weigh long-term impacts before permitting actions that could cause irreversible harm. When agencies fail to follow these laws, such as permitting unlimited aquarium fish collection or dewatering East Maui's streams for decades, the results are severe and often irreparable.

By allowing these illegally authorized activities to continue while challenges drag on for years, SB1074 would turn HEPA into a meaningless afterthought. It would reward irresponsible agency practices that prioritize industry profits over environmental protection, cultural preservation, and the well-being of our communities.

VOTE NO on SB1074. Protect our reefs, our culture, and our future.

Mahalo for taking the time to listen to the public,

Jennifer Ching, Holualoa

SB-1074-HD-1

Submitted on: 3/25/2025 3:13:36 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Randy Bartsch	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committees,

Thank you for the opportunity to submit testimony in strong support of SB1074. Our family often utilizes catamaran sailing adventure operators based out of Kaanapali Beach on Maui, I am deeply invested in the sustainability and success of these small businesses, which I believe are integral to the tourist experience on Maui and have faced significant challenges in recent years. This bill represents a critical step forward, and I urge your support to ensure its passage as we approach these final legislative stages.

We are particularly encouraged by the narrowing of this bill to apply only to current permit holders. This targeted approach makes sense—it protects those tour operators who have been responsibly operating under existing permits, while ensuring that the regulatory framework remains fair and practical. It provides much-needed certainty for legacy operators, who have managed to eke by despite economic and environmental pressures. Without this bill, these tour operators' risk being left holding the bag, facing uncertainty that could jeopardize their livelihoods and the experiences they provide to Maui residents and visitors alike.

For years, catamaran operators on Maui have worked hard to balance economic viability with environmental stewardship and cultural respect. SB1074 supports that balance by securing operational stability and providing clarifying of the permitting processes. Passing this bill will allow tour operators to continue contributing to Maui's economy and sharing the beauty of the island with the world in a sustainable way.

I respectfully ask that you vote in favor of SB1074 and move it forward to the next step. Mahalo for your time and consideration—I am grateful for your leadership on this issue.

Mahalo nui loa,

Randy & Patsy Bartsch
One Bay Drive, Suite 4604
Lahaina, HI 96761

SB-1074-HD-1

Submitted on: 3/25/2025 3:25:48 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Emma Hanrahan	Individual	Support	Written Testimony Only

Comments:

Dear Chair, Vice Chair, and Members of the Committee,

Please support SB1074 for ocean tour boats. This bill is essential to ensure that ocean tourism operators in Kaanapali can continue operating while undergoing environmental review. Without this bill, longstanding, law-abiding operators risk being shut down for years—even though they have complied with all permitting requirements.

These tour operators provide responsible access to Hawaii’s marine environment for residents and visitors alike, while promoting education, conservation, and sustainable practices.

SB1074 strikes a reasonable balance—allowing 343 to do its job while preventing unnecessary harm to local businesses, employees, and families that depend on this industry.

Please pass SB1074.

Mahalo,

SB-1074-HD-1

Submitted on: 3/25/2025 3:27:25 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nicholas W Kuhns	Individual	Support	Remotely Via Zoom

Comments:

Chair Tarnas. Vice Chair Poepoe and committee members, thank you for the opportunity to submit my thoughts, concerns and testimony relating to SB1074.

I implore you to please consider “not” delivering one more damaging and fatal blow to our business community, hospitality industry and job base here in West Maui. Even beyond the timing the threat of losing all boating and ocean recreation in Ka'anapali with valid permit holders and generational companies forced from business is unfathomable. If indeed an assessment of resource impact is needed, then shutting down the currently permitted businesses while this is ordered and prepared would be a terrible proposition. The well over 250 families impacted and the many, many support industries having to face a devastating blow like complete shutdown would be unrecoverable. These businesses, many of which as noted have been valuable and supportive members of our community for decades. The owner’s financial contributions towards keeping their businesses updated, fresh and marketable through personal commitment and bank loans would be completely lost. They would be forced to sell off millions of dollars of assets at a loss since these cannot simply sit in the water and then magically restart in 3,4 or more years post conclusion of area assessment. This Bill is the lifeline for continuation of services, and it is the “only” lifeline as, contrary to some earlier4 testimonies, no agreement, deal or arrangement is pending with DLNT, the boating community or plaintiffs seeking to shut down operations. Please do not allow this to occur. Support us, Maui, our families and our multigenerational businesses.

In a more in-depth review of "collateral damage" to multiple parties consider the following:

- The boating operations in Ka'anapali in a cumulative number provide over 220,000 meals of various types to their passengers on different snorkel cruises, whale watch sails, private charters, and sunset dinner or sunset pupu sails. Now, consider the hundreds of people, families and jobs impacted if that goes away. The caterers that provide the food would be impacted, the person or persons ordering the food would be impacted, the persons delivering the food would be impacted, the people and companies selling the food to the caterers would be impacted and many others not at first considered.
- The hotels having less and less activities to provide for potential guest would be significantly impacted. With no Lahaina, 100+ less shops, 100+ less restaurants and no Lahaina Harbor and no boating and ocean recreation in Ka'anapali it would not be a far leap to see potential visitors question why travel to West Maui or even Hawai‘i for that matter.

- Tax base revenues to the State of Hawai‘i would be severely reduced. An approximate figure for all revenues generated by all permit holders operating boating and ocean recreation in Ka'anapali is \$60 million annual. At 4.5% the sales tax on that is \$2.7 million, that goes away. Every boating operator in Ka'anapali now pays, as of 2025, \$1.00 per passenger for every person they allow on board, that all goes away
- All ocean recreation companies that hold valid ORMA permits in Ka'anapali must, as part of their permit, pay DLNR 3% of every dollar collected. With the above noted approximate figure of \$60 million in sales the 3% figure of \$1.8 million goes away
- The alcoholic and non-alcoholic beverage companies providing all beverages for boating operations would cease to have that business. This trickles down to less drivers needed, less warehouse people needed, less management needed, less shipping and receiving people needed and other impacts.
- Many island travel agencies staff, activities desk employees and concierge will lose jobs as there would be a drastic reduction in available activities. No Lahaina Harbor, no boating in Ka'anapali, no areas to participate in whale watching without driving to the other side of the island. With no ocean recreation there is no need for those that market and promote these activities
- Uber drivers, rentals cars, bus companies are all impacted if less people are coming to West Maui due to less things to do. Other competing resort destinations would love this opportunity
- Restaurants and all retail in Whalers Village and surrounding areas will lose revenues and as such require less staffing and possibly become less viable as a business if all those pre and post ocean activity passengers and participants just vanish

The most tragic impact of not passing SB1074 will be the human aspect and the impact on individuals, families, and long-standing businesspeople. The secondary financial and resort impact details above are also staggering and a totally unnecessary byproduct. The revisions to SB1074 of limiting the scope to just relate to "current" permit holders will allow for these businesses to continue, these families and employees to remain employed and stay on Maui and the noted collateral damage to be avoided "while" assessments are considered and completed. Please PASS SB1074 for all of us.

Me Ke Aloha Pumehana,

(With Warmest Aloha)

Nicholas Kuhns

SB-1074-HD-1

Submitted on: 3/25/2025 3:28:45 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shannon Matson	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas and the members of the Judiciary and Hawaiian Affairs committee

I strongly oppose SB1074 because it would legitimize illegally authorized activities, like commercial aquarium collection, that devastate Hawai'i's ecosystems, cultural heritage, and future generations.

For years, commercial collectors have extracted hundreds of thousands of fish from our reefs, including essential species like lau'ipala (yellow tang) and pāku'iku'i (Achilles tang). This reckless removal disrupts marine ecosystems and threatens Native Hawaiian subsistence fishing. Thanks to HEPA and court rulings, our reefs have finally had a chance to recover. SB1074 would undo this progress, allowing harmful activities to continue indefinitely without proper environmental review.

Hawai'i's environmental review law ensures that decision-makers and the public can weigh long-term impacts before permitting actions that could cause irreversible harm. When agencies fail to follow these laws, such as permitting unlimited aquarium fish collection or dewatering East Maui's streams for decades, the results are severe and often irreparable.

By allowing these illegally authorized activities to continue while challenges drag on for years, SB1074 would turn HEPA into a meaningless afterthought. It would reward irresponsible agency practices that prioritize industry profits over environmental protection, cultural preservation, and the well-being of our communities.

VOTE NO on SB1074. Protect our reefs, our culture, and our future.

Mahalo,

Shannon M.

Hawai'i Island Resident

SB-1074-HD-1

Submitted on: 3/25/2025 3:30:04 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carrie Kinkade	Individual	Support	Written Testimony Only

Comments:

Dear Chair, Vice Chair, and Members of the Committee,

I write in full support of SB1074 for ocean tour boats. This bill is absolutely essential for ensuring that ocean tourism operators in Ka'anapali can continue their operations while undergoing the environmental review. Without this bill, these longstanding (some 50+ years in business, regulated operators) face the risk of being shut down for years - even when they have complied with all permitting requirements. We need this because Maui is still facing the consequences of lower visitor numbers due to the Lahaina Wildfires, among other reasons. Our island hasn't recovered, and we need all the business we can possibly get in order to keep the tour operators in business, making Maui a worldwide fantastic destination for visitors who contribute to the economy and sustainability of Maui.

Additionally, the renewal of tour operator permits is paramount to the success, sustainability and livelihoods of not only the tour operators and their employees, but the community, the island of Maui, and Hawaii as a whole.

The tour operators allow residents and visitors to experience Hawaii's marine environment with minimal disruption, supporting conservation efforts through education and sustainable tourism practices.

This bill strikes a fair balance between protecting our natural resources through 343 and supporting the small ocean tour businesses that have operated responsibly under state oversight for decades.

Please pass SB1074 to protect our local ocean tourism industry, the jobs it supports, and the families who depend on it.

Mahalo for your consideration.

3/25/25

Aloha,

I am writing to express my strong support for Senate Bill 1074, a critical measure that will help stabilize our local economy while maintaining our commitment to environmental stewardship. This bill is not just about regulatory adjustments—it is about protecting jobs, sustaining livelihoods, and ensuring that Maui's recovery remains on track.

Maui has suffered enough. The devastating impacts of recent events have left our community struggling to rebuild, and we cannot afford further setbacks. The ocean activities sector is a strong contributor of our tourism industry, drawing visitors who support not just activity operators, but also hotels, concierges, restaurants, and countless small businesses. If these activities are disrupted, tourism declines. When tourism declines, our entire workforce—from resort employees to local farmers supplying our restaurants—feels the impact. We are all barely making it as it is.

SB1074 provides a common-sense solution by allowing permitted businesses to continue operations while undergoing environmental review, preventing **unnecessary job losses** and economic instability. It strikes the right balance between protecting our ocean resources and recognizing the urgent need to sustain employment in our community.

I fully support responsible environmental oversight, and I believe this bill upholds that commitment while also prioritizing the well-being of our people. Now, more than ever, we need policies that help us rebuild—not policies that create more hardship. I urge you to pass SB1074 and stand with the families, businesses, and workers who depend on a stable economy to survive.

It's time to put people first.

Thank you for your time and consideration

Meghan Lee

Email: meghan.lee@outrigger.com

Phone: 808.729.4210

Aloha kakou,

Isaac "Paka" Harp testifying in firm opposition to SB 1074 HD1.

The first sentence under SECTION 1 is very misleading. The Hawaii Environmental Policy Act, Chapter 343, was adopted in 1974 and requires environmental assessments for all projects having potential environmental impacts. Every application for state authorization since the 1974 adoption of Chapter 343 was in fact a new application subject to 343.

The opening line of the proposed amendment states:

(a) Notwithstanding any law to the contrary, so let's review the law.

Chapter 343-5 (a) Requires environmental assessments for actions that propose the use of state or county lands, as well as any use within the shoreline area as defined in section 205A-41. Both apply to Ka'anapali tour boats. The state failed to obey this law!

Chapter 343-5 (b) requires that, whenever an agency proposes an action that is not exempt under section 343-6, that agency shall prepare an environmental assessment at the earliest practicable time. Ka'anapali tour boats are not exempt under Chapter 343-6, which deals with amending existing county general plans. The state failed to obey this law.

Chapter 343 (e) requires that the agency initially receiving and agreeing to process the request for approval require the applicant to prepare an environmental assessment at the earliest practicable time. The state failed to obey this law.

To be clear, Ka'anapali tour boat operators applied for the required permits and the state issued the permits in violation of law. It's no fault of Ka'anapali tour boat operators or potentially thousands of other individuals and businesses that applied for permits wherever the state failed to obey Chapter 343 prior to issuing permits over the past 50-years.

It's a very sad testament when citizens are forced to sue the state for failure to obey the law, which in this case has divided a community. Only time will tell if the deep wounds created in the community by irresponsible state actions will heal.

Do not amend Hawaii's environmental protection laws because of state failures to obey the law. Deferring this bill will finally force the responsible state agency to begin good faith settlement negotiations with the lawsuit plaintiffs rather than trying to avoid a settlement.

I understand that settlement negotiations continued last Friday. I suggest that your committee inquire with Judge Peter Cahill on how the settlement negotiations are going before you vote on this bill.

Mahalo!

SB-1074-HD-1

Submitted on: 3/25/2025 3:36:38 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ravi Bugga	Individual	Support	Written Testimony Only

Comments:

I support allowing existing operators to continue operations during the environmental review process.

Thank you.

Ravi Bugga

Lahaina

SB-1074-HD-1

Submitted on: 3/25/2025 3:43:46 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Drew McCullough	Individual	Support	Written Testimony Only

Comments:

Aloha,

I would like to send my support for 1074 sb. As someone who works with the boat companies in kaanapali I know hundreds of people whose lives will be drastically upset if we are unable to operate while this survey is conducted.

Getting through covid was a huge hurdle for us to overcome, then we had the fires, and it feels like we are finally recovering from those shutdowns, and I don't think we can survive another one.

I know we all really care for the environment and I hope we can find a way to conduct this survey and continue to do the jobs we love.

Mahalo,

Drew McCullough

SB-1074-HD-1

Submitted on: 3/25/2025 3:46:45 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Don McLeish	Individual	Support	Written Testimony Only

Comments:

Dear Chair, Vice Chair, and Members of the Committee,

Please support SB1074 for ocean tour boats. This bill is essential to ensure that ocean tourism operators in Kaanapali can continue operating while undergoing environmental review. Without this bill, longstanding, law-abiding operators risk being shut down for years—even though they have complied with all permitting requirements.

These tour operators provide responsible access to Hawaii’s marine environment for residents and visitors alike, while promoting education, conservation, and sustainable practices.

SB1074 strikes a reasonable balance—allowing 343 to do its job while preventing unnecessary harm to local businesses, employees, and families that depend on this industry.

Please pass SB1074.

SB-1074-HD-1

Submitted on: 3/25/2025 3:52:04 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
zayden Phillips-Kwon	Individual	Support	Written Testimony Only

Comments:

Please pass this bill.

We need the jobs in Ka'anapali and not renewing permits will result in many jobs lost. I fully support this bill!

thank you,

Zayden

SB-1074-HD-1

Submitted on: 3/25/2025 3:53:55 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christine Williamson	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

I am Christine Williamson and I strongly support SB1074 SD2 HD1.

My interpretation of SB1074 SD2 HD1 is that it provides for an operator to go forward and continue with their operations and services during the process of an environmental review. Services as permitted would be allowed to continue everything for operations as is normal circumstance if / when permits are challenged for environmental or other concerns. Having this continuation of services is very important as it allows the operator to remain in business and continue until or if reviews show that for any reason operations should be stopped. If narrowing this Bill to apply to Ka'anapali ORMA permit operators as was the intention assist in moving forward towards approval that would be fully acceptable. Forcing lawfully permitted operators to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies will inevitably lead to the closure of local business and the loss of job for even more.

History has shown that activities that have lost their permits and been shut down (e.g., the Super Ferry, Aquatic Fish Collectors, etc.) don't come back. Please do not let this be the case for the hundreds of businesses and thousands of residents that depend on these activities for their livelihoods.

Please pass SB1074 SD2 HD1 and support our local families and businesses.

Mahalo for considering this testimony.

Sincerely,

Christine Williamson

SB-1074-HD-1

Submitted on: 3/25/2025 3:55:10 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Matthew Gurewitsch	Individual	Oppose	Written Testimony Only

Comments:

Aloha, Legislators!

I categorically oppose SB1074. If enacted, the bill would allow aquarium collectors to go about their destructive business without prior environmental review. There's no deadline for such review--and when completed, such review will assuredly show that extracting fish from our reefs for the aquarium trade threatens an environment that is already under unsustainable stress to total extinction. This cannot be what pono legislators want for our island paradise. Sustainability and preservation must be top priorities. Mahalo for your attention, I urge you, in all humility, to act for the fishes and to do the right thing.

SB-1074-HD-1

Submitted on: 3/25/2025 3:55:26 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rick Williamson	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

I am Rick Williamson and I strongly support SB1074 SD2 HD1.

My interpretation of SB1074 SD2 HD1 is that it provides for an operator to go forward and continue with their operations and services during the process of an environmental review. Services as permitted would be allowed to continue everything for operations as is normal circumstance if / when permits are challenged for environmental or other concerns. Having this continuation of services is very important as it allows the operator to remain in business and continue until or if reviews show that for any reason operations should be stopped. If narrowing this Bill to apply to Ka'anapali ORMA permit operators as was the intention assist in moving forward towards approval that would be fully acceptable. Forcing lawfully permitted operators to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies will inevitably lead to the closure of local business and the loss of job for even more.

History has shown that activities that have lost their permits and been shut down (e.g., the Super Ferry, Aquatic Fish Collectors, etc.) don't come back. Please do not let this be the case for the hundreds of businesses and thousands of residents that depend on these activities for their livelihoods.

Please pass SB1074 SD2 HD1 and support our local families and businesses.

Mahalo for considering this testimony.

Sincerely,

Rick Williamson

March 25, 2025

Aloha Honorable Senators, Representatives, Chairs, Committees,

I am writing again in support of passing SB 1074 and HB 661 pertaining to continued boat operations/activities/excursions and operating license renewals along Kā'anapali while an Environmental Assessment is evaluated/acted upon.

I hope the essential and multiple contributions made by continued boat operations are recognized and supported by the full legislature and Governor. Maui and its folks need this support. Passing both bills buoys ongoing comeback efforts, promotes tourism and consumerism while supporting environmental stewardship.

Boat excursions and activities are needed to draw mainland and international bookings that contribute to many industries, jobs, income for residents. Plus, they provide much-needed county and state revenues. **Supporting ongoing boat activities operations sends a deeply visible message about Hawai'i's sincere commitment to getting Maui back on course so ohana and local folks can again thrive.**

There's a symbiotic relationship among restaurants, recreation companies, souvenir stores, Whaler's Village, scenic tours, etc., as all of these count on walk-in visitor business. Visitors are essential for families who own or are employed at these establishments. Having all of these active places and services helps rebuild lives and restore normalcy.

Maui is having a rough 5 years. The island still continues to struggle after 2 devastating events: an extended Covid 19 shutdown and a life-shattering wildfire in Lahaina. Families, family-owned restaurants, locally owned excursion companies, popular vendors, iconic/well-known retailers, and hotels are still trying to survive. All of them depend heavily on visitors, activities bookings, retail spending and steady customers to make it back. **Passing SB 1074 and HB 661 supports recovery.**

My family and extended family are loyal, annual visitors who've been coming for decades to enjoy every type of recreation- including boating excursions- and happily eating too much 😊. Two to three times a year we come to West Side for the rich variety of experiences offered by superior ocean activities operators including these:

- Whale watching
- Dinner cruises
- Sunset cruises
- SUP (stand up paddle board)
- Scuba diving at Molokini
- Snorkel
- Parasailing
- Reef exploration
- Turtle viewing
- Catamaran paddling

An important truth about organized ocean activities: they bring visitors. Tour boats guarantee an investment in a place and a species. They amplify species protection in a tangible way: tour and tax revenue contribute to that protection.

Mahalo, Thank you again for your attention. Kindly, Milana Lock

SB-1074-HD-1

Submitted on: 3/25/2025 3:58:44 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Liahona Kaniho	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of SB1074

Aloha Committee members,

I strongly support SB1074 and ask for your continued support. As a woman working in Ka'anapali, my job is essential to providing for my family and maintaining our way of life here on Maui. Like many others, I rely on this work to keep a roof over my head and support my loved ones. While I understand the importance of the impact study, but permit extensions are necessary so we can continue working while it is completed.

Mahalo for your time and consideration.

Sincerely,

Liahona Kaniho

SB-1074-HD-1

Submitted on: 3/25/2025 4:00:40 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
anita wintner	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose SB 1074. It seems like this has gone on forever. If you reinstate aquarium collector permits before an EIS is done, damage to the reefs will continue, fewer fish will remain to help reefs survive, endemic fish will be gone, and for what?! So people with aquariums can watch them for a while before they die. This is insane. Tourism is what keeps our islands thriving and tourists love to see fish on the reefs. Without the fish, reefs will die. Do not pass this bill before the EIS is completed. Anita Wintner Hawaii resident for 40 years

SB-1074-HD-1

Submitted on: 3/25/2025 4:06:09 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
michael gilbert	Individual	Oppose	Written Testimony Only

Comments:

This bill leaves a opening for the disgraceful capture and deceemation of the aquarium trade. That's my only issue. You must please make sure there is a provision in this bill to make sure that does not happen. I have seen the destruction first hand. These folks destroy our reefs. Please you must understand what the aquarium trade entails. It's wrong in so many ways. Aloha
Michael Gilbert MA.Cr. Curator of Corporate Collections Waldorf Astoria

SB-1074-HD-1

Submitted on: 3/25/2025 4:07:31 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Eileen Amaranthus	Individual	Support	Written Testimony Only

Comments:

Dear chairperson

Please accept my support of SB1074. As an environmentalist and property owner on Kaanapali beach I've enjoyed our oceans and wildlife. In addition to the devastating island shut down due to covid, Lahaina has also experienced tragic loss of property and lives due to the fire. Current tourism on kaanapali is helping support a broken community. Overt the last 15 years, I've actually experienced more wildlife and enjoyed clearer beaches. I can appreciate environmental concerns and feel the loss of jobs and community impact will be devistating for local O'hana at this time. I support the Bill as it applies to Ka'anapali ORMA operators as they need our full support now as they all recover from the disaster

SB-1074-HD-1

Submitted on: 3/25/2025 4:11:20 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nina Monasevitch	Individual	Oppose	Written Testimony Only

Comments:

Strongly oppose SB1074. It was prompted by a court order prohibiting issuance and renewal of marine tourism permits in Ka'anapali until they have undergone environmental review, or DLNR has declared they are exempt. **DLNR and the Environmental Council have already determined that these types of tour operations are exempt**, and we mostly agree in this specific situation, because they are non-extractive and minimally impact the environment (with the exception of e-foils). **DLNR could have and should have drafted and published the determination of exemption months/years ago. And they can do so right now! There simply is no need for this dangerous bill.**

SB-1074-HD-1

Submitted on: 3/25/2025 4:15:02 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tamara S Augustine	Individual	Support	Written Testimony Only

Comments:

My name is Tamara and I strongly support SB1074. I am a mom of 4 and this job has meant everything to the support of my family. Losing this job would be a devastaing blow to our finances.

As a resident and employee of West Maui, we have already endured so many hardships. Please support us while we continue to recover by passing SB1074.

I am for the environment and SB1074 simply allows our Ka'anapali employees to continue earning a living while undergoing any required environmental reviews if permits are challenged.

Our industry has opertated for over 40 years and is highly regulated by the USCG and existing State administrative rules; all of the operations on Ka'anapali Beach are and have been in compliance with.

This bill strikes a fair balance between protecting Hawaii's natural resources while supporting long-standing, regulated ocean activities operation.

Forcing lawfully permitted operators to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies will inevitably lead to the closure of local business and the loss of job for me, and so many more of our West Maui residents.

History has shown that activities that have lost their permits and been shut down don't come back. Please do not let this be the case for the hundreds of businesses and thousands of residents that depend on these activities for their livelihoods.

Please pass SB1074 and support our local families and businesses.

Mahalo for considering my testimony.

SB-1074-HD-1

Submitted on: 3/25/2025 4:16:19 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kaleo Lopez	Individual	Support	Written Testimony Only

Comments:

I fully support this bill!!

SB-1074-HD-1

Submitted on: 3/25/2025 4:23:51 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jack	Individual	Support	Written Testimony Only

Comments:

Support

SB-1074-HD-1

Submitted on: 3/25/2025 4:24:17 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shelly Snyder	Individual	Support	Written Testimony Only

Comments:

Dear Members of the Committee,

Please support SB1074 for ocean tour boats. This bill is essential to ensure that ocean tourism operators in Ka'anapali can continue operating while undergoing environmental review. Without this bill, longstanding, law-abiding operators risk being shut down for years—even though they have complied with all permitting requirements for many years.

These tour operators provide responsible access to Hawaii's marine environment for residents and visitors alike, while promoting education, conservation, and sustainable practices.

SB1074 strikes a reasonable balance—allowing 343 to do its job while preventing unnecessary harm to local businesses, employees, and families that depend on this industry.

Please pass SB1074.

Mahalo,

Shelly Snyder

SB-1074-HD-1

Submitted on: 3/25/2025 4:27:15 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Beth D King	Individual	Support	Written Testimony Only

Comments:

Support this bill to keep Kaanapali ocean activities operating while an environmental study proceeds. These peoples homes burned. Some lost their work place. Dony shutcthrm down! They need to employ and work. Tourist are coming to Kaanapali beach but need activities to do this Summer! Support 1074

Beth King

37 West Welakahao Rd Kihei hi

SB-1074-HD-1

Submitted on: 3/25/2025 4:32:17 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Glenn Casil	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair & members of this committee,

I wished to use this opportunity to convey my concerns & testimony relating to SB1074, as a citizen and hospitality industry professional for most of my life & career.

The very slow recovery from the recent fires may be the hardest and most protracted of any time in our history. With that in mind I implore you to please consider “not” voting on the threat of losing all boating and ocean recreation in Ka'anapali with valid permit holders and generational companies, as this is the very bread & butter of the resident business owners, where revenues fuel & revive a stagnant economy.

If indeed an assessment of resource impact is decided, ceasing active & permitted businesses while this is ordered and prepared would be devastating & cripple the economy. The owner's financial stability towards even a slow recovery would be completely lost. . Support us, Maui, our families and our multigenerational businesses.

The hotels having less and less activities to provide for potential guests would be significantly impacted. With no Lahaina, 100+ less shops, 100+ less restaurants and no Lahaina Harbor and no boating and ocean recreation in Ka'anapali it would not be a far leap to see potential visitors divert their vacation & spending away.

Tax base revenues to the State of Hawai'i would be severely reduced.

- Many island travel agencies staff, activities desk employees and concierge will lose jobs as there would be a drastic reduction in available activities.

With no ocean recreation there is no need for those that market and promote these activities

- Restaurants and all retail in Whalers Village and surrounding areas will lose revenues and as such collapse as a business.

The most tragic impact of not passing SB1074 will be the impact on individuals, families struggling to survive as is .

Respectfully, please PASS SB1074 for all of us.

SB-1074-HD-1

Submitted on: 3/25/2025 4:35:27 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lucas King	Individual	Support	Written Testimony Only

Comments:

Hey I hereby support this, these are great businesses and I think it's crazy to hender businesses after everything Lahaina has gone through

SB-1074-HD-1

Submitted on: 3/25/2025 4:36:05 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Richard Haviland	Outfitters Kauai Ltd	Support	Written Testimony Only

Comments:

Thank you for your support.

Respectfully, Richard Haviland

SB-1074-HD-1

Submitted on: 3/25/2025 4:36:18 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tracy Simmons	Individual	Support	Written Testimony Only

Comments:

My name is Tracy Simmons, and I strongly support SB1074 SD2 HD1

As an employee of West Maui with Teralani Sailing, we have already endured so many hardships. Please support us while we continue to recover by passing SB1074.

I am for the environment and SB1074 simply allows our Ka'anapali employees to continue earning a living while undergoing any required environmental reviews if permits are challenged.

The narrowing of this Bill to just apply to "current" permit holders makes great sense and I support it

Our industry has operated for over 30 years and is highly regulated by the USCG and existing State administrative rules; all of the operations on Ka'anapali Beach are and have been in compliance with.

This bill strikes a fair balance between protecting Hawai'i's natural resources while supporting long-standing, regulated ocean activities operation.

Forcing lawfully permitted operators to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies will inevitably lead to the closure of local business and the loss of a job for me, and so many more of our West Maui residents.

History has shown that activities that have lost their permits and been shut down don't come back. Please do not let this be the case for the hundreds of businesses and thousands of residents that depend on these activities for their livelihoods.

Please pass SB1074 SD2 HD1 and support our local families and businesses.

This decision threatens not only our local businesses and economy and the community I cherish but also the very foundation of my Ohana's livelihood. I have been a proud member of the Maui community for over 20 years. My child grew up here instilled with the aloha spirit of our island. I rely solely on my income as an employee of Teralani Sailing Adventures on Ka'anapali Beach. I've worked for decades to provide for my Ohana, relying on income generated through Ka'anapali's ocean recreation industry. This ruling will abruptly end that, leaving us in fear of our future. I don't know how I can survive another layoff after Covid 19 & the Lahaina wildfires

and once again losing my Health Insurance and waiting weeks for an unemployment claim with no income. As someone whose family's livelihood is directly tied to this industry, I urge you to consider the real human cost—families like mine who will lose everything if this decision stands. The ocean is not just our workplace; it's the heart of our community and culture.

After the Lahaina Wildfires many of the boat operators rallied together and transported food, water, clothing and necessary lifesaving supplies to the West Side when the roads were closed and not accessible. What would happen if we were to have another natural disaster, who would be able to act this swiftly providing essential care to an already fragile community.

Over my 11-year tenure with Teralani sailing we have saved numerous lives that elect to go snorkeling by themselves and get into dangerous situations and need to be saved. I have testimonies from people thanking us for saving their lives and being in the right place at the right time. I humbly ask for your support in advocating for a resolution that allows current permits to remain in place during the EA process.

Let's find a path forward that protects both our environment and preserve Hawai'i's reputation as a world-class destination which the County and State of Hawai'i created by allowing tourism and development and foster a sustainable future for our islands and the families who call Hawai'i home.

West Maui cannot afford to lose more businesses and jobs due to unnecessary bureaucratic delays. I strongly urge you to pass SB1074 SD2 HD1 to protect our local businesses, preserve West Maui families' livelihoods, and ensure that responsible operators can continue serving our community.

Mahalo Nui for your time and consideration.

Sincerely,

Tracy Simmons

SB-1074-HD-1

Submitted on: 3/25/2025 4:47:26 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dr Michael Amaranthus	Individual	Support	Written Testimony Only

Comments:

We're property owners at The Whaler on Ka'anapali Beach and over the past 15 years have spent a considerable amount of time on Maui with family and hosting friends. When we are on Maui we attend the Kaanapali sunset sail cruise and whale watch about every two weeks because we are in our 60's and we love being out on the water. The whale watching is unreal and we attend with our family and friends when they come to visit. The trips are safe and the crew knowledgeable about all things Maui. It is the usual highlight of their vacations.

I'm writing you because I am very upset regarding closure of all boating and other operation from Ka'anapali Beach. We've always cherished our time there and the ability, get out on a whale watch cruise or participate in other ocean activities. Getting to know the beauty of Maui on these trips helps educate people about conservation and protection of water quality and marine life. Throughout the many years we've been coming to Maui we've grown to have great relationships with the families and employees owning and operating many of these boats and activities.

Considering the tremendous impact of Covid and the Lahainia fire (we supported the relief effort with considerable resources), I can't believe the State of Hawaii is even thinking about shutting these small companies down and would create hundreds of unemployed individuals and their families. We've heard it has something to do with an environmental report however surely operators could continue until such time as that report is completed. Not re-issuing their permits and putting them out on the street so to speak is unacceptable! Please do whatever you can to intervene and prevent this from being yet another tragedy for Maui's resident and their families.

Sincerely,

Dr. Mike Amaranthus

SB-1074-HD-1

Submitted on: 3/25/2025 5:04:37 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lynn Allen	Individual	Oppose	Written Testimony Only

Comments:

I STRONGLY OPPOSE SB1074

SB-1074-HD-1

Submitted on: 3/25/2025 5:39:26 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Susan Menton	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas and the members of the Judiciary and Hawaiian Affairs committee:

I have just returned from a trip to Indonesia where some of the reefs were TEEMING with fish. I have never seen anything *even remotely* like that in our Hawaiian waters here. The last thing we need is for business to harvest what's left of our fish. Please VOTE NO on SB1074. Please be forward-looking and protect our reefs.

Mahalo,

Susan Menton

SB-1074-HD-1

Submitted on: 3/25/2025 5:40:49 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

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

Comments:

Aloha Chair Tarnas and the members of the Judiciary and Hawaiian Affairs committee:

My wife and I just returned from a trip to Indonesia where some of the reefs were TEEMING with fish, so unlike our Hawaiian reef habitat here. The last thing we need is for business to harvest what's left of our fish. Please VOTE NO on SB1074. Please be forward-looking and protect our reefs.

Mahalo,

Jon Menton

SB-1074-HD-1

Submitted on: 3/25/2025 5:49:16 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mary Gherardi	Individual	Support	Written Testimony Only

Comments:

Please, Maui is suffering enough. Do the environmental assessment while tourist boats are operating, it will be more accurate. Maui really can't afford to take anymore hits at this point. The boats are very regulated currently and operate responsibly.

SB-1074-HD-1

Submitted on: 3/25/2025 5:49:20 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Theo King	Individual	Support	Written Testimony Only

Comments:

I support this bill.

If this bill were not to pass you would put people out of work you would have caused loans to be delinquent

our economies already weakened in West Maui, the state needs to generate revenue for the population as well as bring tours back if this loan we're not the pass business would go out of business people would lose their jobs

SB-1074-HD-1

Submitted on: 3/25/2025 6:12:07 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Meredith Buck	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the House Judiciary & Hawaiian Affairs Committee,

My name is Meredith Buck. I am a resident of Kailua Kona. I strongly **OPPOSE SB1074 SD2 HD1**, a dangerous measure that continues to subvert the environmental review process and by extension, the public interest in our coastal and marine environment.

I appreciate that this measure has been amended to narrow its scope and to provide a sunset date for its provisions. However, it still flies in the face of our environmental review process as a mechanism for transparency, public engagement, due diligence, and prudent planning, before commercial uses of our vital coastal areas are permitted. Under this bill as currently drafted, the Department of Land and Natural Resources would be allowed to turn a blind eye to significant potential impacts to water quality, public and cultural practitioner access, public safety, public health, and cultural and ecological resources, among others, in authorizing the commercial use and occupation of our small boat harbors, beaches, and nearshore waters without the completion of any environmental review. Moreover, the negative consequences of this bill may be exacerbated by amendments made prior to its passage, as well as after its potential enactment into law.

The continued movement of this measure will also prolong the uncertainty and fear that has been expressed by the Ka'anapali ocean tour operators, whose operations have been disrupted by the DLNR's refusal to comply with the environmental review law or accept a settlement offer that would address community concerns regarding water pollution, water safety, and public access. The DLNR's acceptance of such an offer would allow these tour operators to be issued permits nearly immediately, rather than wait the months it would take for this measure to be enacted into law. However, the DLNR has little incentive to agree to such a resolution if this bill remains alive and moving.

Please **HOLD SB1074 SD2 HD1**.

Sincerely,
Meredith Buck

SB-1074-HD-1

Submitted on: 3/25/2025 6:14:03 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cheryl Reeser	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the House Judiciary & Hawaiian Affairs Committee,

My name is Cheryl Reeser and I strongly **OPPOSE SB1074 SD2 HD1**, a dangerous measure that continues to subvert the environmental review process and by extension, the public interest in our coastal and marine environment.

I appreciate that this measure has been amended to narrow its scope and to provide a sunset date for its provisions. However, it still flies in the face of our environmental review process as a mechanism for transparency, public engagement, due diligence, and prudent planning, before commercial uses of our vital coastal areas are permitted. Under this bill as currently drafted, the Department of Land and Natural Resources would be allowed to turn a blind eye to significant potential impacts to water quality, public and cultural practitioner access, public safety, public health, and cultural and ecological resources, among others, in authorizing the commercial use and occupation of our small boat harbors, beaches, and nearshore waters without the completion of any environmental review. Moreover, the negative consequences of this bill may be exacerbated by amendments made prior to its passage, as well as after its potential enactment into law.

The continued movement of this measure will also prolong the uncertainty and fear that has been expressed by the Ka'anapali ocean tour operators, whose operations have been disrupted by the DLNR's refusal to comply with the environmental review law or accept a settlement offer that would address community concerns regarding water pollution, water safety, and public access. The DLNR's acceptance of such an offer would allow these tour operators to be issued permits nearly immediately, rather than wait the months it would take for this measure to be enacted into law. However, the DLNR has little incentive to agree to such a resolution if this bill remains alive and moving.

Please **HOLD SB1074 SD2 HD1**.

Mahalo,

Cheryl Reeser

SB-1074-HD-1

Submitted on: 3/25/2025 6:14:55 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Deborah Pence	Individual	Oppose	Written Testimony Only

Comments:

Please HOLD SB1074 SD2 HD1 which I oppose in unity with Hawaii Sierra Club, thank you.

SB-1074-HD-1

Submitted on: 3/25/2025 6:23:13 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Benton Kealii Pang, Ph.D.	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the House Judiciary & Hawaiian Affairs Committee,

My name is Benton Kealii Pang, Ph.D., and I strongly OPPOSE SB1074 SD2 HD1, a dangerous measure that continues to subvert the environmental review process and, by extension, the public interest in our coastal and marine environment.

While I appreciate that this measure has been amended to narrow its scope and to include a sunset date, it still undermines Hawai‘i’s environmental review process—a critical mechanism for ensuring transparency, public input, due diligence, and prudent planning before commercial activities are permitted in our vital coastal areas.

As currently drafted, SB1074 SD2 HD1 would allow the Department of Land and Natural Resources (DLNR) to authorize commercial use and occupation of our small boat harbors, beaches, and nearshore waters without completing an environmental review. This opens the door to significant potential impacts on water quality, cultural practitioner and public access, public safety, public health, and the degradation of ecological and cultural resources.

Moreover, the harm from this bill could be magnified by future amendments made before its passage or after enactment into law.

The continued advancement of this measure also extends the climate of uncertainty and fear among Ka‘anapali ocean tour operators—whose livelihoods have been disrupted not because of the environmental review process itself, but because of DLNR’s refusal to comply with it or to accept a reasonable settlement. That settlement would resolve community concerns about water pollution, safety, and public access, and allow these tour operators to be issued permits immediately—without having to wait months for legislation to take effect. But DLNR lacks the incentive to take this step if this bill continues to move forward.

I urge you to uphold the integrity of Hawai‘i’s environmental laws and please HOLD SB1074 SD2 HD1.

Mahalo for the opportunity to testify.

Sincerely,
Benton Kealii Pang, Ph.D.

SB-1074-HD-1

Submitted on: 3/25/2025 6:28:45 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Monique L LeBlanc	Individual	Support	Written Testimony Only

Comments:

Strongly Support 1074 SD2 HD1

Aloha Chair Tarnas, Vice Chair Poepoe and committee members,

My name is Monique LeBlanc a 37 year Maui County resident I strongly supports SB1074, added comments.

SB1074 was introduced to allow commercial operations to continue operation while an EA or EIS is found necessary. The recent draft (HD1) makes a clear distinction by requiring continued operation for legally permitted, annual renewal type of permittees - there is NO Intent to weaken HEPA or allow a resurgence of Aquarium Fisheries. This confusion has clouded the intent.

The Ka'anapali lawsuit exposed the need for SB1074 (HB411). On Friday, 03/21/2025 Judge Cahill rescheduled the hearing of DLNR's reconsideration until August. In the meantime, DLNR is allowed to renew existing permits as they come up until the case is heard.

Testifiers whom opposing this Bill speak of settlement agreements - there are none. A small group of boaters received a list of requests from the plaintiff's attorney (Lance Collins) - which they refused. I would not call that a settlement. The boaters are not the defendants; DLNR is the sole defendant.

I have a concern with the one year limit regarding renewals. DLNR/DOBOR website page has [financial and current EA/EIS status](#). One is from 2018 Pohoiki Ramp, trigger in 2018, draft completed April 2023. It doesn't state it but in July 2023 the EA determined FONSI (finding of no significant impact). This is from [Environmental Review Program](#) website. My concern stem from this 2018 volcanic eruption triggered the EA - one could conclude it took 5 years to get a draft EA, only 3 months to determine no impact by ERP. It seem it took DLNR/DOBOR 5 years to contract with the Limtaco Company to produce a Draft EA.

A requested change in the Bill: From:continue operation for one year while the appropriate agency makes the determination and conducts any necessary environmental review;

To:continue operation for one year following the Draft environmental review while the appropriate agency makes the determination;

If this 2017 lawsuit is successful, it will provide a tool to close down tourism-related activities, based on accusation. This case which has been denied/appealed several times claims three things:

1. use of public parking by Ka'anapali guest (not true- in the rare case that it is- it is not due to the operator's instructions, rather due to "Joe public-visitor" deciding to do that), 2. An unidentified boat pumped waste into the bay (the only witness has since past); boats pump don't dump.

3. No ingress/egress buoys; **THIS IS NEEDED**. Boaters installed their own at one time and removed, per DLNR/DOBOR. This is a safety issue. IF DLNR would, walk their talk and use the the private-public partnership (PPP), we could likely have this completed at no cost and done correctly.

Simple put **THIS BILL** prevents weaponization of HEPA against legal, compliant, environmentally sound tourism businesses. Mahalo, thank you for your time, consideration, and opportunity to testify.

SB-1074-HD-1

Submitted on: 3/25/2025 6:47:04 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
David Quintanilla	Individual	Support	Written Testimony Only

Comments:

I support this because my Ohana depends on the industry to survive. My friends and family all work in the industry and our families depend on what it provides so we can maintain living on this island we call home.

It is very plausible that we can all work together to make this better for both our aina and the community!

SB-1074-HD-1

Submitted on: 3/25/2025 7:08:56 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Patricia Blair	Individual	Oppose	Written Testimony Only

Comments:

Hold SB 1074 SD2 HD1:it subverts the environment review process which is so important to Hawaii's wellbeing.

SB-1074-HD-1

Submitted on: 3/25/2025 7:10:19 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tanner Vaughn	Teralani	Support	Written Testimony Only

Comments:

SB1074 protects **long-standing, permitted businesses in Ka‘anapali** from being wrongfully caught up in legal battles that were never meant to impact them. Without this bill, these businesses—and the hundreds of families who depend on them—could be shut down. **We cannot afford another industry shutdown.** Families are already struggling, and we must fight to keep our jobs and our ability to remain in Hawaii.

SB-1074-HD-1

Submitted on: 3/25/2025 7:11:23 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ken Steffen	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

My name is Ken Steffen, and I am writing in strong support of SB1074.

This bill is essential in ensuring that previously permitted activities can continue operating while undergoing environmental review if their permits are challenged. By allowing businesses to remain open during this process, SB1074 helps maintain regulatory stability and prevents unnecessary disruptions for compliant operators.

SB1074 upholds environmental protections while also preventing redundant reviews that can impose excessive financial and operational burdens on longstanding, law-abiding businesses. It strikes a fair balance between preserving Hawaii's natural resources and supporting regulated commercial activities that have been an integral part of our local economy for years.

I respectfully urge the committee to pass SB1074 and help protect Hawaii's local businesses and working families.

Mahalo for your time and consideration.

**Testimony of Zach Lockwood
In Opposition to SB1074 SD2 HD1
Submitted to the House Committee on Judiciary & Hawaiian Affairs (JHA)
Hearing Date: Thursday, March 27 at 2:00 PM**

Aloha Chair Tarnas, Vice Chair Takayama, and Members of the Committee,

My name is Zach Lockwood, and I am a law student in the Environmental Law Clinic at the University of Hawai'i at Mānoa, William S. Richardson School of Law. I am writing in *strong opposition* to SB1074 SD2 HD1.

This bill threatens to dismantle the foundational purpose of the Hawai'i Environmental Policy Act (HEPA): to ensure that environmental impacts are meaningfully considered *before* potentially harmful activities are allowed to proceed. By allowing commercial operations to continue during the environmental review process—even after being challenged—SB1074 SD2 HD1 invites harm first, and review later.

Why This Bill Is Problematic:

- **It Renders Environmental Review Toothless**

Environmental review is only effective if it prevents harm, not if it rubber-stamps operations after the fact. Under this bill, commercial activities could continue for at least a year—possibly longer—without any assessment of their impacts. That is not environmental protection. That is regulatory surrender.

- **It Creates a Dangerous Loophole for Commercial Operators**

SB1074 SD2 HD1 would give operators a license to proceed simply because they were previously permitted—no matter how outdated, inadequate, or inappropriate those prior approvals may have been. Worse, the bill offers no meaningful guardrails. As written, it invites exploitation by industries seeking to avoid public accountability.

- **It Is a Step Backward for Environmental Justice and Good Governance**

At a time when Hawai'i is facing growing threats to its natural and cultural resources—from over-tourism, climate change, and pollution—now is not the time to weaken our safeguards. This bill sends the wrong message: that commercial convenience matters more than environmental responsibility, and more than the rights of our communities to protect the places they love.

The legislature should not open the door to a policy that allows potentially harmful activities to proceed unchecked while environmental review lags behind. We need to strengthen enforcement, improve agency capacity, and uphold the intent of our environmental laws—not carve them hollow for the sake of expediency.

For these reasons, I respectfully urge this Committee to *reject this bill* and instead uphold the integrity of Hawai'i's environmental laws.

Mahalo for the opportunity to testify.

Respectfully,
Zach Lockwood

SB-1074-HD-1

Submitted on: 3/25/2025 7:17:45 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Katherine Fryer	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose SB1074 SD2 HD1, a dangerous measure that continues to subvert the environmental review process and by extension, the public interest in our coastal and marine environment.

I appreciate that this measure has been amended to narrow its scope and to provide a sunset date for its provisions. However, it still flies in the face of our environmental review process as a mechanism for transparency, public engagement, due diligence, and prudent planning, before commercial uses of our vital coastal areas are permitted. Under this bill as currently drafted, the Department of Land and Natural Resources would be allowed to disregard significant potential impacts to water quality, public and cultural practitioner access, public safety, public health, and cultural and ecological resources, among others, in authorizing the commercial use and occupation of our small boat harbors, beaches, and nearshore waters without the completion of any environmental review. Moreover, the negative consequences of this bill may be exacerbated by amendments made prior to its passage, as well as after its potential enactment into law.

I urge you to please hold SB1074 SD2 HD1.

SB-1074-HD-1

Submitted on: 3/25/2025 7:41:50 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Anne Allison	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose SB 1074. This bill is unnecessary to address commercial issues or water activities. This is another attempt (with the DLNR support) to allow removal of our fish and destruction of our reefs for the "aquarium trade" which is ridiculous!!!!!! Why would the DLNR not just draft and submit an exemption for the "non-take" tourist activities? Why does it seem that the DLNR wants to support the very opposite behavior of their stated mission? Why is not the DLNR leading the charge to protect our natural resources????????????? Why are the citizens of Hawaii in a lose lose situation if this bill goes through? This makes no sense so like in Washington, follow the money, who gains???

PLEASE vote NO. Please get a real leader and advocate for the DLNR, not just a political appointee. or say goodbye to yet another special part of Hawaii.

SB-1074-HD-1

Submitted on: 3/25/2025 7:53:29 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Keri Zacher	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the House Judiciary & Hawaiian Affairs Committee,

My name is Keri Zacher and I strongly **OPPOSE SB1074 SD2 HD1**, a dangerous measure that continues to subvert the environmental review process and by extension, the public interest in our coastal and marine environment.

I appreciate that this measure has been amended to narrow its scope and to provide a sunset date for its provisions. However, it still flies in the face of our environmental review process as a mechanism for transparency, public engagement, due diligence, and prudent planning, before commercial uses of our vital coastal areas are permitted. Under this bill as currently drafted, the Department of Land and Natural Resources would be allowed to turn a blind eye to significant potential impacts to water quality, public and cultural practitioner access, public safety, public health, and cultural and ecological resources, among others, in authorizing the commercial use and occupation of our small boat harbors, beaches, and nearshore waters without the completion of any environmental review. Moreover, the negative consequences of this bill may be exacerbated by amendments made prior to its passage, as well as after its potential enactment into law.

The continued movement of this measure will also prolong the uncertainty and fear that has been expressed by the Ka'anapali ocean tour operators, whose operations have been disrupted by the DLNR's refusal to comply with the environmental review law or accept a settlement offer that would address community concerns regarding water pollution, water safety, and public access. The DLNR's acceptance of such an offer would allow these tour operators to be issued permits nearly immediately, rather than wait the months it would take for this measure to be enacted into law. However, the DLNR has little incentive to agree to such a resolution if this bill remains alive and moving.

Please **HOLD SB1074 SD2 HD1**.

Sincerely, Keri Zacher

SB-1074-HD-1

Submitted on: 3/25/2025 8:24:41 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jeannette Heidrich	Individual	Oppose	Written Testimony Only

Comments:

do not pass SB1074. Protect our reef fish and coral. thank you!

SB-1074-HD-1

Submitted on: 3/25/2025 8:42:27 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael A. Snow	Individual	Support	Written Testimony Only

Comments:

My name is Captain Michael Snow, and I work for Trilogy Excursions. I strongly support SB1074 because Kaanapali is essential—not just to my job, but to the many others who rely on ocean tourism to continue living and working on Maui.

I have lived in the Lahaina area since 2001, spending most of that time working in Kaanapali. Over the years, I've built strong relationships within the community and have seen firsthand the importance of maintaining a balanced approach to tourism.

After the Lahaina fire, many of us lost both our homes and our livelihoods. For many, working in Kaanapali has been one of the few ways to rebuild and support our families. Our boats operate with minimal impact—leaving only bubbles and taking only photos—while providing jobs and keeping our community afloat. Beyond that, our tours offer structured, supervised ocean activities, allowing visitors to experience Maui in a safe and educational way. Without these experiences, many guests would explore on their own, often without the knowledge or awareness needed to do so responsibly.

If boat operators are forced to shut down due to lengthy environmental reviews, many of us will lose not just our jobs, but our ability to remain on Maui. Please pass SB1074 to protect our livelihoods and help our community recover.

Mahalo.

SB-1074-HD-1

Submitted on: 3/25/2025 8:49:38 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

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

Comments:

I strongly oppose SB1074

SB-1074-HD-1

Submitted on: 3/25/2025 9:01:32 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shannon Rudolph	Individual	Oppose	Written Testimony Only

Comments:

Oppose

SB-1074-HD-1

Submitted on: 3/25/2025 9:09:37 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

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

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the House Judiciary & Hawaiian Affairs Committee,

My name is William Reese Liggett and I strongly **OPPOSE SB1074 SD2 HD1**, a dangerous measure that continues to subvert the environmental review process and by extension, the public interest in our coastal and marine environment.

I appreciate that this measure has been amended to narrow its scope and to provide a sunset date for its provisions. However, it still flies in the face of our environmental review process as a mechanism for transparency, public engagement, due diligence, and prudent planning, before commercial uses of our vital coastal areas are permitted. Under this bill as currently drafted, the Department of Land and Natural Resources would be allowed to turn a blind eye to significant potential impacts to water quality, public and cultural practitioner access, public safety, public health, and cultural and ecological resources, among others, in authorizing the commercial use and occupation of our small boat harbors, beaches, and nearshore waters without the completion of any environmental review. Moreover, the negative consequences of this bill may be exacerbated by amendments made prior to its passage, as well as after its potential enactment into law.

The continued movement of this measure will also prolong the uncertainty and fear that has been expressed by the Ka'anapali ocean tour operators, whose operations have been disrupted by the DLNR's refusal to comply with the environmental review law or accept a settlement offer that would address community concerns regarding water pollution, water safety, and public access. The DLNR's acceptance of such an offer would allow these tour operators to be issued permits nearly immediately, rather than wait the months it would take for this measure to be enacted into law. However, the DLNR has little incentive to agree to such a resolution if this bill remains alive and moving.

Please **HOLD SB1074 SD2 HD1**.

Sincerely,
William Reese Liggett

SB-1074-HD-1

Submitted on: 3/25/2025 9:13:50 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Thomas Brandt	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the House Judiciary & Hawaiian Affairs Committee,

My name is Thomas Brandt and I strongly **OPPOSE SB1074 SD2 HD1**, a dangerous measure that continues to subvert the environmental review process and by extension, the public interest in our coastal and marine environment.

I appreciate that this measure has been amended to narrow its scope and to provide a sunset date for its provisions.

However, it still flies in the face of our environmental review process as a mechanism for transparency, public engagement, due diligence, and prudent planning, before commercial uses of our vital coastal areas are permitted.

Under this bill as currently drafted, the Department of Land and Natural Resources would be allowed to turn a blind eye to significant potential impacts to water quality, public and cultural practitioner access, public safety, public health, and cultural and ecological resources, among others, in authorizing the commercial use and occupation of our small boat harbors, beaches, and nearshore waters without the completion of any environmental review.

Moreover, the negative consequences of this bill may be exacerbated by amendments made prior to its passage, as well as after its potential enactment into law.

The continued movement of this measure will also prolong the uncertainty and fear that has been expressed by the Ka'anapali ocean tour operators, whose operations have been disrupted by the DLNR's refusal to comply with the environmental review law or accept a settlement offer that would address community concerns regarding water pollution, water safety, and public access.

The DLNR's acceptance of such an offer would allow these tour operators to be issued permits nearly immediately, rather than wait the months it would take for this measure to be enacted into law. However, the DLNR has little incentive to agree to such a resolution if this bill remains alive and moving.

Please **HOLD SB1074 SD2 HD1**.

Sincerely,

Thomas Brandt

SB-1074-HD-1

Submitted on: 3/25/2025 9:14:50 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ronnie N Inagaki	Individual	Oppose	Written Testimony Only

Comments:

****Aloha Chair Tarnas, Vice Chair Poepoe, and members of the House Judiciary & Hawaiian Affairs Committee,****

My name is Ronnie Inagaki, I strongly OPPOSE SB1074 SD2 HD1, a measure that undermines the integrity of Hawaii’s environmental review process and jeopardizes the public interest in protecting our coastal and marine resources.

I understand that this bill has been amended to include a sunset date and to narrow its scope, but it still fundamentally weakens the environmental review process. This process is a cornerstone of transparency, public involvement, and responsible decision-making. SB1074 SD2 HD1 allows the Department of Land and Natural Resources (DLNR) to authorize commercial activities in sensitive coastal and marine areas—such as small boat harbors, beaches, and nearshore waters—without first completing an environmental review. This opens the door to significant risks to water quality, cultural and ecological resources, public health, public and cultural practitioner access, and public safety.

The bill effectively prioritizes the interests of commercial operators over the protection of Hawaii’s natural and cultural resources, violating the principles of due diligence and public engagement. Permitting such activities without environmental review could lead to long-term harm to Hawaii’s coastal and marine ecosystems and diminish the public’s trust in the environmental regulatory process.

Furthermore, the bill perpetuates uncertainty for Ka’anapali ocean tour operators and other commercial operators affected by DLNR’s ongoing refusal to comply with existing environmental review requirements. Instead of addressing the root issues through compliance and community engagement, moving this measure forward delays a meaningful resolution. A viable alternative would be for DLNR to accept a settlement that addresses community concerns surrounding water pollution, safety, and public access—ensuring tour operators can resume operations swiftly and responsibly under existing environmental laws.

This bill sets a dangerous precedent by creating a loophole in the environmental review process and undermining public confidence in Hawaii’s commitment to environmental stewardship. I urge this Committee to protect Hawaii’s natural and cultural resources by holding SB1074 SD2 HD1.

****Please HOLD SB1074 SD2 HD1.****

Sincerely,

Ronnie Inagaki

SB-1074-HD-1

Submitted on: 3/25/2025 9:42:37 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
James Sheaffer	Individual	Support	Written Testimony Only

Comments:

Aloha,

Thank you for hearing our voices. I stand in 100% support of HB661 in allowing the boats to continue to conduct their business/charters from Ka'anapali Beach. Many families rely on this to support their families and it would impact negatively not only the owners, operators/crew but the local economy as a whole (Hotels, restaurants which are responsible for supporting a massive amount of local families.)

Mahalo for your time and consideration,

James Sheaffer

SB-1074-HD-1

Submitted on: 3/25/2025 10:19:52 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Chanara Casey Richmond	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB1074. Chanara Richmond HD42

SB-1074-HD-1

Submitted on: 3/25/2025 10:42:46 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Meredith Lins	Individual	Support	Written Testimony Only

Comments:

Committee on Judiciary & Hawaiian Affairs

Thursday, March 27th, 2025 in Conference Room 325

Testimony in **Support of SB1074 SD2 HD1**

Chairperson Tarnas and Committee Members;

Thank you for the chance to offer my testimony in **FULL SUPPORT** of SB1074 SD2 HD1. I'm here to ask for your support for this bill, which is key to keeping Ka'anapali ocean tour businesses running while they complete the necessary environmental reviews.

Without SB1074 SD2 HD1, many responsible businesses could be forced to shut down for many years, placing jobs, families, and the entire community at risk. Many people depend on this industry for their livelihood, and the fallout from a shutdown would be deeply felt across our community.

I've been working for a Ka'anapali vessel for the past few years as a crew member, as well as a whale naturalist and photographer, and this isn't just a job for me—it's my passion and way of life. The idea of these operations closing is not only personally devastating, but it would also have a huge impact on countless others who depend on this work.

Please support SB1074 SD2 HD1 so that these businesses can continue to operate responsibly while meeting the required environmental standards.

Thank you for your time and consideration. Meredith Lins

SB-1074-HD-1

Submitted on: 3/25/2025 10:49:59 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
norm kaufman	Individual	Support	Written Testimony Only

Comments:

Maui continues to suffer immensely from the August 2023 fire. Too many jobs have been lost. People have left the island in droves. Let's NOT put more hardworking people who have families to support out of business! Businesses should be able to continue while the EIR is being assembled and discussed. Please do not make a knee jerk decision. Let's really study what, IN FACT, is going on.

SB-1074-HD-1

Submitted on: 3/25/2025 11:40:21 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nanea Lo	Individual	Oppose	Written Testimony Only

Comments:

Hello Chair Tarnas, Vice Chair Poepoe, and members of the House Judiciary & Hawaiian Affairs Committee,

My name is Nanea Lo and I OPPOSE SB1074 SD2 HD1, a dangerous measure that continues to subvert the environmental review process and by extension, the public interest in our coastal and marine environment.

I appreciate that this measure has been amended to narrow its scope and to provide a sunset date for its provisions. However, it still flies in the face of our environmental review process as a mechanism for transparency, public input, due diligence, and prudent planning, before commercial uses of our vital coastal areas are permitted.

Under this bill as currently drafted, the Department of Land and Natural Resources would be allowed to turn a blind eye to significant potential impacts to water quality, public and cultural practitioner access, public safety, public health, and cultural and ecological resources, among others, in authorizing the commercial use and occupation of our small boat harbors, beaches, and nearshore waters, without first completing the environmental review process. Moreover, the negative consequences of this bill may be easily and exponentially exacerbated by amendments made to it prior to its passage, as well as after its potential enactment into law.

The continued movement of this measure will also prolong the uncertainty and fear that has been expressed by Ka'anapali ocean tour operators, whose operations have been disrupted by the DLNR's refusal to comply with the environmental review process or to accept a settlement offer that would address community concerns regarding water pollution, water safety, and public access. The DLNR's acceptance of such an offer would allow these tour operators to be issued permits nearly immediately, rather than wait the months it would take for this measure to be enacted into law. However, the DLNR has little incentive to agree to such a resolution, if this bill remains alive and moving.

Please HOLD SB1074 SD2 HD1.

me ke aloha 'āina,

Nanea Lo

Mō'ili'ili, HI 96826

Sierra Club of Hawai'i Executive Committee Member

Board Member, Hawai'i Workers Center
Kanaka Maoli/Lineal Descendant of the Hawaiian Kingdom

SB-1074-HD-1

Submitted on: 3/26/2025 3:56:26 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Norman Windham	Individual	Support	Written Testimony Only

Comments:

To whom it may concern,

We understand the importance of an environmental review, but we ask that you support SB1074. It is the only fair option to protect our natural resources allowing the ocean tourism to continue in Kaanapali while the review takes place.

Small ocean tour businesses have always operated responsibly and continue to do so. This industry and its tour operators allow visitors and residents to immerse themselves in the majesty of Hawai'i's marine environment which only educates and deepens the respect and desire for conservation.

Narrowing this Bill to just apply to "current" permit holders makes great sense and we support it. If this bill does not pass and operators are forced to shut down, the repercussions on the tourism industry, the businesses that support it and the families that rely on it will be devastating on a community that is still trying to recover from the fire.

WE ARE VERY MUCH IN SUPPORT OF PASSING SENATE BILL SB1074

Best regards

SB-1074-HD-1

Submitted on: 3/26/2025 4:13:18 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Robert Wo	Individual	Support	Written Testimony Only

Comments:

My name is Robert Wo, and I am an individual citizen of Hawaii, who strongly supports HB1074.

The most tragic impact of not passing SB1074 will be the human aspect and the impact on individuals, families, and long-standing businesspeople. The secondary financial and resort impacts are also staggering and a totally unnecessary byproduct. The revisions to SB1074 of limiting the scope to just relate to "current" permit holders will allow for these businesses to continue, these families and employees to remain employed and stay on Maui and the collateral damage to be avoided "while" assessments are considered and completed. Please PASS SB1074 for all of us.

Thank you for your consideration.

SB-1074-HD-1

Submitted on: 3/26/2025 4:59:16 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Susie Davis	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the House Judiciary & Hawaiian Affairs Committee,

My name is Susie Davis and I strongly **OPPOSE SB1074 SD2 HD1**, THis Bill is a dangerous measure that will continue to subvert the environmental review process, with detrimental effect on our coastal and marine environments.

I appreciate that this measure has been amended to narrow its scope and to provide a sunset date for its provisions. However, it still flies in the face of our environmental review process as a mechanism for transparency, public engagement, due diligence, and prudent planning, before commercial uses of our vital coastal areas are permitted. Under this bill as currently drafted, the Department of Land and Natural Resources would be allowed to turn a blind eye to significant potential impacts to water quality, public and cultural practitioner access, public safety, public health, and cultural and ecological resources, among others, in authorizing the commercial use and occupation of our small boat harbors, beaches, and nearshore waters without the completion of any environmental review. Moreover, the negative consequences of this bill may be exacerbated by amendments made prior to its passage, as well as after its potential enactment into law.

The continued movement of this measure will also prolong the uncertainty and fear that has been expressed by the Ka'anapali ocean tour operators, whose operations have been disrupted by the DLNR's refusal to comply with the environmental review law or accept a settlement offer that would address community concerns regarding water pollution, water safety, and public access. The DLNR's acceptance of such an offer would allow these tour operators to be issued permits nearly immediately, rather than wait the months it would take for this measure to be enacted into law. However, the DLNR has little incentive to agree to such a resolution if this bill remains alive and moving.

Please **HOLD SB1074 SD2 HD1**.

Sincerely,
Susie Davis

Kapaau, HI

SB-1074-HD-1

Submitted on: 3/26/2025 5:00:06 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

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

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the House Judiciary & Hawaiian Affairs Committee,

My name is Michael Plowman and **I OPPOSE SB1074 SD2 HD1**, a dangerous measure that continues to subvert the environmental review process and by extension, the public interest in our coastal and marine environment.

I appreciate that this measure has been amended to narrow its scope and to provide a sunset date for its provisions. However, it still flies in the face of our environmental review process as a mechanism for transparency, public input, due diligence, and prudent planning, before commercial uses of our vital coastal areas are permitted.

Under this bill as currently drafted, the Department of Land and Natural Resources would be allowed to turn a blind eye to significant potential impacts to water quality, public and cultural practitioner access, public safety, public health, and cultural and ecological resources, among others, in authorizing the commercial use and occupation of our small boat harbors, beaches, and nearshore waters, without first completing the environmental review process.

Moreover, the negative consequences of this bill may be easily and exponentially exacerbated by amendments made to it prior to its passage, as well as after its potential enactment into law. The continued movement of this measure will also prolong the uncertainty and fear that has been expressed by Ka'anapali ocean tour operators, whose operations have been disrupted by the DLNR's refusal to comply with the environmental review process or to accept a settlement offer that would address community concerns regarding water pollution, water safety, and public access.

The DLNR's acceptance of such an offer would allow these tour operators to be issued permits nearly immediately, rather than wait the months it would take for this measure to be enacted into law. However, the DLNR has little incentive to agree to such a resolution, if this bill remains alive and moving. Please HOLD SB1074 SD2 HD1.

Sincerely,

Michael Plowman

SB-1074-HD-1

Submitted on: 3/26/2025 5:06:20 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael BenShimon	Individual	Support	Written Testimony Only

Comments:

Draft Testimony for SB1074

Subject: Testimony in Strong Support of SB1074 – Relating to Environmental Review

Aloha Chair and Members of the Committee,

I am Michael BenShimon and I strongly **support SB1074**.

SB 1074 allows previously permitted activities to continue operating while undergoing environmental review if permits are challenged. This is critical for ensuring regulatory stability and preventing unnecessary interruptions for compliant businesses.

This bill also recognizes the importance of maintaining environmental standards while avoiding redundant reviews. It strikes a fair balance between protecting Hawaii’s natural resources and supporting long-standing, regulated operations.

Forcing lawfully permitted operators to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies will inevitably lead to the closure of local business and the loss of job for even more.

History has shown that activities that have lost their permits and been shut down (e.g., the Super Ferry, Aquatic Fish Collectors, etc.) don’t come back. Please do not let this be the case for the hundreds of businesses and thousands of residents that depend on these activities for their livelihoods.

Please pass SB1074 and support our local families and businesses.

Mahalo for considering this testimony.

Sincerely,
Michael BenShimon

SB-1074-HD-1

Submitted on: 3/26/2025 5:07:09 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Madison BenShimon	Individual	Support	Written Testimony Only

Comments:

Draft Testimony for SB1074

Subject: Testimony in Strong Support of SB1074 – Relating to Environmental Review

Aloha Chair and Members of the Committee,

I am Madison BenShimon and I strongly **support SB1074**.

SB 1074 allows previously permitted activities to continue operating while undergoing environmental review if permits are challenged. This is critical for ensuring regulatory stability and preventing unnecessary interruptions for compliant businesses.

This bill also recognizes the importance of maintaining environmental standards while avoiding redundant reviews. It strikes a fair balance between protecting Hawaii’s natural resources and supporting long-standing, regulated operations.

Forcing lawfully permitted operators to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies will inevitably lead to the closure of local business and the loss of job for even more.

History has shown that activities that have lost their permits and been shut down (e.g., the Super Ferry, Aquatic Fish Collectors, etc.) don’t come back. Please do not let this be the case for the hundreds of businesses and thousands of residents that depend on these activities for their livelihoods.

Please pass SB1074 and support our local families and businesses.

Mahalo for considering this testimony.

Sincerely,
Madison BenShimon

SB-1074-HD-1

Submitted on: 3/26/2025 5:25:06 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christopher T White	Individual	Support	Written Testimony Only

Comments:

Testimony in Strong Support of SB1074 – Relating to Environmental Review

Aloha Chair and Members of the Committee,

My name is Christopher White, and I am writing in **strong support of SB1074**.

This bill is essential in ensuring that previously permitted activities can continue operating while undergoing environmental review if their permits are challenged. By allowing businesses to remain open during this process, SB1074 helps maintain regulatory stability and prevents unnecessary disruptions for compliant operators.

SB1074 upholds environmental protections while also preventing redundant reviews that can impose excessive financial and operational burdens on longstanding, law-abiding businesses. It strikes a fair balance between preserving Hawaii’s natural resources and supporting regulated commercial activities that have been an integral part of our local economy for years.

Requiring lawfully permitted operators to cease operations while waiting years for environmental studies to be conducted coupled with significant financial resources required for the maintenance of these vessels will inevitably result in business closures and job losses. History has shown that once certain industries lose their permits and are shut down, they do not return, which negatively impacts the revenue generated from commercial operators (HB649 suggests to increase gross receipt fees from 3% to 5% - which is irrelevant if commercial operators have to cease operations). We cannot afford to let this happen again, especially when so many businesses and residents depend on these activities for their livelihoods.

I respectfully urge the committee to pass SB1074 and help protect Hawaii’s local businesses and working families.

Mahalo for your time and consideration.

Sincerely,
Christopher White

SB-1074-HD-1

Submitted on: 3/26/2025 6:05:47 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ryan Robb	Individual	Support	Written Testimony Only

Comments:

Dear Chair, Vice Chair, and Members of the Committee,

Please support SB1074 for ocean tour boats. This bill is essential to ensure that ocean tourism operators in Kaanapali can continue operating while undergoing environmental review. Without this bill, longstanding, law-abiding operators risk being shut down for years—even though they have complied with all permitting requirements.

These tour operators provide responsible access to Hawaii’s marine environment for residents and visitors alike, while promoting education, conservation, and sustainable practices.

SB1074 strikes a reasonable balance—allowing 343 to do its job while preventing unnecessary harm to local businesses, employees, and families that depend on this industry.

Please pass SB1074.

Mahalo,

Ryan Robb

Testimony on SB1074 SD2 HD1

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee of Judiciary and Hawaiian Affairs

My name is Dave Raney. I **strongly oppose SB1074 SD2 HD1**, which would allow a vast range of illegally authorized activities to continue, potentially indefinitely, without a required consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

Our environmental review law allows decisionmakers and the public to make more fully informed decisions that can balance and mitigate potential long-term impacts to the public interest from certain proposed activities, before those activities and their impacts are allowed to proceed. This ensures prudent planning while reducing conflict, minimizing adverse outcomes, and safeguarding the health and well-being of present and future generations.

Unfortunately, the failure of certain departments to comply with this law before authorizing certain actions - such as permitting the take of an unlimited number of ecologically critical marine specimens for the aquarium trade, or the decades-long dewatering of streams in East Maui - has resulted in severe and in some cases irreparable ecological, cultural, social, and economic harms that could and should have been avoided through the prudent planning embodied in our environmental review law.

By allowing illegally authorized activities to continue while environmental review challenges are resolved - something that has taken literal decades in the dewatering of East Maui's streams - this bill would turn our environmental review process into an afterthought, legitimizing unlawful and irresponsible agency practices that have inflicted and that will continue to inflict tremendous generational harms and injustices upon our islands and communities.

I urge you to **HOLD SB1074**.

SB-1074-HD-1

Submitted on: 3/26/2025 6:12:58 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Zac Blotter	Individual	Support	Written Testimony Only

Comments:

Dear Chair, Vice Chair, and Members of the Committee,

Please support SB1074 for ocean tour boats. This bill is essential to ensure that ocean tourism operators in Kaanapali can continue operating while undergoing environmental review. Without this bill, longstanding, law-abiding operators risk being shut down for years—even though they have complied with all permitting requirements.

These tour operators provide responsible access to Hawaii’s marine environment for residents and visitors alike, while promoting education, conservation, and sustainable practices.

SB1074 strikes a reasonable balance—allowing 343 to do its job while preventing unnecessary harm to local businesses, employees, and families that depend on this industry.

Please pass SB1074.

Mahalo,

SB-1074-HD-1

Submitted on: 3/26/2025 7:10:22 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bo Breda	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the House Judiciary & Hawaiian Affairs Committee,

My name is Bo Breda and I strongly **OPPOSE SB1074 SD2 HD1**, a dangerous measure that continues to subvert the environmental review process and by extension, the public interest in our coastal and marine environment.

I appreciate that this measure has been amended to narrow its scope and to provide a sunset date for its provisions. However, it still flies in the face of our environmental review process as a mechanism for transparency, public engagement, due diligence, and prudent planning, before commercial uses of our vital coastal areas are permitted. Under this bill as currently drafted, the Department of Land and Natural Resources would be allowed to turn a blind eye to significant potential impacts to water quality, public and cultural practitioner access, public safety, public health, and cultural and ecological resources, among others, in authorizing the commercial use and occupation of our small boat harbors, beaches, and nearshore waters without the completion of any environmental review. Moreover, the negative consequences of this bill may be exacerbated by amendments made prior to its passage, as well as after its potential enactment into law.

The continued movement of this measure will also prolong the uncertainty and fear that has been expressed by the Ka'anapali ocean tour operators, whose operations have been disrupted by the DLNR's refusal to comply with the environmental review law or accept a settlement offer that would address community concerns regarding water pollution, water safety, and public access. The DLNR's acceptance of such an offer would allow these tour operators to be issued permits nearly immediately, rather than wait the months it would take for this measure to be enacted into law. However, the DLNR has little incentive to agree to such a resolution if this bill remains alive and moving.

Please **HOLD SB1074 SD2 HD1**.

Sincerely,
Bo Breda

SB-1074-HD-1

Submitted on: 3/26/2025 7:11:32 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Peter Wilson	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the House Judiciary & Hawaiian Affairs Committee,

My name is Peter Wilson and I strongly **OPPOSE SB1074 SD2 HD1**, a dangerous measure that continues to subvert the environmental review process and by extension, the public interest in our coastal and marine environment.

I appreciate that this measure has been amended to narrow its scope and to provide a sunset date for its provisions. However, it still flies in the face of our environmental review process as a mechanism for transparency, public engagement, due diligence, and prudent planning, before commercial uses of our vital coastal areas are permitted. Under this bill as currently drafted, the Department of Land and Natural Resources would be allowed to turn a blind eye to significant potential impacts to water quality, public and cultural practitioner access, public safety, public health, and cultural and ecological resources, among others, in authorizing the commercial use and occupation of our small boat harbors, beaches, and nearshore waters without the completion of any environmental review. Moreover, the negative consequences of this bill may be exacerbated by amendments made prior to its passage, as well as after its potential enactment into law.

The continued movement of this measure will also prolong the uncertainty and fear that has been expressed by the Ka'anapali ocean tour operators, whose operations have been disrupted by the DLNR's refusal to comply with the environmental review law or accept a settlement offer that would address community concerns regarding water pollution, water safety, and public access. The DLNR's acceptance of such an offer would allow these tour operators to be issued permits nearly immediately, rather than wait the months it would take for this measure to be enacted into law. However, the DLNR has little incentive to agree to such a resolution if this bill remains alive and moving.

Please **HOLD SB1074 SD2 HD1**.

Sincerely,
Peter Wilson

SB-1074-HD-1

Submitted on: 3/26/2025 7:13:33 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alexandra Grutter	Individual	Oppose	Written Testimony Only

Comments:

Please oppose this bill. It does not help protect the reef. The reef provides so many more resources to so many others in different ways other than extractive ones. Future generations deserve to have a reef they can enjoy simply for its beauty and it's place in the natural world.

Sincerely,

Alexandra Grutter

SB-1074-HD-1

Submitted on: 3/26/2025 7:14:49 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shelley M Kekuna	Individual	Support	Written Testimony Only

Comments:

Testimony for SB1074

Subject: Testimony in Support of SB1074 – Relating to Environmental Review

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee,

My name is Shelley Kekuna and I am an employee of West Maui. I am writing in support of SB1074, which is essential for ensuring that ocean tourism operators in Kā’anapali can continue their operations while undergoing environmental review.

I am a firm believer of the importance of businesses and individuals taking accountability for their impacts on the environment and support government regulations to ensure this is followed. However, arbitrarily not reissuing permits to businesses that have been following the current guidelines without offering them the time to become compliant with the current request for environmental review seems like an unfair practice that undermines the industry at large.

SB1074 is not about bypassing environmental review but rather allowing businesses to continue operations while an environment review takes place. Without its passage, there will inevitably be closure of local businesses and the loss of job for many.

I cannot emphasize enough the hardships our community has faced since the Lahaina fire of August 2023. Here in West Maui, despite the great efforts to move forward, every day we hear stories of families struggling to make it due to the challenges being faced as a result of limited affordable housing and employment opportunities. The boating industry is an important part of our local economy and impacts the livelihood of many of local families. Without the passage of SB1074, this industry will be irreparably harmed, forcing long standing businesses to shut down and causing additional hardship to local families.

Thank you for considering my testimony. I ask that you please pass SB1074 and support our local families and businesses.

Sincerely,
Shelley Kekuna

SB-1074-HD-1

Submitted on: 3/26/2025 7:16:44 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carly Clement	Individual	Support	Written Testimony Only

Comments:

Chair Tarnas. Vice Chair Poepoe and committee members, thank you for the opportunity to submit my thoughts, concerns and testimony relating to SB1074

I have been a resident and hotelier in the State of Hawai'i for over 15 years now and an involved member of our West Maui and Lahaina community, supporting our properties and hosts through the heartbreaking Lahaina wildfires and subsequent changes in our community.

I urge you not to consider further damaging business impact to residents and jobs in our community in West Maui. These businesses, many of which as noted have been valuable and supportive members of our community for decades. The owner's financial contributions towards keeping their businesses updated, fresh and marketable through personal commitment and bank loans could be completely lost and owners may be forced to sell off millions of dollars of assets at a loss. I urge you to support us, Maui, our families and our multigenerational businesses.

I urge you to consider the following:

- The boating operations in Ka'anapali in a cumulative number provide over 220,000 meals of various types to their passengers on different snorkel cruises, whale watch sails, private charters, and sunset dinner or sunset pupu sails. Now, consider the hundreds of people, families and jobs impacted if that goes away. The caterers that provide the food would be impacted, the person or persons ordering the food would be impacted, the persons delivering the food would be impacted, the people and companies selling the food to the caterers would be impacted and many others not at first considered.
- The hotels having less and less activities to provide for potential guest would be significantly impacted. With no Lahaina, 100+ less shops, 100+ less restaurants and no Lahaina Harbor and no boating and ocean recreation in Ka'anapali it would not be a far leap to see potential visitors question why travel to West Maui or even Hawai'i for that matter.
- Tax base revenues to the State of Hawai'i would be severely reduced. An approximate figure for all revenues generated by all permit holders operating boating and ocean recreation in Ka'anapali is \$60 million annual. At 4.5% the sales tax on that is \$2.7 million, that goes away.

Every boating operator in Ka'anapali now pays, as of 2025, \$1.00 per passenger for every person they allow on board, that all goes away

- All ocean recreation companies that hold valid ORMA permits in Ka'anapali must, as part of their permit, pay DLNR 3% of every dollar collected. With the above noted approximate figure of \$60 million in sales the 3% figure of \$1.8 million goes away
- The alcoholic and non-alcoholic beverage companies providing all beverages for boating operations would cease to have that business. This trickles down to less drivers needed, less warehouse people needed, less management needed, less shipping and receiving people needed and other impacts.
- Many island travel agencies staff, activities desk employees and concierge will lose jobs as there would be a drastic reduction in available activities. No Lahaina Harbor, no boating in Ka'anapali, no areas to participate in whale watching without driving to the other side of the island. With no ocean recreation there is no need for those that market and promote these activities
- Uber drivers, rentals cars, bus companies are all impacted if less people are coming to West Maui due to less things to do. Other competing resort destinations would love this opportunity
- Restaurants and all retail in Whalers Village and surrounding areas will lose revenues and as such require less staffing and possibly become less viable as a business if all those pre and post ocean activity passengers and participants just vanish

I hope you will consider these human and financial impacts and PASS SB 1074.

Mahalo

Carly

SB-1074-HD-1

Submitted on: 3/26/2025 7:21:41 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Herb Conley	Individual	Support	Written Testimony Only

Comments:

I am in total support of this bill passing. I have lived in Hawaii for 50 years and it is more important than ever to help support those who have supported Hawaii for many years to continue to provide the services. Thank you for your support.

SB-1074-HD-1

Submitted on: 3/26/2025 7:21:55 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Barbara Barry	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

i am opposed to this dangerous Bill SB1074. It was prompted by a court order prohibiting issuance and renewal of marine tourism permits in Ka'anapali until they have undergone environmental review, or DLNR has declared they are exempt. **DLNR and the Environmental Council have already determined that these types of tour operations are exempt**, and we mostly agree in this specific situation, because they are non-extractive and minimally impact the environment (with the exception of e-foils). **DLNR could have and should have drafted and published the determination of exemption months/years ago. And they can do so right now! There simply is no need for this dangerous bill.**
mahalo,

SB-1074-HD-1

Submitted on: 3/26/2025 7:23:53 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mary Marvin Porter	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chairs and Members of the Committee,

SB 1074, by proposing to allow ongoing or recurring permitted activities to continue even while undergoing environmental review, it would severely undermine core protections provided by the Hawai'i Environmental Policy Act ("HEPA.")
I oppose SB 1074.

Mahalo for your concern in this matter.

Mary Marvin Porter

Island Eyes Video

808-982-9100

Keaau Hawai

SB-1074-HD-1

Submitted on: 3/26/2025 7:41:50 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Brian Barnes	Individual	Support	Written Testimony Only

Comments:

I support SB1074 for many reasons. It strives to have a balance of necessary understanding of environmental impacts while working with the private sector to ensure we do not cause unnecessary loss of livelihoods.

SB-1074-HD-1

Submitted on: 3/26/2025 7:43:32 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Diane Ware	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the House Judiciary & Hawaiian Affairs Committee,

My name is Diane Ware and I OPPOSE SB1074 SD2 HD1, a dangerous measure that continues to subvert the environmental review process and by extension, the public interest in our coastal and marine environment.

I appreciate that this measure has been amended to narrow its scope and to provide a sunset date for its provisions. However, it still flies in the face of our environmental review process as a mechanism for transparency, public input, due diligence, and prudent planning, before commercial uses of our vital coastal areas are permitted.

Under this bill as currently drafted, the Department of Land and Natural Resources would be allowed to turn a blind eye to significant potential impacts to water quality, public and cultural practitioner access, public safety, public health, and cultural and ecological resources, among others, in authorizing the commercial use and occupation of our small boat harbors, beaches, and nearshore waters, without first completing the environmental review process. Moreover, the negative consequences of this bill may be easily and exponentially exacerbated by amendments made to it prior to its passage, as well as after its potential enactment into law.

The continued movement of this measure will also prolong the uncertainty and fear that has been expressed by Ka'anapali ocean tour operators, whose operations have been disrupted by the DLNR's refusal to comply with the environmental review process or to accept a settlement offer that would address community concerns regarding water pollution, water safety, and public access. The DLNR's acceptance of such an offer would allow these tour operators to be issued permits nearly immediately, rather than wait the months it would take for this measure to be enacted into law. However, the DLNR has little incentive to agree to such a resolution, if this bill remains alive and moving.

Please HOLD SB1074 SD2 HD1.

Sincerely,

Diane Ware

Volcano

SB-1074-HD-1

Submitted on: 3/26/2025 8:06:39 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jenny Yagodich	Individual	Oppose	Written Testimony Only

Comments:

OPPOSITION to SB1074 SD2 HD1

Testimony in favor of this bill is primarily from commercial interests, while opposition comes from those who are dedicated to protecting our vulnerable natural resources—the very resources these commercial entities use freely for profit.

This bill threatens to inflict serious, avoidable, and potentially permanent harm to the many public interests connected to the fragile ecosystems of our islands. Hawai'i's environmental impact statement requirements are in place to ensure that decisions with the potential to impact the environment, culture, and economy of our islands are carefully examined and made transparent before any steps are taken.

No to SB1074 SD2 HD1

Dear Chairman Tarnas Vice Chairman Poepoe, and members of the Committee,

I make my home on Hawaii island and I **STRONGLY OPPOSE SB1074 SD2 HD1**, which would allow illegally, unauthorized activities to continue indefinitely without a consideration of their environmental, cultural, and social impacts to our islands. The Hawai'i Supreme court ruled that aquarium collecting must undergo environmental review.

SB1074 if enacted would inflict harms and injustices upon responsible marine and tour operators. DLNR and the Environmental Council have already determined that these types of tour operations are exempt because they are non-extractive and minimally impactful to the environment. This bill would do the opposite by allowing activities that have been determined unauthorized and unlawful without environmental review to continue while environmental review is pending.

Furthermore, I am deeply concerned about giving any further loophole to the Aquarium industry who's operatives extract the island's reef wildlife for personal gain. Reef wildlife is a public good for all to appreciate and enjoy. A vibrant and healthy reef protects us all.

Again I say NO to aquarium collecting!

If the reef dies, the waves takes the land.

I urge you to **HOLD SB1074 SD2 HD1**.

Respectfully submitted,

Keith Neal

Waimea

SB-1074-HD-1

Submitted on: 3/26/2025 8:24:01 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kate Gilligan	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of SB1074 SD2 HD1

Chairperson Tarnas and Committee Members,

I fully support SB1074 SD2 HD1, which is crucial for keeping Ka'anapali ocean tour businesses operational while they complete environmental reviews. Without this bill, many businesses might shut down, risking jobs and impacting the community deeply. As someone who works in this industry and has worked onboard a Ka'anapali boat for the past 7 years, I know firsthand the importance of these operations. Please support SB1074 SD2 HD1 to ensure these businesses can continue to operate responsibly.

Thank you for your time, Kate Gilligan

SB-1074-HD-1

Submitted on: 3/26/2025 8:24:05 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lily L Campbell	Individual	Support	Written Testimony Only

Comments:

SB1074 strikes a reasonable balance—allowing 343 to do its job while preventing unnecessary harm to local businesses, employees, and families that depend on this industry.

Please pass SB1074.

SB-1074-HD-1

Submitted on: 3/26/2025 8:32:57 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Erik Stein	Individual	Support	Written Testimony Only

Comments:

This bill is needed to protect the 1000's of people in West Maui whose jobs and families would be impacted. Not just the captains and crew but all the administration, the catering companies, the fueling facilities, cleaning maintenance and other jobs too.

SB-1074-HD-1

Submitted on: 3/26/2025 8:37:59 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kayla Bush	Individual	Support	Written Testimony Only

Comments:

Dear Chair, Vice Chair, and Committee Members,

Aloha,

As a local resident who works on Ka'anapali Beach, this bill will help us keep jobs on the island of Maui.

I strongly urge you to **pass SB1074_SD2_HD1**.

Thank you, Kayla Bush

SB-1074-HD-1

Submitted on: 3/26/2025 8:48:05 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Monica Morris	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the House Judiciary & Hawaiian Affairs Committee,

My name is Monica Morris and I STRONGLY OPPOSE SB1074 SD2 HD1, a measure that circumvents the environmental review process and by extension, the public interest in our coastal and marine environment.

I appreciate that this measure has been amended to narrow its scope and to provide a sunset date for its provisions. However, it is still contrary to our environmental review process, which is a mechanism for transparency, public input, due diligence, and prudent planning, before commercial uses of our vital coastal areas are permitted.

I urge this Committee to HOLD SB1074 SD2 HD1.

Respectfully, Monica Morris

SB-1074-HD-1

Submitted on: 3/26/2025 8:59:21 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lory Ono	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the House Judiciary & Hawaiian Affairs Committee,

My name is Lory Ono, and I strongly **OPPOSE SB1074 SD2 HD1**, a dangerous measure that continues to subvert the environmental review process and by extension, the public interest in our coastal and marine environment.

I appreciate that this measure has been amended to narrow its scope and to provide a sunset date for its provisions. However, it still flies in the face of our environmental review process as a mechanism for transparency, public engagement, due diligence, and prudent planning, before commercial uses of our vital coastal areas are permitted. Under this bill as currently drafted, the Department of Land and Natural Resources would be allowed to turn a blind eye to significant potential impacts to water quality, public and cultural practitioner access, public safety, public health, and cultural and ecological resources, among others, in authorizing the commercial use and occupation of our small boat harbors, beaches, and nearshore waters without the completion of any environmental review. Moreover, the negative consequences of this bill may be exacerbated by amendments made prior to its passage, as well as after its potential enactment into law. I do not understand how this is okay with anyone.

The continued movement of this measure will also prolong the uncertainty and fear that has been expressed by the Ka'anapali ocean tour operators, whose operations have been disrupted by the DLNR's refusal to comply with the environmental review law or accept a settlement offer that would address community concerns regarding water pollution, water safety, and public access. The DLNR's acceptance of such an offer would allow these tour operators to be issued permits nearly immediately, rather than wait the months it would take for this measure to be enacted into law. However, the DLNR has little incentive to agree to such a resolution if this bill remains alive and moving.

Please **HOLD SB1074 SD2 HD1**.

Sincerely,

Lory Ono

SB-1074-HD-1

Submitted on: 3/26/2025 9:06:13 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Anthony DelleFave	Individual	Support	Written Testimony Only

Comments:

Dear Chair, Vice Chair, and Members of the Committee,

Please support SB1074 for ocean tour boats. This bill is essential to ensure that ocean tourism operators in Kaanapali can continue operating while undergoing environmental review. Without this bill, longstanding, law-abiding operators risk being shut down for years—even though they have complied with all permitting requirements.

These tour operators provide responsible access to Hawaii’s marine environment for residents and visitors alike, while promoting education, conservation, and sustainable practices.

SB1074 strikes a reasonable balance—allowing 343 to do its job while preventing unnecessary harm to local businesses, employees, and families that depend on this industry.

Please pass SB1074.

Mahalo,

Anthony V DelleFave

SB-1074-HD-1

Submitted on: 3/26/2025 9:09:22 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kristi Murray	Individual	Support	Written Testimony Only

Comments:

I support

SB-1074-HD-1

Submitted on: 3/26/2025 9:10:07 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shay Chan Hodges	Individual	Oppose	Written Testimony Only

Comments:

I strongly **OPPOSE SB1074 SD2 HD1**, a dangerous measure that continues to subvert the environmental review process and by extension, the public interest in our coastal and marine environment.

I appreciate that this measure has been amended to narrow its scope and to provide a sunset date for its provisions. However, it still flies in the face of our environmental review process as a mechanism for transparency, public engagement, due diligence, and prudent planning, before commercial uses of our vital coastal areas are permitted. Under this bill as currently drafted, the Department of Land and Natural Resources would be allowed to turn a blind eye to significant potential impacts to water quality, public and cultural practitioner access, public safety, public health, and cultural and ecological resources, among others, in authorizing the commercial use and occupation of our small boat harbors, beaches, and nearshore waters without the completion of any environmental review. Moreover, the negative consequences of this bill may be exacerbated by amendments made prior to its passage, as well as after its potential enactment into law.

The continued movement of this measure will also prolong the uncertainty and fear that has been expressed by the Ka'anapali ocean tour operators, whose operations have been disrupted by the DLNR's refusal to comply with the environmental review law or accept a settlement offer that would address community concerns regarding water pollution, water safety, and public access. The DLNR's acceptance of such an offer would allow these tour operators to be issued permits nearly immediately, rather than wait the months it would take for this measure to be enacted into law. However, the DLNR has little incentive to agree to such a resolution if this bill remains alive and moving.

Please **HOLD SB1074 SD2 HD1**.

SB-1074-HD-1

Submitted on: 3/26/2025 9:11:27 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Patrick Hannon	Individual	Oppose	Written Testimony Only

Comments:

I oppose.

SB-1074-HD-1

Submitted on: 3/26/2025 9:13:20 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Robert Douglas	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas and the members of the Judiciary and Hawaiian Affairs committee

I strongly oppose SB1074 because it would legitimize illegally authorized activities, like commercial aquarium collection, that devastate Hawai'i's ecosystems, cultural heritage, and future generations.

OUR REEFS ARE IN DANGER EVEN WITHOUT AQ FISHING. AQ FISHING IS DEVASTATING REEFS.

For years, commercial collectors have extracted hundreds of thousands of fish from our reefs, including essential species like lau'ipala (yellow tang) and pāku'iku'i (Achilles tang). This reckless removal disrupts marine ecosystems and threatens Native Hawaiian subsistence fishing. Thanks to HEPA and court rulings, our reefs have finally had a chance to recover. SB1074 would undo this progress, allowing harmful activities to continue indefinitely without proper environmental review.

Hawai'i's environmental review law ensures that decision-makers and the public can weigh long-term impacts before permitting actions that could cause irreversible harm. When agencies fail to follow these laws, such as permitting unlimited aquarium fish collection or dewatering East Maui's streams for decades, the results are severe and often irreparable.

By allowing these illegally authorized activities to continue while challenges drag on for years, SB1074 would turn HEPA into a meaningless afterthought. It would reward irresponsible agency practices that prioritize industry profits over environmental protection, cultural preservation, and the well-being of our communities.

VOTE NO on SB1074. Protect our reefs, our culture, and our future.

Mahalo for taking the time to listen to the public,

Bob Douglas

SB-1074-HD-1

Submitted on: 3/26/2025 9:14:12 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lindsey Elkington	Individual	Support	Written Testimony Only

Comments:

My name is Lindsey Elkington, and I work for Trilogy Excursions. I strongly support **SB1074** because Kaanapali is vital to my job. We need to be able to continue working after the devastating fires have already taken so much away. Please do not take away our jobs and our ability to live and contribute to our Lahaina community.

SB-1074-HD-1

Submitted on: 3/26/2025 9:18:20 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shannon Ladd	Individual	Support	Written Testimony Only

Comments:

Aloha chair and committee, I strongly support bill SB 1074. This bill allows for the environmental assessment to continue to ensure negative impacts are minimized while ensuring local businesses and local jobs are protected. This balanced approach provides a win-win scenario that I strongly support. Mahalo

SB-1074-HD-1

Submitted on: 3/26/2025 9:23:22 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nicole Lee-Hubin	Individual	Oppose	Written Testimony Only

Comments:

I oppose this

SB-1074-HD-1

Submitted on: 3/26/2025 9:24:39 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jayden Walker	Individual	Support	Written Testimony Only

Comments:

Testimony in Strong Support of SB1074

Aloha,

My name is Jayden Walker, and I am writing in strong support of SB1074. As someone who works in the tourism industry on Ka'anapali. I understand firsthand how essential permitted commercial activities are to both local businesses and the livelihoods of workers in Ka'anapali.

SB1074 is critical in ensuring that businesses operating with the proper permits can continue to serve both residents and visitors without unnecessary disruptions. Many of us rely on these jobs to support our families, pay our bills, and remain in the community we call home. Without these permits, countless hardworking individuals would face job uncertainty, and the economic stability of our island would be at risk.

This bill is not just about business—it's about protecting the jobs and well-being of local workers, preserving access to responsible commercial activity, and ensuring that those of us who contribute to Hawaii's visitor industry can continue to do so in a sustainable and fair way.

I urge you to support SB1074 to help keep workers employed, businesses operating, and our local economy strong.

Mahalo for your time and consideration.

Jayden Walker

SB-1074-HD-1

Submitted on: 3/26/2025 9:34:32 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Willy Latu	Individual	Support	Written Testimony Only

Comments:

Testimony in Strong Support of SB1074

Aloha,

My name is Willy Latu, and I am writing in strong support of SB1074. As a full-time worker in Ka'anapali, my job depends on permitted commercial activities, and without these permits, I would struggle to make a living and stay on Maui.

Like many others, I rely on my paycheck to cover rent, food, and basic necessities. The rising cost of living on the island makes it nearly impossible to survive without stable employment. If businesses lose their permits, workers like me will be left without options, forcing us to leave the place we call home.

This bill is about more than just business—it's about real people who work hard every day to support themselves and contribute to the local economy. I urge you to support SB1074 to help protect our jobs and keep workers like me employed.

Mahalo for your time and consideration.

Willy Latu of Maui

SB-1074-HD-1

Submitted on: 3/26/2025 9:35:46 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Leonard Nakoa III	Individual	Oppose	Remotely Via Zoom

Comments:

Stop this bill for our kids

SB-1074-HD-1

Submitted on: 3/26/2025 9:36:32 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Harvey Arkin	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the House Judiciary & Hawaiian Affairs Committee,

My name is Harvey Arkin and I strongly **OPPOSE SB1074 SD2 HD1**, a dangerous measure that continues to subvert the environmental review process and by extension, the public interest in our coastal and marine environment.

I appreciate that this measure has been amended to narrow its scope and to provide a sunset date for its provisions. However, it still flies in the face of our environmental review process as a mechanism for transparency, public engagement, due diligence, and prudent planning, before commercial uses of our vital coastal areas are permitted. Under this bill as currently drafted, the Department of Land and Natural Resources would be allowed to turn a blind eye to significant potential impacts to water quality, public and cultural practitioner access, public safety, public health, and cultural and ecological resources, among others, in authorizing the commercial use and occupation of our small boat harbors, beaches, and nearshore waters without the completion of any environmental review. Moreover, the negative consequences of this bill may be exacerbated by amendments made prior to its passage, as well as after its potential enactment into law.

The continued movement of this measure will also prolong the uncertainty and fear that has been expressed by the Ka'anapali ocean tour operators, whose operations have been disrupted by the DLNR's refusal to comply with the environmental review law or accept a settlement offer that would address community concerns regarding water pollution, water safety, and public access. The DLNR's acceptance of such an offer would allow these tour operators to be issued permits nearly immediately, rather than wait the months it would take for this measure to be enacted into law. However, the DLNR has little incentive to agree to such a resolution if this bill remains alive and moving.

Please **HOLD SB1074 SD2 HD1**.

Sincerely,

Harvey Arkin

Manoa

SB-1074-HD-1

Submitted on: 3/26/2025 9:37:46 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jason Campbell	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

I am submitting this testimony in strong support of SB1074 SD2 HD1.

Mahalo for your time and consideration.

SB-1074-HD-1

Submitted on: 3/26/2025 9:39:11 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jaime Campbell	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

I am submitting this testimony in strong support of SB1074 SD2 HD1.

Mahalo for your time and consideration.

SB-1074-HD-1

Submitted on: 3/26/2025 9:46:06 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Latitia	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Latitia, and I am writing in strong support of SB1074. As a single woman working in Ka‘anapali, my job is my lifeline—it allows me to afford rent, food, and basic necessities while continuing to live and work on Maui.

The cost of living here is already challenging, and losing stable employment due to permit issues would be devastating. Many of us rely on these jobs to support ourselves, and without them, we may be forced to leave the island we call home.

This bill isn’t just about business—it’s about real people who depend on these opportunities to survive. I urge you to support SB1074 to protect workers like me and ensure we can continue making a living here on Maui.

Mahalo for your time and consideration.

Leilei

SB-1074-HD-1

Submitted on: 3/26/2025 9:48:27 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jordan Murakane	Individual	Support	Written Testimony Only

Comments:

Aloha my name is Jordan Murakane and I support the passing of this Bill. I need this Bill to pass to continue working at my job. Please stand with the residents of Maui and support us in this bill.

Mahalo,

Jordan

SB-1074-HD-1

Submitted on: 3/26/2025 9:48:38 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Travis Ray Dewater	Individual	Support	Written Testimony Only

Comments:

My name is Travis Dewater], and I work for Trilogy Excursions. I strongly support **SB1074** because Kaanapali is vital to my job and many others who rely on ocean tourism to stay on Maui.

After the Lahaina fire, many of us lost our homes and livelihoods. Working in Kaanapali has been one of the few ways to rebuild and support our families. Our boats operate with minimal impact—leaving only bubbles and taking only photos—while providing jobs and keeping our community afloat.

If boat operators are forced to shut down due to lengthy environmental reviews, many of us will lose our jobs and our ability to stay on Maui. **Please pass SB1074** to protect our livelihoods and help our community recover.

Mahalo

Travis

SB-1074-HD-1

Submitted on: 3/26/2025 9:49:29 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tepua Ho	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the House Judiciary & Hawaiian Affairs Committee,

My name is Tepua Ho and I strongly **OPPOSE SB1074 SD2 HD1**, a dangerous measure that continues to subvert the environmental review process and by extension, the public interest in our coastal and marine environment.

I appreciate that this measure has been amended to narrow its scope and to provide a sunset date for its provisions. However, it still flies in the face of our environmental review process as a mechanism for transparency, public engagement, due diligence, and prudent planning, before commercial uses of our vital coastal areas are permitted. Under this bill as currently drafted, the Department of Land and Natural Resources would be allowed to turn a blind eye to significant potential impacts to water quality, public and cultural practitioner access, public safety, public health, and cultural and ecological resources, among others, in authorizing the commercial use and occupation of our small boat harbors, beaches, and nearshore waters without the completion of any environmental review. Moreover, the negative consequences of this bill may be exacerbated by amendments made prior to its passage, as well as after its potential enactment into law.

The continued movement of this measure will also prolong the uncertainty and fear that has been expressed by the Ka'anapali ocean tour operators, whose operations have been disrupted by the DLNR's refusal to comply with the environmental review law or accept a settlement offer that would address community concerns regarding water pollution, water safety, and public access. The DLNR's acceptance of such an offer would allow these tour operators to be issued permits nearly immediately, rather than wait the months it would take for this measure to be enacted into law. However, the DLNR has little incentive to agree to such a resolution if this bill remains alive and moving.

Please **HOLD SB1074 SD2 HD1**.

Sincerely,
Tepua Ho

SB-1074-HD-1

Submitted on: 3/26/2025 9:49:47 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Olinda Kelley	Individual	Support	Written Testimony Only

Comments:

Please support SB1074. This passage is crucial for the continued recovery of the West Maui community and the island of Maui as a whole. It would ensure numerous jobs not only directly involved in ocean and boating activities but also Countless ancillary Support industries, which are slowly recovering from our recent devastating wildfires.

Please cast your vote as yes so that all peoples, the residences and the tourists, can continue to experience and enjoy the truly unique ocean and boating activities that help make Maui a world class, international destination.

Mahalo and Aloha

Olinda Kelley

SB-1074-HD-1

Submitted on: 3/26/2025 9:52:16 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Russell Lewis	Individual	Support	Written Testimony Only

Comments:

Aloha Members, My name is Russell Lewis and I work in Ka'anapali. This bill is key to keeping Ka'anapali ocean tour businesses running while they complete the necessary environmental reviews. Without SB1074 SD2 HD1, many responsible businesses could be forced to shut down for many years, placing jobs, families, and the entire community at risk. Many people depend on this industry for their livelihood, and the fallout from a shutdown would be deeply felt across the westside community.

Please SUPPORT SB1074, and thank you for your help, Russell Lewis

SB-1074-HD-1

Submitted on: 3/26/2025 9:55:07 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christopher Gervacio	Individual	Support	Written Testimony Only

Comments:

Testimony in Strong Support of SB1074

Aloha,

My name is Chris, and I am writing in strong support of SB1074. As someone with a family to support, my job is critical to providing for my loved ones and ensuring we can continue living on Maui.

The cost of living here is already high, and steady employment is essential for families like mine. Without the necessary permits for businesses to operate, many of us risk losing our jobs, which would make it nearly impossible to afford housing, food, and other necessities.

This bill directly impacts hardworking families who rely on these opportunities to survive. I urge you to support SB1074 to help protect our livelihoods and keep local families on Maui.

Mahalo for your time and consideration.

Christopher Gervacio

SB-1074-HD-1

Submitted on: 3/26/2025 9:57:34 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Duke H.Au Hoon	Individual	Oppose	Written Testimony Only

Comments:

I oppose all projects done under American occupation of the Hawaiian Kingdom! Opposing projects that destroys disrupts and displaces all things Aboriginal, indigenous, endemic, and native! Especially our important ocean Shoreline front. Also protecting Aboriginal, indigenous, endemic, and native Hawaiian gathering & entry rights to our beaches!

SB-1074-HD-1

Submitted on: 3/26/2025 9:57:39 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Brandon Chu	Individual	Support	In Person

Comments:

Aloha Chair, Vice Chair, and members of the committee.

My name is Brandon Chu and I'm providing testimony in support of SB 1074.

I've worked in the tourism and hospitality industry my entire life. My parents worked in the industry here on Maui and it was my first job after graduating high school on Maui which supported my while I obtained my degree in Hospitality from the UH TIM school. After traveling world working in this industry I was finally able to return home to Maui in 2019, working in the industry I dedicated my career to.

We've all been through so much here on Maui the past few years and are still recovering since the fires in August of 2023. Prices have gone up however our wages have not and I depend on the tourism industry for that job and financial security. I have a my first child on the way this year and a workforce home I qualified for being completed soon, there's immense pressure and uncertainty on being able to make it on Maui.

I really want to emphasize that the shutting down of Ka'anapali Commercial Operators would impact more than just those working directly in that industry, all of us working in hospitality are impacted here on Maui.

I appreciate the opportunity to testify and support SB 1074 so that myself and others working in hospitality on Maui don't have to navigate another unprecedented blow to our industry.

Mahalo

SB-1074-HD-1

Submitted on: 3/26/2025 9:58:42 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Anita Sweet	Individual	Support	Written Testimony Only

Comments:

Committee on Judiciary & Hawaiian Affairs

Rep. David A. Tarnas, Chair

Rep. Mahina Poepoe, Vice Chair

Date: Thursday, March 27, 2025

Location: Conference Room 325

Testimony in Support of SB1074 SD2 HD1

Chairperson Tarnas, Vice-Chair PoePoe, and Committee Members;

I appreciate the opportunity to present my testimony in **full support** of SB1074 SD2 HD1. This bill is essential for ensuring the continued operation of Ka‘anapali ocean tour businesses while they undergo the necessary environmental reviews. Without the passage of SB1074 SD2 HD1, many responsible businesses may face prolonged shutdowns, jeopardizing jobs, families, and the broader community.

Having worked in the Ka‘anapali ocean tour industry for the past ten years, I can attest to the significant impact these operations have on our community. The potential closure of these businesses would not only be personally devastating but would also have far-reaching consequences for countless individuals who rely on this industry for their livelihood.

I urge you to **support** SB1074 SD2 HD1 to allow these businesses to continue operating responsibly while meeting environmental standards. Your consideration and support are greatly appreciated.

Thank you for your time and attention to this matter, -Anita Sweet

Anita Sweet

anita@geminicharters.com

SB-1074-HD-1

Submitted on: 3/26/2025 10:02:27 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Landon Dagupion	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Landon, and I am writing in strong support of SB1074. As a full-time worker in Ka'anapali, my job depends on permitted commercial activities, and without these permits, I would struggle to make a living and stay on Maui.

Like many others, I rely on my paycheck to cover rent, food, and basic necessities. The rising cost of living on the island makes it nearly impossible to survive without stable employment. If businesses lose their permits, workers like me will be left without options, forcing us to leave the place we call home.

This bill is about more than just business—it's about real people who work hard every day to support themselves and contribute to the local economy. I urge you to support SB1074 to help protect our jobs and keep workers like me employed.

Mahalo for your time and consideration.

Landon Dagupion

SB-1074-HD-1

Submitted on: 3/26/2025 10:07:22 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Chasen Kusunoki	Individual	Support	Written Testimony Only

Comments:

Aloha Committee members,

Please continue to support the passing of this bill. Many hardworking families on Maui depend on Ka'anapali for their livelihoods and to afford life on the Valley Isle. It's essential that we work together to ensure a stable economy for the working class while necessary steps are being taken.

Mahalo for your time,

Chasen Kusunoki

SB-1074-HD-1

Submitted on: 3/26/2025 10:09:27 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Deb Dalbec	Individual	Support	Written Testimony Only

Comments:

As Maui property owners for 25+ years , we are urging you to SUPPORT SB1074 and allowing the boat operators in Hawaii to continue their businesses! This is a vital component of the tourist industry , which has been severely impacted over the past few years... starting with Covid and then the wildfires. The operators and all their affiliates and employees and vendors associated with the operations are dependent on this to continue their livelihood. PLEASE support the continuation of their operations!! It's a win win for all of Hawaii....

thank you

Debra and David Dalbec

SB-1074-HD-1

Submitted on: 3/26/2025 10:09:31 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nick Croft	Explore Kauai Scuba, LLC	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Members of the Committee,

My name is Nick Croft and I FULLY SUPPORT SB1074. Why would you want to decimate small businesses before knowing the facts? It doesn't take long for a small business to close its doors due to no business. After Covid and the Lahaina fires, please give small businesses a break by looking at the facts first before killing their businesses. Many, MANY people will thank you! Please please please consider passing this to help the people!

Mahalo for your time,

Nick Croft

Explore Kauai Scuba, owner/operator

SB-1074-HD-1

Submitted on: 3/26/2025 10:14:45 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
emily gambino	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the House Judiciary & Hawaiian Affairs Committee,

My name is Emily Gambino and I strongly **OPPOSE SB1074 SD2 HD1**, a dangerous measure that continues to subvert the environmental review process and by extension, the public interest in our coastal and marine environment.

I appreciate that this measure has been amended to narrow its scope and to provide a sunset date for its provisions. However, it still flies in the face of our environmental review process as a mechanism for transparency, public engagement, due diligence, and prudent planning, before commercial uses of our vital coastal areas are permitted. Under this bill as currently drafted, the Department of Land and Natural Resources would be allowed to turn a blind eye to significant potential impacts to water quality, public and cultural practitioner access, public safety, public health, and cultural and ecological resources, among others, in authorizing the commercial use and occupation of our small boat harbors, beaches, and nearshore waters without the completion of any environmental review. Moreover, the negative consequences of this bill may be exacerbated by amendments made prior to its passage, as well as after its potential enactment into law.

The continued movement of this measure will also prolong the uncertainty and fear that has been expressed by the Ka'anapali ocean tour operators, whose operations have been disrupted by the DLNR's refusal to comply with the environmental review law or accept a settlement offer that would address community concerns regarding water pollution, water safety, and public access. The DLNR's acceptance of such an offer would allow these tour operators to be issued permits nearly immediately, rather than wait the months it would take for this measure to be enacted into law. However, the DLNR has little incentive to agree to such a resolution if this bill remains alive and moving.

Please **HOLD SB1074 SD2 HD1**.

Sincerely,

Emily Gambino

SB-1074-HD-1

Submitted on: 3/26/2025 10:15:18 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michelei Tancayo	Individual	Oppose	Written Testimony Only

Comments:

I strongly **OPPOSE SB1074 SD2 HD1**, a dangerous measure that continues to subvert the environmental review process and by extension, the public interest in our coastal and marine environment.

I appreciate that this measure has been amended to narrow its scope and to provide a sunset date for its provisions. However, it still flies in the face of our environmental review process as a mechanism for transparency, public engagement, due diligence, and prudent planning, before commercial uses of our vital coastal areas are permitted. Under this bill as currently drafted, the Department of Land and Natural Resources would be allowed to turn a blind eye to significant potential impacts to water quality, public and cultural practitioner access, public safety, public health, and cultural and ecological resources, among others, in authorizing the commercial use and occupation of our small boat harbors, beaches, and nearshore waters without the completion of any environmental review. Moreover, the negative consequences of this bill may be exacerbated by amendments made prior to its passage, as well as after its potential enactment into law.

The continued movement of this measure will also prolong the uncertainty and fear that has been expressed by the Ka'anapali ocean tour operators, whose operations have been disrupted by the DLNR's refusal to comply with the environmental review law or accept a settlement offer that would address community concerns regarding water pollution, water safety, and public access. The DLNR's acceptance of such an offer would allow these tour operators to be issued permits nearly immediately, rather than wait the months it would take for this measure to be enacted into law. However, the DLNR has little incentive to agree to such a resolution if this bill remains alive and moving.

Please **HOLD SB1074 SD2 HD1**.

Sincerely,
Michelei Tancayo

SB-1074-HD-1

Submitted on: 3/26/2025 10:23:56 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Keith N Keahi	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. This only give outside foreign interest more power against the community of Maui.

SB-1074-HD-1

Submitted on: 3/26/2025 10:24:22 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Madison Owens	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the House Judiciary & Hawaiian Affairs Committee,

My name is Madison Owens and I OPPOSE SB1074 SD2 HD1, a dangerous measure that continues to subvert the environmental review process and by extension, the public interest in our coastal and marine environment.

I appreciate that this measure has been amended to narrow its scope and to provide a sunset date for its provisions. However, it still flies in the face of our environmental review process as a mechanism for transparency, public input, due diligence, and prudent planning, before commercial uses of our vital coastal areas are permitted.

Under this bill as currently drafted, the Department of Land and Natural Resources would be allowed to turn a blind eye to significant potential impacts to water quality, public and cultural practitioner access, public safety, public health, and cultural and ecological resources, among others, in authorizing the commercial use and occupation of our small boat harbors, beaches, and nearshore waters, without first completing the environmental review process. Moreover, the negative consequences of this bill may be easily and exponentially exacerbated by amendments made to it prior to its passage, as well as after its potential enactment into law.

The continued movement of this measure will also prolong the uncertainty and fear that has been expressed by Ka'anapali ocean tour operators, whose operations have been disrupted by the DLNR's refusal to comply with the environmental review process or to accept a settlement offer that would address community concerns regarding water pollution, water safety, and public access. The DLNR's acceptance of such an offer would allow these tour operators to be issued permits nearly immediately, rather than wait the months it would take for this measure to be

enacted into law. However, the DLNR has little incentive to agree to such a resolution, if this bill remains alive and moving.

Please HOLD SB1074 SD2 HD1.

Sincerely,

Madison Owens

SB-1074-HD-1

Submitted on: 3/26/2025 10:33:59 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Laurie Pottish	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill.

Laurie Pottish

SB-1074-HD-1

Submitted on: 3/26/2025 10:35:59 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alex Murillo	Individual	Support	Written Testimony Only

Comments:

Aloha, My name is Alex Murillo and I strongly support the passing of this bill. Please contiuue to forward to the next steps.

Thanks,

Alex Murillo

SB-1074-HD-1

Submitted on: 3/26/2025 10:40:44 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kylie Hopkins	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the House Judiciary & Hawaiian Affairs Committee,

My name is Kylie Hopkins and I **OPPOSE SB1074 SD2 HD1**, a dangerous measure that continues to subvert the environmental review process and by extension, the public interest in our coastal and marine environment.

I appreciate that this measure has been amended to narrow its scope and to provide a sunset date for its provisions. However, it still flies in the face of our environmental review process as a mechanism for transparency, public input, due diligence, and prudent planning, before commercial uses of our vital coastal areas are permitted.

Under this bill as currently drafted, the Department of Land and Natural Resources would be allowed to turn a blind eye to significant potential impacts to water quality, public and cultural practitioner access, public safety, public health, and cultural and ecological resources, among others, in authorizing the commercial use and occupation of our small boat harbors, beaches, and nearshore waters, without first completing the environmental review process. Moreover, the negative consequences of this bill may be easily and exponentially exacerbated by amendments made to it prior to its passage, as well as after its potential enactment into law.

The continued movement of this measure will also prolong the uncertainty and fear that has been expressed by Ka'anapali ocean tour operators, whose operations have been disrupted by the DLNR's refusal to comply with the environmental review process or to accept a settlement offer that would address community concerns regarding water pollution, water safety, and public access. The DLNR's acceptance of such an offer would allow these tour operators to be issued permits nearly immediately, rather than wait the months it would take for this measure to be enacted into law. However, the DLNR has little incentive to agree to such a resolution, if this bill remains alive and moving.

Please **HOLD SB1074 SD2 HD1**.

Sincerely,

Kylie Hopkins

SB-1074-HD-1

Submitted on: 3/26/2025 10:43:42 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
agustin Martinez	Individual	Support	Written Testimony Only

Comments:

Aloha,

I work on Ka'anapali with a company that needs its permit in order for me to continue working. I strongly support this bill to continue to live on the island of Maui.

agustin Martinez

SB-1074-HD-1

Submitted on: 3/26/2025 10:43:42 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christopher Z Resich	Individual	Support	Written Testimony Only

Comments:

Aloha,

I, Christopher Z. Resich, am in full support of SB1074.

As I understand, passing this Bill will allow tour operators in the Kaanapali/Lahaina area to continue to operate while an environmental study is conducted. I am in full support of protecting natural environment in Hawaii but I also support allowing existing, permitted operators to continue doing business until the study is completed. At that point, if any changes are required, appropriate adjustments can be made in due course.

If operators are forced to terminate their operations during the environmental study, this would put them out of business and dramatically impact their families, employees and suppliers. The financial impact to the County and State would be in millions of dollars. In addition, the loss of popular, desirable and quality product would negatively impact visitor experience in West Maui which needs as much help as it can get while recovering from Lahaina fires.

I urge you to pass SB1074 at minimum as it applies to Kaanapali ORMA permit operators.

Mahalo for considering my testimony.

Christopher Z. Resich

SB-1074-HD-1

Submitted on: 3/26/2025 10:47:40 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kathleen Clark	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the House Judiciary & Hawaiian Affairs Committee,

My name is Kathleen Clark and I strongly **OPPOSE SB1074 SD2 HD1**, a dangerous measure that continues to subvert the environmental review process and by extension, the public interest in our coastal and marine environment.

I appreciate that this measure has been amended to narrow its scope and to provide a sunset date for its provisions. However, it still flies in the face of our environmental review process as a mechanism for transparency, public engagement, due diligence, and prudent planning, before commercial uses of our vital coastal areas are permitted. Under this bill as currently drafted, the Department of Land and Natural Resources would be allowed to turn a blind eye to significant potential impacts to water quality, public and cultural practitioner access, public safety, public health, and cultural and ecological resources, among others, in authorizing the commercial use and occupation of our small boat harbors, beaches, and nearshore waters without the completion of any environmental review. Moreover, the negative consequences of this bill may be exacerbated by amendments made prior to its passage, as well as after its potential enactment into law.

The continued movement of this measure will also prolong the uncertainty and fear that has been expressed by the Ka‘anapali ocean tour operators, whose operations have been disrupted by the DLNR’s refusal to comply with the environmental review law or accept a settlement offer that would address community concerns regarding water pollution, water safety, and public access. The DLNR’s acceptance of such an offer would allow these tour operators to be issued permits nearly immediately, rather than wait the months it would take for this measure to be enacted into law. However, the DLNR has little incentive to agree to such a resolution if this bill remains alive and moving.

Please **HOLD SB1074 SD2 HD1**.

Sincerely,
Kathleen Clark

Kahalu‘u ma uka, Moku o Keawe

SB-1074-HD-1

Submitted on: 3/26/2025 10:48:03 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Moana Ward	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Moana Ward and I support the passing of SB1074. This bill needs to be passed to not destroy the economy on Maui. Many families jobs are on the line and we need the support from the committee to pass this bill.

Please support SB1074

Moana Ward

SB-1074-HD-1

Submitted on: 3/26/2025 10:50:45 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jacob Garibay	Individual	Support	Written Testimony Only

Comments:

I Jacob Garibay support the passing of Bill SB1074.

We need this bill to pass to keep families employed and living on Maui

Mahalo,

Jacob Garibay

SB-1074-HD-1

Submitted on: 3/26/2025 10:53:53 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
catherine knowlton	Individual	Oppose	Written Testimony Only

Comments:

Oppose

SB-1074-HD-1

Submitted on: 3/26/2025 10:54:50 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Misha lococo	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill

SB-1074-HD-1

Submitted on: 3/26/2025 10:56:17 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
jeff rogers	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB 1074

SB-1074-HD-1

Submitted on: 3/26/2025 10:58:32 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Emily Bankhead	Individual	Support	Written Testimony Only

Comments:

Myself and many family and friends have enjoyed many excursions from Kaanapali beach. Not only do we enjoy them many visitors and locals also do. It would be such a shame to cancel the ability for for businesses that relay on tourism to survivor with out them. Yes there are a few other harbors but known close by. Not everyone has the ability to travel there. I myself have been enjoying all the activities they have for years. I ask you please Tom extend their permits.

Thank you

Emily Bankhead

SB-1074-HD-1

Submitted on: 3/26/2025 11:04:46 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Kennedy	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am strongly in favor of SB1074 SD2 HD1. Here are my reasons:

- 1) It is fair.
- 2) We especially need these tourist attractions on West Maui.
- 3) West Maui, our island, and the state of Hawaii need the jobs and tax dollars that result from the Ka'anapali based ocean activities.

Mahalo in advance for passing SB1074 as amended.

Elizabeth Kennedy

Lahaina

SB-1074-HD-1

Submitted on: 3/26/2025 11:05:29 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sharon Gonsalves	Individual	Support	Written Testimony Only

Comments:

Aloha Comittee members,

As a single mother living on Maui and working on Ka'anapali Beach, I urge the committee to pass this bill. The workers of Maui have endured immense hardships over the past five years, from the impacts of COVID-19 to the devastation of the wildfires. We cannot afford yet another crisis—one that threatens our jobs and our ability to support our families.

The people of Maui depend on these jobs, and failing to pass this bill would create uncertainty for countless families like mine. Please stand with the workers and residents of Maui and ensure stability for our community by passing this critical legislation.

mahalo for your time,

Sharon Gonsalves

SB-1074-HD-1

Submitted on: 3/26/2025 11:12:39 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Captain Phil Quinn	Individual	Support	Written Testimony Only

Comments:

Statement in Support of SB1074

Submitted by: Capt. Phil Quinn, Sea Maui

Aloha Chair and Members of the Legislature,

I'm writing to support SB1074 because it's important for protecting local jobs and businesses on Maui.

I've been with Sea Maui for years, and like many other operators, we've always followed the rules, held the proper permits, and done our part to care for the ocean. Now, because of changes in how the laws are being interpreted, long-running, responsible businesses like ours could be forced to shut down.

That would be a huge blow—not just to us, but to our entire community. People are still recovering from the fires. If our boats, surf schools, and other small businesses close, we're looking at major job loss and more damage to an already fragile economy.

SB1074 offers a fair path forward. It lets permitted businesses keep operating while going through the environmental review process, instead of being shut down immediately. That gives people a chance to keep working while still making sure the environment is protected.

We need to keep Maui working. I respectfully ask that you support SB1074 to help local families, protect jobs, and give small businesses a fair shot.

Mahalo,

Capt. Phil Quinn

Sea Maui

SB-1074-HD-1

Submitted on: 3/26/2025 11:14:31 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Capt. Carrie Pouring	Individual	Support	Written Testimony Only

Comments:

Statement in Support of SB1074

Submitted by: Capt. Carrie Pouring

Aloha Chair and Members of the Legislature,

I'm writing in strong support of SB1074 because it gives Maui businesses a chance to keep operating while following the rules and respecting the environment.

I'm a captain with Sea Maui, and like many others in this industry, we've always played by the book. We've kept our permits up to date, followed every regulation, and worked hard to protect the ocean we love. But now, changes in how the law is being applied are putting long-standing businesses like ours at risk—even though we've done everything right.

If this bill doesn't pass, many companies could be forced to stop operating, and that means people will lose their jobs. Tour boat crews, beach staff, hospitality workers—all of us rely on each other to keep Maui running. And after everything this island has been through with the fires, we can't afford to lose any more.

SB1074 is a reasonable step. It gives businesses time to go through environmental review without having to shut down right away. It keeps people working while still holding businesses accountable.

Maui needs support, not more setbacks. I respectfully ask you to pass SB1074 so we can keep doing what we love, take care of our crews, and continue serving our community the right way.

Mahalo,

Capt. Carrie Pouring

Sea Maui

SB-1074-HD-1

Submitted on: 3/26/2025 11:15:26 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mila Neizman	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am writing in SUPPORT of SB1074. I believe this will impact more than just the boating industry. I care for the environment, but shutting down boat activity while the EIS is taking place is damaging our already fragile tourist industry. The State has failed to enforce laws they put in place and have not regulated any rules, and they are trying to pass the blame to the boat industries. That is not fair for the businesses and the residents of Maui. I am born and raised in Lahaina and lost my home in the Lahaina Fires, and I support this because it is not fair, and although life is not fair, I believe the State should step in and make it fair.

SB-1074-HD-1

Submitted on: 3/26/2025 11:16:03 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ikaika Neizman	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am writing in SUPPORT of SB1074. I believe this will impact more than just the boating industry. I care for the environment, but shutting down boat activity while the EIS is taking place is damaging our already fragile tourist industry. The State has failed to enforce laws they put in place and have not regulated any rules, and they are trying to pass the blame to the boat industries. That is not fair for the businesses and the residents of Maui. I am born and raised in Lahaina and lost my home in the Lahaina Fires, and I support this because it is not fair, and although life is not fair, I believe the State should step in and make it fair.

SB-1074-HD-1

Submitted on: 3/26/2025 11:16:31 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Capt. Linda Rickabaugh	Individual	Support	Written Testimony Only

Comments:

Statement in Support of SB1074

Submitted by: Capt. Linda Rickabaugh, Sea Maui

Aloha Chair and Members of the Legislature,

My name is Linda Rickabaugh, and I've been a captain with Sea Maui for many years. I'm writing to express my full support for SB1074 because this bill is about fairness, stability, and giving local workers a chance to keep going—especially after all that Maui has been through.

I lost my home in the fires last year. Like so many others, I'm trying to rebuild not just my house, but my life. The one constant I've had through this painful process is my job—being out on the water, doing what I love, and helping visitors experience the beauty of our island.

Now, that's at risk. Businesses like Sea Maui, which have followed every rule and held all the proper permits for years, could be forced to shut down over changes in how environmental laws are being interpreted. That would mean more people out of work, more families struggling, and more setbacks for an island that's already hurting.

SB1074 gives businesses like ours the chance to keep operating while going through environmental review. It doesn't skip oversight—it simply keeps people working during the process. That's what we need right now: a chance to keep moving forward without having the rug pulled out from under us.

Please support this bill. For those of us trying to rebuild after the fires, for the people who rely on these jobs, and for the future of Maui's working families.

Mahalo for your time,

Capt. Linda Rickabaugh

Sea Maui

SB-1074-HD-1

Submitted on: 3/26/2025 11:16:49 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Melisa Neizman	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am writing in SUPPORT of SB1074. I believe this will impact more than just the boating industry. I care for the environment, but shutting down boat activity while the EIS is taking place is damaging our already fragile tourist industry. The State has failed to enforce laws they put in place and have not regulated any rules, and they are trying to pass the blame to the boat industries. That is not fair for the businesses and the residents of Maui. I am born and raised in Lahaina and lost my home in the Lahaina Fires, and I support this because it is not fair, and although life is not fair, I believe the State should step in and make it fair.

SB-1074-HD-1

Submitted on: 3/26/2025 11:18:24 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kayle Fancher	Individual	Support	Written Testimony Only

Comments:

Statement in Support of SB1074

Submitted by: Kayle Fancher, Business Manager, Sea Maui

Aloha Chair and Members of the Legislature,

My name is Kayle Fancher, and I'm the Business Manager at Sea Maui. I'm writing in support of SB1074 because it's a necessary step to protect local jobs and businesses that have been operating responsibly for years.

At Sea Maui, we've always made sure to follow every rule, hold the proper permits, and respect our environment and community. But now, due to changing interpretations of environmental laws, even long-standing, compliant businesses like ours are at risk of being shut down. That kind of uncertainty is incredibly damaging—not just for us, but for our entire team and the many others in the tourism industry who rely on each other to stay afloat.

Many of our staff are still recovering from the impacts of the wildfires. Some lost their homes. Others lost everything. Their jobs are their stability right now. If Sea Maui were suddenly forced to stop operating, it would be a massive blow to people who are already doing their best to recover.

SB1074 is a practical and fair solution. It allows businesses to continue operating during the environmental review process instead of shutting down immediately. It strikes the right balance between keeping people employed and making sure environmental standards are still met.

I urge you to pass SB1074 to give businesses a fair chance, protect jobs, and support Maui's recovery.

Mahalo for your time and consideration,

Kayle Fancher

Business Manager, Sea Maui

SB-1074-HD-1

Submitted on: 3/26/2025 11:18:31 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rocky Barnett	Individual	Support	Written Testimony Only

Comments:

Dear Chair, Vice Chair and Members of the Comittiee,

Please support SB1074 for Ocean Tour Boats. This Bill is essential to ensure that Ocean Tourism Operators in Kaanapali can continue operating while undergoing enviornmental review. Without this Bill, longstanding law-abiding operators risk being shut down for years even though they complied with all permitting requirements.

SB 1074 strikes a resonable balance allowing 343 to do it's job while preventing unecessary harm to local businesses, employees and familires that depend on this industry.

Please pass SB1074...

Mahalo,

Rocky and Chanhom Barnett

166 Kahana Ridge Drive

Lahaina, Hi 96761

orionmaui@gmail.com

808 268-3508

SB-1074-HD-1

Submitted on: 3/26/2025 11:20:36 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Wayne Grenier	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

My name is Wayne Grenier, and I am writing in strong support of SB1074.

This bill is essential in ensuring that previously permitted activities can continue operating while undergoing environmental review if their permits are challenged. By allowing businesses to remain open during this process, SB1074 helps maintain regulatory stability and prevents unnecessary disruptions for compliant operators.

SB1074 upholds environmental protections while also preventing redundant reviews that can impose excessive financial and operational burdens on longstanding, law-abiding businesses. It strikes a fair balance between preserving Hawaii's natural resources and supporting regulated commercial activities that have been an integral part of our local economy for years.

I respectfully urge the committee to pass SB1074 and help protect Hawaii's local businesses and working families.

Mahalo for your time and consideration.

SB-1074-HD-1

Submitted on: 3/26/2025 11:20:44 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jamie Sweet	Individual	Support	Written Testimony Only

Comments:

Statement in Support of SB1074

Submitted by: Jamie Sweet, Reservations Manager, Sea Maui

Aloha Chair and Members of the Legislature,

My name is Jamie Sweet, and I'm the Reservations Manager at Sea Maui. I'm also a single mother, and I have another child on the way. I'm writing in strong support of SB1074 because this bill means stability—for me, for my kids, and for so many others in our community who rely on their jobs to get by.

Sea Maui has always operated by the book. We've maintained all our permits, followed every rule, and done our part to be a responsible business. But now, because of changes in how environmental laws are being interpreted, we and other long-standing operators could be forced to shut down—through no fault of our own. That's terrifying.

My job is how I support my family. It pays the bills, it puts food on the table, and it's helping me prepare for the arrival of my second child. If Sea Maui is forced to close, I don't know what I'll do—and I know I'm not the only one in that position. Many of my coworkers are still trying to recover from the fires. Some lost their homes. Taking away their jobs now would be heartbreaking.

SB1074 offers a fair way forward. It lets permitted businesses keep running while they go through environmental review, instead of forcing them to shut their doors right away. It doesn't reduce accountability—it just gives us all a fighting chance to stay on our feet.

I respectfully ask that you pass SB1074. For working parents like me, for families rebuilding their lives, and for the future of our Maui community.

Mahalo,

Jamie Sweet

Reservations Manager, Sea Maui

SB-1074-HD-1

Submitted on: 3/26/2025 11:23:28 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tyler Larronde	Individual	Support	Written Testimony Only

Comments:

My name is Tyler Larronde, and I am writing in strong support of SB1074 SD1.

First and foremost, I support protecting Maui's natural resources and the need for an environmental review. This bill strikes a crucial balance, allowing for this review to take place while ensuring that local businesses—many of which have operated lawfully with permits for years—are not unfairly impacted or shut down. SB1074 SD1 acknowledges the known, significant impact on our community and provides a fair process for conducting this important review.

As a member of this community, I care deeply about the future of Maui, our island, and the hardworking members of our industries. If this bill is not passed, many of us would face devastating consequences, as it could lead to job loss for thousands of workers in our community. I cannot overstate how much this would affect the livelihoods of those who are already struggling, especially in the aftermath of the August 2023 fires.

We continue to fight to rebuild our lives, and this bill offers a critical step in preserving both our environment and the well-being of the workers who support it. Please do not let our businesses close their doors, especially when they have been key sources of employment during these difficult times.

I sincerely appreciate the opportunity to offer my testimony in support of SB1074. Thank you for considering the future of Maui's economy, workers, and natural resources.

Mahalo,
Tyler Larronde

SB-1074-HD-1

Submitted on: 3/26/2025 11:26:38 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Zack Espino	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am writing in SUPPORT of SB1074. I believe this will impact more than just the boating industry. I care for the environment, but shutting down boat activity while the EIS is taking place is damaging our already fragile tourist industry. The State has failed to enforce laws they put in place and have not regulated any rules, and they are trying to pass the blame to the boat industries. That is not fair for the businesses and the residents of Maui. I am born and raised in Lahaina and lost my home in the Lahaina Fires, and I support this because it is not fair, and although life is not fair, I believe the State should step in and make it fair.

March 26, 2025

House Committee on Judiciary & Hawaiian Affairs
Hawai'i State Legislature
Via Electronic Transmission

Re: Testimony in STRONG OPPOSITION to Senate Bill 1074, H.D. 1, Relating to
Environmental Impact Statements
Hearing: March 27, 2025 at 2:00 PM, Room 325 via videoconference

To: The Honorable Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

My name is Lily Downing and I am a law student at the William S. Richardson School of Law and a participant in our school's Environmental Law Clinic. I am writing **in strong opposition to Senate Bill 1074**, which would allow for previously permitted activities to continue before an environmental review is complete. I am concerned about this bill for the following reasons:

(1) This bill prioritizes speed over deliberate, thoughtful environmental review.

Environmental review under HEPA ensures that environmental and cultural impacts are considered before actions are taken and permits are issued to commercial entities. The core of this bill is fundamentally incompatible with the purpose of HEPA. It prioritizes a quick turnaround time for industry at the expense of knowing the potential consequences of an action before it's too late.

(2) This bill will have ripple effects beyond the aquarium fish industry, inherently changing a foundational law underpinning our state environmental protections.

While I respect the efforts taken by other committees to narrow the scope of this bill, changing HEPA in this way would not only implicate the environmental review process for the aquarium fishing industry. This bill sets a dangerous precedent, telling industry that it's okay to continue operating now and figure out how to get through the environmental paperwork later. It reduces the entire concept of environmental review to be just another hoop to jump through, which will have lasting impacts on the practical application of HEPA.

Our state's natural resources are invaluable and irreplaceable. The state has a duty to protect these resources for the benefit of the public. Attempting to circumvent a long-established environmental review process is not in the public's best interest.

I respectfully request that the committee **rejects HB 1074** in the name of upholding HEPA environmental review and protecting our natural resources.

Mahalo nui for your time and thoughtful consideration.

Respectfully submitted,
Lily Downing

SB-1074-HD-1

Submitted on: 3/26/2025 11:29:14 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Captain Andrew Weight	Individual	Support	Written Testimony Only

Comments:

Aloha, my name is Capt Andrew Weight, and I have worked in Ka'anapali for 17 years.

I respectfully ask for your **SUPPORT of SB1074_SD2_HD1**, a very important bill that allows Kaanapali's ocean boat operators to continue running while undergoing environmental review.

Hawai'i's ocean tourism industry plays a vital role in connecting people with our marine environment through education, conservation, and sustainable practices. These responsible operators not only protect our waters but also contribute significantly to the local economy.

Please pass SB1074_SD2_HD1 to protect our local ocean tourism industry, the jobs it supports.

Mahalo for your time and consideration, Capt. Andrew Weight. Maui resident

SB-1074-HD-1

Submitted on: 3/26/2025 11:30:14 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Capt. James Nelson	Individual	Support	Written Testimony Only

Comments:

Statement in Support of SB1074

Submitted by: Capt. James Nelson, Sea Maui

Aloha Chair and Members of the Legislature,

My name is Capt. James Nelson, and I've been with Sea Maui for years. I'm writing to ask for your support of SB1074 because without it, a huge part of Maui's ocean industry—and the people who depend on it—could be wiped out.

This issue isn't just about boats. It's about every ocean activity in Kā'anapali—surf lessons, snorkel tours, paddleboarding, you name it. Businesses that have followed the rules, renewed their permits, and operated responsibly for years are now facing the real possibility of being shut down because of unclear or changing regulations.

If that happens, what will be left for people to do when they visit Maui? Ocean activities are one of the main reasons people come here. If those disappear, hotel bookings will drop, tour companies will close, local jobs will vanish, and families will struggle. We're still recovering from the fires—this would be another major blow to our island.

SB1074 gives long-standing businesses like ours a chance to stay open while going through the environmental review process. It keeps people working and allows the review to happen without destroying livelihoods in the process.

Please support SB1074—for the crews, the small business owners, and the future of Maui's ocean community.

Mahalo,

Capt. James Nelson

Sea Maui

SB-1074-HD-1

Submitted on: 3/26/2025 11:30:17 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Malia Taylor-Wolfe	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the House Judiciary & Hawaiian Affairs Committee,

My name is Malia Taylor-Wolfe and I am student at the University of Hawai'i William S. Richardson School of Law. I strongly **OPPOSE SB1074 SD2 HD1**, a dangerous measure that continues to subvert the environmental review process and by extension, the public interest in our coastal and marine environment.

I appreciate that this measure has been amended to narrow its scope and to provide a sunset date for its provisions. However, it still flies in the face of our environmental review process as a mechanism for transparency, public engagement, due diligence, and prudent planning, before commercial uses of our vital coastal areas are permitted. Under this bill as currently drafted, the Department of Land and Natural Resources would be allowed to turn a blind eye to significant potential impacts to water quality, public and cultural practitioner access, public safety, public health, and cultural and ecological resources, among others, in authorizing the commercial use and occupation of our small boat harbors, beaches, and nearshore waters without the completion of any environmental review. Moreover, the negative consequences of this bill may be exacerbated by amendments made prior to its passage, as well as after its potential enactment into law.

The continued movement of this measure will also prolong the uncertainty and fear that has been expressed by the Ka'anapali ocean tour operators, whose operations have been disrupted by the DLNR's refusal to comply with the environmental review law or accept a settlement offer that would address community concerns regarding water pollution, water safety, and public access. The DLNR's acceptance of such an offer would allow these tour operators to be issued permits nearly immediately, rather than wait the months it would take for this measure to be enacted into law. However, the DLNR has little incentive to agree to such a resolution if this bill remains alive and moving.

Please **HOLD SB1074 SD2 HD1**.

Sincerely,
Malia Taylor-Wolfe

SB-1074-HD-1

Submitted on: 3/26/2025 11:30:20 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kayla Taiwerpiy	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am writing in SUPPORT of SB1074. I believe this will impact more than just the boating industry. I care for the environment, but shutting down boat activity while the EIS is taking place is damaging our already fragile tourist industry. The State has failed to enforce laws they put in place and have not regulated any rules, and they are trying to pass the blame to the boat industries. That is not fair for the businesses and the residents of Maui. I am born and raised in Lahaina and lost my home in the Lahaina Fires, and I support this because it is not fair, and although life is not fair, I believe the State should step in and make it fair.

SB-1074-HD-1

Submitted on: 3/26/2025 11:35:08 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
G. R. Karpowitz	Individual	Support	Written Testimony Only

Comments:

Please Support SB1074

Aloha,

I'm writing to **strongly support for SB1074 SD2 HD1.**

My name is Rich, I've seen how tough the past few years have been for our island. Families and local businesses are still trying to recover, and we need all the help we can get. SB1074 will help protect jobs and keep businesses running.

Please **pass SB1074 SD1 HD1** to support our local economy and the people who depend on it.

Mahalo for your time!

Thank you, Rich Karpowitz

SB-1074-HD-1

Submitted on: 3/26/2025 11:36:30 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
katy hyde	Individual	Support	Written Testimony Only

Comments:

My name is Katy, and I am writing in strong support of SB1074 SD1.

I want to start by expressing my commitment to protecting Maui's natural resources and ensuring that an environmental review is conducted. This bill allows for these important efforts to move forward without shutting down local businesses that have been operating lawfully with permits for years. SB1074 SD1 acknowledges the known significant impacts on our community and provides a fair and reasonable framework for conducting this review.

MAhalo,

Katy

SB-1074-HD-1

Submitted on: 3/26/2025 11:38:59 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
travis waipa	Individual	Support	Written Testimony Only

Comments:

My name is Travis Waipa, and I am writing in strong support of SB1074 SD1.

Please help us by supporting this bill, which allows our businesses to continue operating and providing employment for thousands of industry workers who depend on us.

Mahalo,

Travis Waipa

SB-1074-HD-1

Submitted on: 3/26/2025 11:40:22 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
randy welch	Individual	Support	Written Testimony Only

Comments:

My name is Randy Welch, and I am writing in strong support of SB1074 SD1.

As a surf instructor on Kaanapali Beach, I have dedicated my life to sharing the beauty of Maui's ocean and culture with visitors and locals alike. The recent fires, which tragically caused me to lose my home, have only deepened my commitment to this community. SB1074 SD1 is critical to both protecting our natural resources and ensuring that businesses like mine can continue to operate. This bill allows us to carry out necessary environmental reviews while ensuring that businesses, including small and locally-owned ones, are not unnecessarily shut down.

The devastation caused by the fires in August 2023 has already put many of us on the edge, and many of my colleagues in the tourism and surf instruction industries are facing significant challenges. If this bill is not passed, many of us could lose our ability to provide for our families and employees, further exacerbating the struggles we already face.

Please support SB1074 SD1 so that we can continue to protect Maui's natural beauty while keeping our businesses open, preserving jobs, and rebuilding our lives.

Thank you for your consideration of my testimony in support of SB1074.

Mahalo,
Randy Welch

SB-1074-HD-1

Submitted on: 3/26/2025 11:41:47 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
kawika	Individual	Support	Written Testimony Only

Comments:

My name is Kawaika, and I am writing in strong support of SB1074 SD1.

As a surf instructor on Kaanapali Beach, I have the privilege of sharing Maui's ocean and culture with both locals and visitors. This bill is important for protecting our island's natural resources while allowing businesses like mine to continue operating. SB1074 SD1 provides a balanced approach that ensures the necessary environmental reviews are conducted, without putting local businesses, which are already struggling, at risk.

MAhalo,

Kawika Regidor

SB-1074-HD-1

Submitted on: 3/26/2025 11:42:22 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Monica Stone	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas and the members of the Judiciary and Hawaiian Affairs committee

I **strongly oppose SB1074** because it would legitimize illegally authorized activities, like commercial aquarium collection, that devastate Hawai'i's ecosystems, cultural heritage, and future generations.

Mahalo,

Monica Stone 96740

SB-1074-HD-1

Submitted on: 3/26/2025 11:43:11 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cody Young	Individual	Support	Written Testimony Only

Comments:

My name is Cody Young, and I am writing in strong support of SB1074 SD1.

As a surf instructor, I have the privilege of teaching people on the beautiful shores of Maui, sharing the ocean and island culture with visitors and locals alike. This bill is crucial because it allows us to protect our natural resources while giving businesses, like mine, the opportunity to continue operating. SB1074 SD1 strikes a balance by ensuring that the necessary environmental reviews take place without unnecessarily disrupting the livelihoods of local businesses that have been operating for years with the proper permits.

The challenges we are facing here on Maui, especially after the devastation of the August 2023 fires, are immense. Many of us, in the tourism and surf instruction industries, are doing everything we can to keep our businesses running and provide employment for our workers. If this bill does not pass, it will put many of us at risk of losing our ability to work, creating even more.

MAhalo,

Cody Young

SB-1074-HD-1

Submitted on: 3/26/2025 11:44:30 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Levi young	Individual	Support	Written Testimony Only

Comments:

My name is Levi Young, and I am writing in strong support of SB1074 SD1.

As a surf instructor here on Maui, I have the honor of sharing the ocean and island culture with both locals and visitors. This bill is vital for ensuring the protection of our natural resources while allowing businesses like mine to continue to operate. SB1074 SD1 offers a balanced solution by allowing necessary environmental reviews without shutting down local businesses that have been lawfully operating with permits for years.

The struggles Maui has faced, especially in the aftermath of the August 2023 fires, have been immense. Many in the surf instruction and tourism industries, myself included, are working hard to keep our businesses going and provide jobs for our community. Without the passing of this bill, we face the real possibility of losing our livelihoods, which would add further hardship to our already struggling community.

Please support SB1074 SD1 to help us continue supporting our families, employees, and the local economy while protecting the environment.

Thank you,

Levi Young

SB-1074-HD-1

Submitted on: 3/26/2025 11:46:58 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kaleiheana-a-Pohaku Stormcrow	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the House Judiciary & Hawaiian Affairs Committee,

My name is Kaleiheana Stormcrow and I strongly **OPPOSE SB1074 SD2 HD1**, a dangerous measure that continues to subvert the environmental review process and by extension, the public interest in our coastal and marine environment.

I appreciate that this measure has been amended to narrow its scope and to provide a sunset date for its provisions. However, it still flies in the face of our environmental review process as a mechanism for transparency, public engagement, due diligence, and prudent planning, before commercial uses of our vital coastal areas are permitted. Under this bill as currently drafted, the Department of Land and Natural Resources would be allowed to turn a blind eye to significant potential impacts to water quality, public and cultural practitioner access, public safety, public health, and cultural and ecological resources, among others, in authorizing the commercial use and occupation of our small boat harbors, beaches, and nearshore waters without the completion of any environmental review. Moreover, the negative consequences of this bill may be exacerbated by amendments made prior to its passage, as well as after its potential enactment into law.

The continued movement of this measure will also prolong the uncertainty and fear that has been expressed by the Ka'anapali ocean tour operators, whose operations have been disrupted by the DLNR's refusal to comply with the environmental review law or accept a settlement offer that would address community concerns regarding water pollution, water safety, and public access. The DLNR's acceptance of such an offer would allow these tour operators to be issued permits nearly immediately, rather than wait the months it would take for this measure to be enacted into law. However, the DLNR has little incentive to agree to such a resolution if this bill remains alive and moving.

Please **HOLD SB1074 SD2 HD1**.

Sincerely,
Kaleiheana Stormcrow

SB-1074-HD-1

Submitted on: 3/26/2025 11:48:00 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kodiak Bostick	Individual	Support	Written Testimony Only

Comments:

I find that it is necessary for aqualani and teralani to continue for the sake of my financial stability.

SB-1074-HD-1

Submitted on: 3/26/2025 11:48:54 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
James Kemper	Individual	Support	Written Testimony Only

Comments:

My name is James Kemper, and I am writing in strong support of SB1074 SD1.

As a surf instructor on Maui, I am deeply committed to sharing the beauty of our ocean and island culture with visitors and locals alike. This bill is essential for protecting Maui's natural resources while allowing businesses, such as mine, to continue operating. SB1074 SD1 provides a fair process for conducting necessary environmental reviews without the harmful impact of shutting down local businesses that have been lawfully operating for years.

Maui is facing many challenges, especially in the wake of the August 2023 fires. Many in the tourism and surf instruction industries, including myself, are working hard to rebuild and provide jobs for our community. If this bill does not pass, we risk losing our ability to provide for our families and employees, adding more strain to an already devastated community.

Please support SB1074 SD1 so that we can continue to offer employment

Mahalo,

JAMES kemper

SB-1074-HD-1

Submitted on: 3/26/2025 11:49:52 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kaihikapuonalani kalilikane	Individual	Support	Written Testimony Only

Comments:

Aloha,

As a mother raising a family on Maui, I strongly urge you to support the passing of this bill SB1074. Many hardworking families, including mine, rely on Ka'anapali to make a living and provide for our children. Ensuring job stability is essential for us to continue calling this island home. Please help protect our ability to work and support our families by moving this bill forward.

Many mahalos to the committee members,

Kaihikapuonalani kalilikane

SB-1074-HD-1

Submitted on: 3/26/2025 11:52:06 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tristan Sumajit	Individual	Support	Written Testimony Only

Comments:

please continue to support the passing of SB1074.

Many families in Maui are relying on job's in the Ka'anapalai area. We need all these jobs to contiuue living on the island.

Tristan Sumajit

SB-1074-HD-1

Submitted on: 3/26/2025 11:52:58 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marley Foew	Individual	Support	Written Testimony Only

Comments:

My name is Marly, and I am writing in strong support of SB1074 SD1.

As a desk worker at a surf school on Maui, I am directly involved in supporting the surf instructors and ensuring that our business operates smoothly. This bill is crucial for protecting our island's natural resources while also allowing local businesses, like ours, to continue to thrive. SB1074 SD1 ensures that necessary environmental reviews are conducted without putting hardworking businesses, which rely on local permits and operations

Thank you,

Marly Fore

TESTIMONY SB1074

TESTIMONY IN SUPPORT of SB1074

Aloha Chair and Members of the Committee,

I, Jonnie Torres, Director of Sales & Marketing at Sheraton Maui Resort & Spa, am in **support of SB1074**. I am fully in support of Ka'anapali boating and ocean recreation and passing SB1074.

I am writing on behalf of management and associates at the resort community.

Maui and Lahaina/Ka'anapali continues to be in critical condition. Recovery for us following the horrendous fires as residents, employees and businesspeople has been at a snail's pace that does not seem to be moving forward with any real pace now or for the foreseeable future.

Not having ocean activity will create a difficulty in tourists and visitors choosing Kaanapali as a destination and this will further set us behind in our recovery. We have already lost local residents working in our industry; we will anticipate more loss should the recovery of visitor further delays.

Hotels, tourism and the businesses related to the hospitality industry are struggling to regain any level of occupancy and productivity. Exacerbating this by any measure to remove, eliminate or further take away business or activities for our guests to participate in while staying in Ka'anapali or West Maui seems unconscionable. Due to a position taken recently by Judge Cahill "ALL" businesses in Kaanapali for ocean recreation, boating and watersports will cease to exist once their current permits expire and remain closed until an environmental assessment is conducted.

My interpretation of HB661 is that it provides for an operator to go forward and continue with their operations and services during the process of an environmental review. Services as permitted would be allowed to continue everything for operations as is normal circumstance if/when permits are challenged for environmental or other concerns. Having this continuation of services is very important as it allows the operator to remain in business and continue until or if reviews show that for any reason operations should be stopped. If narrowing this Bill to apply to Ka'anapali ORMA permit operators as was the intention assist in moving forward towards approval that would be fully acceptable.

I'm asking you to please vote for and pass SB1074 SD2 for the sake of our communities, families, business investments and small entrepreneurs that are the backbone of our economy.

Thank you for your time in reading and considering my testimony.

Mahalo,

Jonnie Torres

Director of Sales & Marketing

Sheraton Maui Resort & Spa

President, Kaanapali Beach Resort Association

SB-1074-HD-1

Submitted on: 3/26/2025 11:54:01 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
marcy martin	Individual	Oppose	Written Testimony Only

Comments:

Ocean activity permitson Maui are out of control and need to be drastically limited. We are not obligated to entertain visitors. These are not businesses that are contributing to our community. They are users. The boats in kaanapali are running the beach, dropping toilet paper in the water and taking away swimming zones from locals. The situation is very dangerous on multiple levels. The operators are illegally using beach access parking and mocking locals who call them out. The boat operators at Mala have over run the area using all of the parking which prevents Lahaiana residents from using one of the only beaches in the area. No to all permits, we need a break!

SB-1074-HD-1

Submitted on: 3/26/2025 11:56:18 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kyuin Yi	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am submitting this written testimony in **support of SB1074**, especially considering operation in Kaanapali. Given the options this would be the most prudent approach, allowing commercial activities that have spanned multiple decades providing economic benefits for Hawaii and showcases some of the unique wonders of this place with visitors and residents alike, to continue while an environmental study is completed. Also consider the ramifications if there was a wholesale pause of use permits and future findings of objective environmental reviews deemed that the current management and usage of Ka'anapali were not harmful.

I acknowledge that I do not have all of the available information but there does not appear to be evidence of harmful environmental impact through these ocean operations, and there seems to be other regulations, imposed or voluntary, that operators abide by in order to secure the future of a healthy natural that it relies on. Please allow permits to be renewed while environmental studies are conducted.

And lastly, if there are bad actors out there, deal with them individually and appropriately, but do not penalize others indiscriminately.

Respectfully,

Kyu Yi

SB-1074-HD-1

Submitted on: 3/26/2025 11:56:57 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
abaigar andony	Individual	Support	Written Testimony Only

Comments:

My name is Ando, and I am writing in strong support of SB1074 SD1.

SB-1074-HD-1

Submitted on: 3/26/2025 11:58:37 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
kiriana lawrence	Individual	Support	Written Testimony Only

Comments:

My name is Kiri Lawrence, and I am writing in strong support of SB1074 SD1.

As a desk worker at a surf school on Maui, I play a crucial role in helping our business run smoothly and ensuring that our surf instructors and clients have a great experience. This bill is essential for striking a balance between protecting our island's natural resources and allowing local businesses, like ours, to continue operating without unnecessary interruptions. SB1074 SD1 ensures that environmental reviews are conducted responsibly, without threatening the jobs and livelihoods of those of us working in the tourism and surf industries.

Aloha,

Kiriana

SB-1074-HD-1

Submitted on: 3/26/2025 12:00:25 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cynthia Punihaole Kennedy	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas and the members of the Judiciary and Hawaiian Affairs committee

I strongly oppose SB1074 because it would legitimize illegally authorized activities, like commercial aquarium collection, that devastate Hawai'i's ecosystems.

Thanks to HEPA and court rulings, our reefs have finally had a chance to recover. SB1074 would undo this progress, allowing harmful activities to continue indefinitely without proper environmental review.

SB1074 would reward irresponsible agency practices that prioritize industry profits over environmental protection, cultural preservation, and the well-being of our communities.

Please VOTE NO on SB1074. Protect our reefs, our culture, and our future.

Mahalo

Cynthia Punihaole Kennedy

Kalaoa, North Kona

Hawai'i Island

SB-1074-HD-1

Submitted on: 3/26/2025 12:00:53 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
anja liotta	Individual	Support	Written Testimony Only

Comments:

My name is Anja Loitta, and I am writing in strong support of SB1074 SD1.

As a desk worker for Kaanapali Surf Club, I am an integral part of keeping our operations running smoothly. I assist in ensuring that our surf instructors and clients have the best possible experience while enjoying Maui's natural beauty. This bill is important because it provides a way to protect our island's environment while also allowing businesses, like ours, to continue serving the community. SB1074 SD1 ensures that necessary environmental reviews are conducted without putting local businesses and their employees at risk.

In the aftermath of the August 2023 fires, our community has faced significant challenges, and many of us are still in the process of rebuilding. Losing our businesses and jobs would only add to the hardships we are already experiencing. SB1074 SD1 allows us to continue to offer employment opportunities while also preserving the environment.

Mahalo,

Anja Loitta

SB-1074-HD-1

Submitted on: 3/26/2025 12:02:22 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Teri Larronde	Individual	Support	Written Testimony Only

Comments:

My name is Teri Larronde, and I am writing in strong support of SB1074 SD1.

My son works for a local surf school here on Maui, and through his job, he is able to provide for our family. The surf school plays a vital role in supporting not just our family but many others on the island. This bill is incredibly important, as it allows us to protect Maui's natural resources while ensuring that businesses like the surf school can continue operating. SB1074 SD1 strikes a balance by allowing necessary environmental reviews without disrupting the livelihoods of hard-working families who depend on these jobs.

Maui has already faced tremendous hardship, particularly with the aftermath of the August 2023 fires, and many of us are still struggling to rebuild. Without this bill, there is a real risk that businesses like the surf school could be forced to shut down, leaving many families, including ours, without the means to support ourselves.

Please support SB1074 SD1 so that we can continue to provide for our families, preserve jobs, and protect the environment that makes Maui such a special place.

Thank you for considering my testimony in support of SB1074.

Mahalo,
Teri Larronde

SB-1074-HD-1

Submitted on: 3/26/2025 12:08:02 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
tyler larronde	Individual	Support	Written Testimony Only

Comments:

My name is Tyler Larronde, and I am the Manager of Kaanapali Surf Club. I am writing in strong support of SB1074 SD1.

Kaanapali Surf Club has been an essential part of Maui’s tourism and local economy, providing jobs for many people in our community. In addition to offering surf lessons and experiences, we employ a large number of local workers, many of whom have been directly impacted by the devastating fires of August 2023. The support we provide not only helps our workers sustain their livelihoods but also aids in the recovery and rebuilding of our community.

SB1074 SD1 is critical in ensuring that we can continue operating without fear of business disruption. This bill allows for necessary environmental reviews to take place while preserving the jobs of so many individuals who rely on us. Many of our employees are victims of the fires, and their livelihoods depend on the continued operation of businesses like ours. If this bill is not passed, we risk losing the ability to offer jobs and support our community in this already difficult time.

Please support SB1074 SD1 so that businesses like Kaanapali Surf Club can continue to provide employment, support the recovery of our island, and protect the natural environment that makes Maui so unique.

Thank you for considering my testimony in support of SB1074.

Mahalo,
Tyler Larronde
manager, Kaanapali Surf Club

SB-1074-HD-1

Submitted on: 3/26/2025 12:10:05 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Matt Talbot	Individual	Support	Written Testimony Only

Comments:

I am Matt Talbot. I strongly support SB1074

Families are already struggling. We cannot afford another industry shutdown.

This bill strikes a fair balance between protecting Hawaii's natural resources and supporting long-standing and well regulated small businesses. These small businesses employ hundreds of employees and spend millions of dollars in our community.

Many people in opposition are claiming this bill allows for fish collecting or increases the carbon footprint, both are proven unfactual

Mahalo for considering this testimony.

Sincerely,
Matt Talbot

SB-1074-HD-1

Submitted on: 3/26/2025 12:19:40 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
sidney sparkman	Individual	Support	Written Testimony Only

Comments:

Aloha Governor Green,

I hope this message finds you well. I am writing to express my deep concern regarding Civil Court Order #2CC-17-1000483 (2), signed by Judge Cahill on December 4th concerning ORMA permit renewals for “at this point” Ka’anapali, and supporting **SB1074!**

As Maui continues to recover from the devastating Lahaina fires, this decision could not come at a more challenging time for West Maui’s recovery and for those who hold Hawai‘i as an annual treasured destination. Ocean recreation activities have long been integral to both visitors and the state’s economy. This ruling not only jeopardizes these established operations but also sets a worrisome precedent for similar activities across the islands, which contribute significantly to Hawai‘i’s unique appeal and economy.

While environmental conservation is undeniably critical, an abrupt halt to these permits sends a concerning message to visitors and businesses alike. For our visitors, it signals that essential recreational opportunities they associate with Hawai‘i may no longer be accessible, diminishing the allure of Hawaii. For business owners and investors, it underscores an environment of unpredictability, where significant investments are at risk due to unforeseen regulatory and legal decisions.

As a longtime resident and environmental landscape business owner, I value Hawai‘i and its pristine environment deeply, and I’m asking for your leadership in navigating this issue and finding balanced resolution that allows businesses to operate while the State seeks its EA, if indeed necessary. With your help the livelihoods of hundreds of Maui families who depend on Ka’anapali ocean-based activities for their employment and of course small businesses they’ve developed can be saved while we also maintain Hawai‘i’s reputation as a premier travel destination.

Thank you for your continued efforts in addressing these complex challenges. Your leadership in finding a path forward will undoubtedly protect the future of Maui’s communities, economy, and natural beauty.

Mahalo for your time and dedication.

Sidney Sparkman

SB-1074-HD-1

Submitted on: 3/26/2025 12:22:41 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
C.Yamamoto	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas and the members of the Judiciary and Hawaiian Affairs committee

I strongly oppose SB1074 because it would legitimize illegally authorized activities, like commercial aquarium collection, that devastate Hawai'i's ecosystems, cultural heritage, and future generations.

For years, commercial collectors have extracted hundreds of thousands of fish from our reefs, including essential species like lau'ipala (yellow tang) and pāku'iku'i (Achilles tang). This reckless removal disrupts marine ecosystems and threatens Native Hawaiian subsistence fishing. Thanks to HEPA and court rulings, our reefs have finally had a chance to recover. SB1074 would undo this progress, allowing harmful activities to continue indefinitely without proper environmental review.

Hawai'i's environmental review law ensures that decision-makers and the public can weigh long-term impacts before permitting actions that could cause irreversible harm. When agencies fail to follow these laws, such as permitting unlimited aquarium fish collection or dewatering East Maui's streams for decades, the results are severe and often irreparable.

By allowing these illegally authorized activities to continue while challenges drag on for years, SB1074 would turn HEPA into a meaningless afterthought. It would reward irresponsible agency practices that prioritize industry profits over environmental protection, cultural preservation, and the well-being of our communities.

VOTE NO on SB1074. Protect our reefs, our culture, and our future.

SB-1074-HD-1

Submitted on: 3/26/2025 12:25:30 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Patricia Richardson	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose SB1074. Our reefs need to be fully protected from all destructive practices.

SB-1074-HD-1

Submitted on: 3/26/2025 12:28:06 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Captain Drew Hopfauf	Individual	Support	Written Testimony Only

Comments:

Aloha Member of the Committee,

Please **support of SB1074 SD1 HD1** to keep Kā'anapali's charter boats running to keep our much needed jobs. Without this bill, long-standing businesses could be shut down for years, putting jobs at risk.

SB1074 SD1 HD1 is a solution that allows businesses to stay open while following environmental rules.

Thank you for your time and consideration, Captain Drew Hopfauf

SB-1074-HD-1

Submitted on: 3/26/2025 12:28:56 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Monica Salter	Individual	Support	Written Testimony Only

Comments:

Testimony in Strong Support of SB1074 SD2 – Relating to Environmental Review

Aloha Chair and Members of the Committee,

I'm writing today in strong support of SB1074 SD2 because I believe this measure is critical to protecting jobs, supporting local families and maintaining fairness in Hawai'i's environmental review process.

As someone who lives and works in Hawai'i, I've seen how important it is to strike a balance between preserving our natural resources and making sure our communities can survive and thrive. I fully support strong environmental protections and believe in holding businesses accountable. At the same time, I've seen the harm that can come when law-abiding, permitted businesses are forced to shut down due to legal challenges—before any final decision is even made.

Especially now, in the aftermath of the Maui wildfires and the ongoing economic challenges so many of us are facing, this issue feels even more urgent. When a business is forced to close prematurely, the impact reaches far beyond the company itself. It means job loss, stress for families and fewer resources flowing into our local economy. People who are doing everything right—working hard, following the rules—shouldn't be left in limbo.

SB1074 SD2 helps ensure that permitted businesses can stay open while the environmental review process plays out. That's not about cutting corners—it's about fairness, stability and giving our local workers and communities the chance to move forward.

I urge you to support this bill. Let's continue to protect our 'āina while also standing up for the people of Hawai'i who rely on these jobs to support their families.

Mahalo for your time and thoughtful consideration.

Monica Salter

SB-1074-HD-1

Submitted on: 3/26/2025 12:32:29 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mario Monroy	Individual	Support	Written Testimony Only

Comments:

I am Mario Monroy and strongly support SB1074.

We cannot afford another shutdown. families are already struggling.

This bill strikes a fair balance between protecting Hawaii's natural resources and supporting long-standing and well regulated small businesses. These small businesses employ hundreds of employees and spend millions of dollars in our community.

Mahalo for considering this testimony.

Sincerely,
Capt. Mario Monroy

SB-1074-HD-1

Submitted on: 3/26/2025 12:34:27 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mrs. Kerri Smith	Individual	Support	Written Testimony Only

Comments:

Wednesday, March 26th, 2025

Chairperson, Vice-Chair, and Committee Members,

I'm here to ask for your **support** for this bill, SB1074 SD2 HD1 which is key to keeping Ka'anapali ocean tour businesses running while they complete the necessary environmental reviews.

Many people depend on this industry for their livelihood, and the fallout from a shutdown of our industry would be deeply felt across our community. Without SB1074 SD2 HD1, many responsible businesses could be forced to shut down for many years, placing jobs and our entire community at risk.

Please **support SB1074 SD2 HD1** so that these businesses can continue to operate responsibly while meeting the required environmental standards.

Thank you for your support.

Kerri Smith, Whale and Ocean Naturalist and Maui resident.

SB-1074-HD-1

Submitted on: 3/26/2025 12:46:56 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Drake carroll	Individual	Support	Written Testimony Only

Comments:

I support this bill. I support my family with my job if we get cut it would destroy my family

SB-1074-HD-1

Submitted on: 3/26/2025 12:46:57 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marc-Anthony Gamboa	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the House Judiciary & Hawaiian Affairs Committee,

My name is Marc Gamboa, and I **strongly OPPOSE SB1074 SD2 HD1**, a dangerous measure that continues to subvert the environmental review process and by extension, the public interest in our coastal and marine environment.

I appreciate that this measure has been amended to narrow its scope and to provide a sunset date for its provisions. However, it still flies in the face of our environmental review process as a mechanism for transparency, public engagement, due diligence, and prudent planning, *before* commercial uses of our vital coastal areas are permitted. Under this bill as currently drafted, the Department of Land and Natural Resources would be allowed to turn a blind eye to significant potential impacts to water quality, public and cultural practitioner access, public safety, public health, and cultural and ecological processes, among others, in authorizing the commercial use and occupation of our small boat harbors, beaches, and nearshore waters without the completion of any environmental review. Moreover, the negative consequences of this bill may be exacerbated by amendments made prior to its passage, as well as after its potential enactment into law.

The continued movement of this measure will also prolong the uncertainty and fear that has been expressed by the Ka'anapali ocean tour operators, whose operations have been disrupted by the DLNR's refusal to comply with the environmental review law or accept a settlement offer that would address community concerns regarding water pollution, water safety, and public access. **The DLNR's acceptance of such an offer would allow these tour operators to be issued permits nearly immediately, rather than wait the months it would take for this measure to be enacted into law.** However, the DLNR has little incentive to agree to such a resolution if this bill remains alive and moving.

Please **HOLD SB1074 SD2 HD1**.

Sincerely,
Marc Gamboa

SB-1074-HD-1

Submitted on: 3/26/2025 12:47:08 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Julia Witte	Individual	Support	Written Testimony Only

Comments:

My name is Julia Witte and I strongly support SB1074.

Jobs on the west side of Maui are incredibly scarce after the loss of Lahaina and Lahaina Harbor. By taking away permits on Kaanapali Beach, hundreds of people will need to find jobs elsewhere, likely on the south side of the island. Many of us have made the boats our careers, and after the loss of Lahaina harbor there are few jobs on boats available. If we lose our permits, many of us will have to completely start over in another career, as there will only be one harbor and two small boat ramps, of which job availability is incredibly scarce.

I understand the need for an environmental impact study, but not the push to eliminate so many jobs. This bill strikes a fair balance between protecting Hawaii's natural resources and supporting long-standing and well regulated small businesses. These small businesses employ hundreds of employees and spend millions of dollars in our community.

Mahalo for considering this testimony.

Sincerely,
Julia Witte

SB-1074-HD-1

Submitted on: 3/26/2025 12:49:40 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kenneth Steffen	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

My name is Kenneth Steffen, and I am writing in strong support of SB1074.

This bill is essential in ensuring that previously permitted activities can continue operating while undergoing environmental review if their permits are challenged. By allowing businesses to remain open during this process, SB1074 helps maintain regulatory stability and prevents unnecessary disruptions for compliant operators.

SB1074 upholds environmental protections while also preventing redundant reviews that can impose excessive financial and operational burdens on longstanding, law-abiding businesses. It strikes a fair balance between preserving Hawaii's natural resources and supporting regulated commercial activities that have been an integral part of our local economy for years.

I respectfully urge the committee to pass SB1074 and help protect Hawaii's local businesses and working families.

Mahalo for your time and consideration.

Testimony in Opposition to SB1074

Submitted by: B. Oriana McCallum;

Date: March 25, 2025

Aloha e Chair Tarnas, Vice Chair Poepoe, and members of the Judiciary and Hawaiian Affairs committee,

My name is Oriana McCallum, and I write to you today as a law student, studying Environmental and Native Hawaiian Law and as a local community member. **I strongly oppose SB1074**, which threatens to dismantle the environmental safeguards established under the Hawai'i Environmental Policy Act (HEPA) by allowing projects to proceed before completing the required environmental review.

Growing up as a descendant of farmers, I was raised with the understanding that our relationship with the land is one of kuleana. Our environment is not just a resource—it is our provider and our guardian that must be protected for the well-being of our future generations. Over the years, I have seen firsthand the devastation that unchecked development and a lack of environmental oversight can inflict. Land that once sustained our farmers was taken for the benefit of migrating developers, native forests and sacred spaces have been destroyed for military training, and entire ecosystems have been pushed to the brink of extinction favoring support of the tourism industry.

HEPA stands as a valiant weapon for those who recognize a duty to protect, preserve, and steward their environment. SB1074 legitimizes harmful practices by allowing projects to continue operating while awaiting compliance. This undermines the very foundation of HEPA, which was created to ensure that environmental considerations are addressed *before* damage occurs—not as an afterthought. The bill echoes historical injustices that have disproportionately harmed Native Hawaiian communities, particularly those who rely on traditional practices like farming and fishing.

As a law student I have spent the past three years studying the legal frameworks designed to protect our natural resources and uphold the public trust. The principles enshrined in HEPA and the Hawai'i State Constitution make it clear that environmental stewardship is not optional—it is a legal duty. Permitting projects to continue during the environmental review process sets a dangerous precedent that prioritizes private business interests over the well-being of the environment, the people, and our future generations.

I urge you to **VOTE NO to Passing SB1074** and uphold Hawai'i's environmental law. We cannot afford to make exceptions when it comes to protecting the land and waters that sustain us. As lawmakers, you have the opportunity to uphold your kuleana to the people of Hawai'i by ensuring that environmental review remains a proactive, necessary step in all decision-making.

Mahalo for your time and consideration.

Me ka ha'aha'a,

B. Oriana McCallum, J.D. Candidate '25, William S. Richardson School of Law

Aloha e Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary & Hawaiian Affairs,

My name is U'ilani Naipo of Moku o Keawe and I **strongly oppose** SB1074 SD2 HD1.

I appreciate the numerous amendments made to scope the impact of this measure to commercial activities permitted under HRS §200. Unfortunately, Kā'anapali commercial boaters are not unique as commercial boating has been long permitted.

Throughout our pae 'āina, places are inundated and marine ecosystems and public safety are compromised – Manta Ray viewing operations in West Hawai'i, Molokini, Hā'ena, Marine Life Conservation Districts of Pūpūkea and Kealakekua.

Efforts have been done in some of these places to right-size cumulative activities with multiple approaches - like Molokini and Hā'ena. Some are currently being worked on - Pūpūkea and Kealakekua. Successful improvements indicate permanent monitoring and dynamic carrying capacity measures are needed to well-regulate and well-manage commercial permitted activities and the general public in these shared spaces.

In the preamble of this measure, the intent of the environmental review process is identified *to evaluate the environmental impact of new projects rather than disrupt ongoing, well-regulated activities*. Well-regulated and managed activities would imply that DLNR would have taken steps (even now) to facilitate necessary actions to mitigate root cause of the conditions that lead to the Kā'anapali court case. New projects or permit applications are reviewed into the cumulative activities (fishing, diving, snorkeling and other recreational) for their impact to areas (shared spaces in marine managed areas or marine non-designated areas). Commercial permitted activities first issued decades ago shall not assume it has unchanged impact from what it initially did. Commercial boating has been long-permitted, in growing numbers and never diminishing, creating management challenges. These permitted activities should never assume they have unchanged impact to an environment while conditions are constantly changing. There are simply more boats, more people on boats and in the water, environmental changes, and increased demands on our marine ecosystems. Well-regulated activity would have administrative measures to mitigate what has resulted in the court case. Carry capacity and HEPA are those measures!

All permitted and public activities are to be measured for its cumulative impacts to our marine ecosystems. The combination of overly issued commercial boating permits (some have no area restrictions) and the lack of sufficient management tools to dynamically measure carry capacity as ecosystems and uses (and gear) constantly change, is the administrative challenge. HEPA is the appropriate call to action that forces a reassessment when conditions of that challenge is not well-managed or mitigated.

In sympathy to Kā'anapali commercial boat operators, if relief is to be granted to commercial boat operators, then do so directly in other ways that do not negotiate the risk to the protection of cultural and natural resources. Do not allow HEPA or Ka Pa'akai Analysis reviews to be circumvented. These are important foundational tools that work for the protection of our cultural and natural resources. Encourage DLNR to expeditiously review the offer of settlement and put in place long-term dynamic carry capacity measures. Four months have passed since the court ruling. Further delay as well as allowing continued activity while environmental and cultural reviews are conducted are not acceptable and do not indicate that these activities are well regulated.

DLNR maintains the largest portfolio of our shared public trust assets – water and land to include nearshore, submerged lands and marine ecosystems. HEPA strongly supporting these assets. I ask that you support HEPA and **HOLD SB1074 SD2 HD1**.

Mahalo for receiving my testimony,

U'ilani Naipo

SB-1074-HD-1

Submitted on: 3/26/2025 12:54:09 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mina H Elison	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas and the members of the Judiciary and Hawaiian Affairs committee

I strongly oppose SB1074 because it would legitimize illegally authorized activities, like commercial aquarium collection, that devastate Hawai'i's ecosystems, cultural heritage, and future generations.

For years, commercial collectors have extracted hundreds of thousands of fish from our reefs, including essential species like lau'ipala (yellow tang) and pāku'iku'i (Achilles tang). This reckless removal disrupts marine ecosystems and threatens Native Hawaiian subsistence fishing. Thanks to HEPA and court rulings, our reefs have finally had a chance to recover. SB1074 would undo this progress, allowing harmful activities to continue indefinitely without proper environmental review.

Hawai'i's environmental review law ensures that decision-makers and the public can weigh long-term impacts before permitting actions that could cause irreversible harm. When agencies fail to follow these laws, such as permitting unlimited aquarium fish collection or dewatering East Maui's streams for decades, the results are severe and often irreparable.

By allowing these illegally authorized activities to continue while challenges drag on for years, SB1074 would turn HEPA into a meaningless afterthought. It would reward irresponsible agency practices that prioritize industry profits over environmental protection, cultural preservation, and the well-being of our communities.

VOTE NO on SB1074. Protect our reefs, our culture, and our future.

Mahalo for taking the time to listen to the public,
Mina Elison

Hawai'i

Ke'ei

SB-1074-HD-1

Submitted on: 3/26/2025 12:56:46 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Giovanna Tonzillo	Individual	Support	Written Testimony Only

Comments:

Dear Chair, Vice Chair, and Members of the Committee,

Please support SB1074 for ocean tour boats. This bill is essential for ensuring that ocean tourism operators in Kaanapali can continue their operations while undergoing environmental review. Without this bill, these longstanding, regulated operators face the risk of being shut down for years—even when they have complied with all permitting requirements.

These tour operators allow residents and visitors to experience Hawaii’s marine environment with minimal disruption, supporting conservation efforts through education and sustainable tourism practices.

This bill strikes a fair balance between protecting our natural resources through 343 and supporting the small ocean tour businesses that have operated responsibly under state oversight for decades.

Please pass SB1074 to protect our local ocean tourism industry, the jobs it supports, and the families who depend on it.

SB-1074-HD-1

Submitted on: 3/26/2025 1:02:54 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Trey Garman	Individual	Support	Written Testimony Only

Comments:

SB1074 SD2 is a crucial measure that protects workers' livelihoods and the stability of long-standing, lawfully permitted businesses while ensuring Hawai'i's environmental review process remains effective. Hawai'i's people are the backbone of the economy, and strong environmental regulations are essential. However, forcing businesses that have already met all regulatory requirements to shut down during permit challenges—before any final determination is made—creates unnecessary hardship, especially during times of economic struggle.

In the wake of devastating wildfires and ongoing financial difficulties, job losses from unwarranted shutdowns have widespread consequences, affecting families and communities that depend on stable employment. SB1074 SD2 provides a safeguard, allowing permitted businesses to continue operating while environmental reviews are conducted, ensuring workers are not left without income and businesses are not forced to close permanently. Hawai'i cannot afford to let lawful businesses be driven out by prolonged bureaucratic delays. Passing this bill will provide regulatory consistency, uphold environmental accountability, and protect the livelihoods of Hawai'i's people.

SB-1074-HD-1

Submitted on: 3/26/2025 1:05:57 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ginger Lucy	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Members of the Committee,

My name is Ginger Lucy, and I am both an owner and employee of Trilogy Excursions. I am writing in strong support of SB1074.

Kā'anapali is not just a beach—it is the heart of my work and the livelihood of many local families like myself who depend on ocean tourism to survive and stay on Maui. After the devastating Lahaina fire, so many of us lost not just our homes, but also the businesses and jobs that anchored our lives. Kā'anapali has been one of the few remaining places where we've been able to rebuild, find work, and support our families.

At Trilogy, we take pride in operating responsibly. Our boats leave nothing but bubbles behind and take nothing but photos. We are committed to mālama 'āina—caring for the land and ocean that sustain us—while also providing meaningful employment and supporting Maui's economy.

If operations like ours are forced to shut down due to prolonged environmental reviews, many local workers will be left without jobs and without the means to remain on island. The impact would be devastating to an already fragile community.

Please support SB1074 and help protect our ability to work, provide for our families, and contribute to Maui's recovery.

Mahalo for your time and consideration.

With aloha,

Ginger Lucy

SB-1074-HD-1

Submitted on: 3/26/2025 1:14:47 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Brandie Shimabukuro	Individual	Oppose	Written Testimony Only

Comments:

I am writing to express my strong opposition to Senate Bill 1074 (SB1074) due to significant environmental concerns. As a resident of Hawaii and a dedicated advocate for the protection of our unique and fragile ecosystems, I believe the provisions in this bill, in its current form, could have detrimental and irreversible impacts on our environment.

1. Threat to Hawaii's Fragile Ecosystems

Hawaii is home to some of the most unique and diverse ecosystems in the world, many of which are already under threat due to development, climate change, and invasive species. SB1074, could exacerbate these issues by encouraging practices that increase environmental degradation. If enacted, this bill risks causing long-term harm to our native species, endangered habitats, and natural resources.

2. Impact on Water Quality and Resources

Water is a precious and finite resource in Hawaii, and any legislation that could increase the strain on our freshwater systems should be closely scrutinized. SB1074 could lead to increased runoff, contamination of water sources, or overuse of our limited water resources. As we are already facing challenges with water availability and quality, further stressing these resources would be detrimental to both our environment and the communities that depend on them for survival.

3. Lack of Adequate Environmental Review

I am deeply concerned that SB1074 has not undergone a thorough environmental impact review. Given the potential for significant harm to Hawaii's ecosystems, a comprehensive environmental assessment is necessary before any further action is taken. The bill's provisions have the potential to disrupt local wildlife and ecosystems, yet there has been little consideration of these consequences in the bill's current form. Hawaii's natural environment is not a resource to be exploited lightly, and any legislative action should prioritize its preservation and sustainability.

4. Increased Carbon Footprint and Climate Change Risks

Hawaii, like the rest of the world, is facing the growing challenge of climate change. The effects of rising sea levels, more intense storms, and increased temperatures are already being felt throughout our islands. SB1074, could contribute to these issues by encouraging practices that increase greenhouse gas emissions or contribute to environmental degradation. At a time when Hawaii must be taking bold action to reduce its carbon footprint, this bill runs counter to those efforts.

5. Lack of Focus on Sustainable Alternatives

Rather than advancing policies that could harm our environment, we should be focusing on sustainable alternatives that will protect our natural resources while fostering economic development. Unfortunately, SB1074 fails to prioritize these sustainable practices, choosing instead to promote measures that could lead to further environmental harm. Hawaii's future depends on finding solutions that balance economic growth with environmental protection, and this bill does not offer that balance.

For all of these reasons, I strongly urge you to oppose SB1074 and to reconsider its provisions in light of the potential environmental harm it could cause. I urge the committee to pause and engage in a more thorough examination of the bill's impacts on our environment, as well as to explore alternative measures that prioritize the protection of Hawaii's natural resources for future generations.

Thank you for the opportunity to submit this testimony. I trust that you will carefully consider the environmental implications of SB1074 and make the decision that best serves the long-term health and well-being of our islands.

SB-1074-HD-1

Submitted on: 3/26/2025 1:15:35 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nasya Lerma	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

My name is Nasya Lerma, and I am writing in **strong support of SB1074**.

This bill is essential in ensuring that previously permitted activities can continue operating while undergoing environmental review if their permits are challenged. By allowing businesses to remain open during this process, SB1074 helps maintain regulatory stability and prevents unnecessary disruptions for compliant operators.

SB1074 upholds environmental protections while also preventing redundant reviews that can impose excessive financial and operational burdens on longstanding, law-abiding businesses. It strikes a fair balance between preserving Hawai'i's natural resources and supporting regulated commercial activities that have been an integral part of our local economy for years.

Requiring lawfully permitted operators to cease operations while waiting years for environmental studies to be conducted coupled with significant financial resources required for the maintenance of these vessels will inevitably result in business closures and job losses. History has shown that once certain industries lose their permits and are shut down, they do not return. We cannot afford to let this happen again, especially when so many businesses and residents depend on these activities for their livelihoods.

I respectfully urge the committee to pass SB1074 and help protect Hawai'i's local businesses and working families.

Mahalo for your time and consideration.

Sincerely,
Nasya Lerma

SB-1074-HD-1

Submitted on: 3/26/2025 1:15:46 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Patrick Laughlin	Individual	Support	Written Testimony Only

Comments:

I am Patrick Laughlin and strongly support SB1074.

We cannot afford another shutdown. families are already struggling.

This bill strikes a fair balance between protecting Hawaii's natural resources and supporting long-standing and well regulated small businesses. These small businesses employ hundreds of employees and spend millions of dollars in our community.

Mahalo for considering this testimony.

Sincerely,
Patrick Laughlin

SB-1074-HD-1

Submitted on: 3/26/2025 1:20:20 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Karen Mawae-Spence	Individual	Oppose	Written Testimony Only

Comments:

I oppose this measure. Hawaii has been owned by the tourist industry simply because of GREED!!

Protect this State!

Protect these Islands

Protect its people!!

NO TO BEING 2nd fiddle to tourism ECOME DIVERSIFIED!!

bring the powerball and mega millions to hawaii and get tax revenues here so you

arent so dependent on them. I OPPOSE THIS MEASURE!!

SB-1074-HD-1

Submitted on: 3/26/2025 1:34:41 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
curtis hanthorn	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Committee members

I'm Curtis Hanthorn and I am a 10 year resident of Lahaina and I am employed by Aqualani/Teralani. I strongly support SB1074. This bill lets established Ka'anapali permit holders to continue daily operations during environmental reviews, ensuring that businesses stay open unless changes are necessary.

Shutting down operations now means i lose my job. and then i lose my apartment and i have been a resident in Lahaina for 10 years.

My entire life would change, again, after already having to survive the Lahaina fires myself.

We cannot afford to lose our jobs here in Lahaina.

SB-1074-HD-1

Submitted on: 3/26/2025 1:41:01 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

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

Comments:

Aloha,

The most important issue in Hawaii is te enviroment. We should never think about exempting ANYTHING without enviromental reviews. As residents we know all too well how a lack of understadning leads to issues that put our home at risk. This measure to exempt commercial endeavors from enviromental oversight is lolo to have progressed this far. We all no this is a bad bill. Please defeat it.

SB-1074-HD-1

Submitted on: 3/26/2025 1:42:22 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
McMichael Simmy	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas and members of the Judiciary and Hawaiian Affairs committee.

I strongly oppose SB1074 because it would legitimize illegally authorized activities, like commercial aquarium collection. This collection is devastating of Hawai'i ecosystem, our cultural heritage, and we need all our reef fishes to be left alone not for mass collection for aquariums.

I'm Kanaka born in the Territorial of Hawai'i. This collection is not traditional.

Please say No. A'ole Not Pono!

Mahalo,

Simmy McMichael

David Kimo Frankel
1638-A Mikahala Way
Honolulu, HI 96816

March 18, 2025

TESTIMONY IN OPPOSITION TO SB 1074

Chair Tarnas and members of the House Committee on Judiciary and Hawaiian Affairs,

I am an attorney focused on the protection of natural and cultural resources. I oppose SB 1074 (as well as HB 661 HD2).

This bill would be unnecessary if the Department of Land and Natural Resources and its Board performed their duties competently, in good faith, and in compliance with the law. Sadly, for too long now they have failed to do so – as reflected by decisions of neutral third parties – judges and justices, vetted by the Judicial Selection Commission, chosen by the governor, and confirmed by the Senate.

For more than a decade, BLNR renewed revocable permits, in the words of the Hawai‘i Supreme Court, “without scrutiny and without adequate explanation as to why a continuance served the best interests of the State.” *Carmichael v. Bd. of Land & Nat. Res.*, 150 Hawai‘i 547, 566, 506 P.3d 211, 230 (2022). The court found the BLNR’s approval of revocable permits to be “particularly troubling,” *Id.* at 567, 506 P.3d at 231 (2022). It described BLNR’s claims with respect to the permits as “so manifestly and palpably without merit, so as to indicate bad faith.” *BLNR v. Crabtree*, 154 Hawai‘i 113, 119, 547 P.3d 446, 452 (2024) (cleaned up). It also concluded that DLNR “breached its constitutional trust duties by failing to reasonably monitor the Pōhakuloa Training Area, including by failing to inspect the land to ensure the United States’ compliance with the lease terms intended to protect and preserve trust property the State breached its constitutional trust duties by failing to reasonably monitor or inspect the trust land at issue.” *Ching v. Case*, 145 Hawai‘i 148, 183, 449 P.3d 1146, 1181 (2019). BLNR’s pattern and practice of evading the law and its responsibilities is well established. *See Kaleikini v. Yoshioka*, 124 Hawai‘i 53, 283 P.3d 60 (2012) (violated the historic preservation law when it approved the rail project); *Hall v. Department of Land and Natural Resources*, 128 Hawai‘i 455, 290 P.3d 525 (ICA 2012) (violated the historic preservation law when it allowed Kawaiaha‘o Church to avoid preparing an archaeological inventory survey); *Kilakila `O Haleakalā v. BLNR*, 131 Hawai‘i 193, 317 P.3d 27 (2013) (erred in authorizing a 142 foot tall building in the conservation district without first providing for a contested case hearing). BLNR and DLNR lack credibility and integrity.

In 2001, Nā Moku Aupuni O Ko‘olau Hui asked the Board of Land and Natural Resources to ensure preparation of an environmental impact statement before BLNR renewed revocable permits that authorized Alexander & Baldwin, Inc., and East Maui Irrigation to take **all** the baseflow from dozens of East Maui streams, draining those streams dry. BLNR refused to do so. For two decades, BLNR refused to consider the devastating cultural and environmental impact of the renewal of these revocable permits.

The diversion of all of a stream's base flow has obvious significant impacts. But BLNR continued to renew these permits for decades. For years, BLNR renewed these permits in secret – failing to properly notify the public about its decisionmaking. It was only after Nā Moku sued that A&B began working on an environmental impact statement, which was not completed until September 2021. That EIS revealed that the diversions caused the loss of 88.2% of the habitat of some streams. Here are some photographs that depict the damage caused by these permits from a report produced by the Bishop Museum and BLNR's Division of Aquatic Resources in 2009:



Figure 15. Changes in instream habitat after stream diversion on Honomanū Stream, Maui. The diversion, downstream of the surveyors, was diverting 100% of stream flow (left picture). Downstream of diversion (right picture) there is no water flow and no habitat for aquatic animals.

SB 1074 and HB 661 HD2 would allow BLNR and other agencies to renew permits that may have devastating consequences without considering their impact. Consider the type of activities that continued for decades that never had their impact assessed or considered until very recently: the operation of the fuel tanks at Red Hill; the diversion of streams in East Maui; and the bombing of ceded lands at Pōhakuloa.

When government agencies continually refuse to take the concerns that members of the public raise seriously, citizens sue. That is how we hold the executive branch accountable. Given what is taking place at the national level, this body should be keenly aware of the importance of keeping the executive branch in check.

SB 1074 HD1 (boating and harbors) and HB 661 HD2 (fishing, coral collection, operation of thrill craft, boating, and harbor leases) would allow environmentally damaging activities to continue for decades without proper disclosure to the public and without adequate review. Neither a commercial enterprise nor BLNR would have any incentive to complete the HRS chapter 343 process.

These bills rest on a false premise. Just as with the National Environmental Policy Act, HRS chapter 343 has always applied to “continuing” activities that require government approval. *See e.g., Commonwealth v. United States NRC*, 708 F.3d 63, 67 (1st Cir. 2013) (“Relicensing requires the preparation of an EIS.”); *Pit River Tribe v. U.S. Forest Service*, 469 F.3d 768, 784

(9th Cir. 2006) (extension of lease requires an EIS); *High Sierra Hikers Ass'n v. Blackwell*, 390 F.3d 630, 641 (9th Cir. 2004) (“one-year renewals of the special-use permits were not allowable categorical exclusions and require the issuance of an EA or an EIS”); *La. ex rel. Guste v. Lee*, 853 F.2d 1219, 1222-23 (5th Cir. 1988) (“Clearly the Corps should have prepared an EIS if the Corps determined that the renewal of the shell dredging permits might affect the quality of the human environment.”); *State of Louisiana v. Lee*, 758 F.2d 1081 (5th Cir. 1985) (“The renewal of these permits will not maintain a status quo, but rather will continue a course of environmental disruption begun years ago”); *Confederated Tribes and Bands of the Yakima Indian Nation v. Federal Energy Regulatory Commission*, 746 F.2d 466 (9th Cir. 1984) (“Simply because the same resource had been committed in the past does not make relicensing a phase in a continuous activity”); HAR § 11-200-8(A)(1) and (10) (old rules); 1967 House Journal 670 (SCR 522). In the year 2000, the state legislature recognized that

the past failure to require native Hawaiian cultural impact assessments has resulted in the loss and destruction of many important cultural resources and has interfered with the exercise of native Hawaiian culture. The legislature further finds that due consideration of the effects of human activities on native Hawaiian culture and the exercise thereof is necessary to ensure the continued existence, development, and exercise of native Hawaiian culture.

Act 50, 2000 Sess. Laws of Haw. § 1. This bill would undermine what the legislature previously intended.

Aloha,

/s/ David Kimo Frankel

SB-1074-HD-1

Submitted on: 3/26/2025 1:56:20 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
mary drayer	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas and Members of House Judiciary and Hawaiian Affairs Committee

I do not presume to know the many details of this measure, but i am able to understand the impact it has on our LOCAL residents. We have been at the mercy of the developers and tourist industry for well over 50 years. Beach access denied, places like Mala wharf and other PUBLIC places taken over by surf schools, kayak rentals, wind surfers etc.

It's past time for our elected officials to enforce laws and ordinances that are already on the books, and rescind those that have proven to be detrimental to our community.

i oppose SB1074 SC2 HD1. It will continue to subvert the environmental review process, and by extension, the public interest in our coastal and marine environment.

SB-1074-HD-1

Submitted on: 3/26/2025 1:59:01 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sarah Begley	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB 1074.

Sarah Begley

SB-1074-HD-1

Submitted on: 3/26/2025 2:39:32 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Fred Findlen	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

I am in support of SB 1074 . Recent events including the fire in Lahaina have been devastating to hotels, tourism and businesses related to the hospitality industry. Eliminating or taking away any other business activities for our visitors to take part in would be devastating to the local community. Upwards of \$250 plus families would be impacted with the loss of jobs, forcing people to potentially leave the island which would be devastating to the schools and local economy. We've already seen so much loss and families leaving the island that this would exasperate it even further.

Please vote for and pass SB 1074 as it is vital for the future of our community.

Mahalo,

Fred G. Findlen

General Manager

Hyatt Regency Maui Resort and Spa

SB-1074-HD-1

Submitted on: 3/26/2025 2:45:48 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
tiare lawrence	Individual	Oppose	Remotely Via Zoom

Comments:

Testimony to JHA Committee

Aloha Chair, Vice Chair, and Committee Members,

My name is Tiare Lawrence, and I was born and raised in Lahaina, Maui. Kā‘anapali has been an integral part of my life—I frequent the area with my keiki to surf, fish, dive, and enjoy the beach. Over the years, I have witnessed firsthand the constant neglect by DLNR in maintaining buoys, ensuring safe ingress and egress for boats, and providing adequate public beach access.

On December 29, 2011, our community lost a beloved paddling coach, Billy Gonzales, due in part to the State’s failure to manage the safety buoys. Billy was struck and killed by a boat while setting up flags for a high school regatta. This tragic loss could have been prevented with proper oversight and enforcement.

All we ask for is basic safety measures to protect both residents and visitors alike. Yet, instead of working with our community, the state refuses to accept a settlement offer that would allow permit renewals while making Kā‘anapali safer—such as proper signage during catamaran beach landings and ensuring that employees of commercial permit holders do not occupy public beach parking, which has been a persistent issue for decades.

I do not want to continue fighting this battle in court—but what choice do we have when the state refuses to listen? Why should we have to resort to lawsuits to demand something as simple as safety and public access?

I urge you to kill this bill. It is a bad bill that does nothing to address the very real safety concerns at Kā'anapali. The state must stop turning its back on our community and start prioritizing the well-being of both kama'āina and visitors.

Mahalo for your time and consideration.

Tiare Lawrence

SB-1074-HD-1

Submitted on: 3/26/2025 3:11:43 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Phyllis Doran	Individual	Support	Written Testimony Only

Comments:

I am submitting this testimony to express my support of SB1074 SD2 HD1. Specifically, I am in support of allowing the continuation of ORMA permit renewals for the operators of businesses affected by the Civil Court Order #2CC-17-1000483 (2), signed by Judge Cahill on December 4th concerning ORMA permit renewals for Ka'anapali and potentially other locations. I also support the narrowing of this bill to apply to only current permit holders.

It has been devastating to observe the damage and disruption experienced by the population and the business community on Maui from the 2023 fires. As Maui continues to recover from these fires, this court order could not come at a more challenging time for West Maui's recovery and for those who hold Hawai'i as an annual treasured destination. Ocean recreation activities have long been integral to both visitors and the state's economy. This ruling not only jeopardizes these established operations but also sets a worrisome precedent for similar activities across the islands, which contribute significantly to Hawai'i's unique appeal and economy.

While environmental conservation is undeniably critical, an abrupt halt to these permits sends a concerning message to visitors and businesses alike. For our visitors, it signals that essential recreational opportunities they associate with Hawai'i may no longer be accessible, diminishing the allure of Hawaii. For business owners and investors, it underscores an environment of unpredictability, where significant investments are at risk due to unforeseen regulatory and legal decisions.

With the passage of SB1074 SD2 HD1, the livelihoods of hundreds of Maui families who depend on Ka'anapali ocean-based activities for their employment. and small businesses they've developed, can be preserved while we also maintain Hawai'i's reputation as a premier travel destination.

SB-1074-HD-1

Submitted on: 3/26/2025 3:16:28 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
David Moser	Individual	Support	Written Testimony Only

Comments:

I am submitting this testimony to express my support of SB1074 SD2 HD1. Specifically, I am very much in support of allowing the continuation of ORMA permit renewals for the operators of businesses affected by the Civil Court Order #2CC-17-1000483 (2), signed by Judge Cahill on December 4th concerning ORMA permit renewals for Ka'anapali and potentially other locations. I also support the narrowing of this bill to apply to only current permit holders.

The impact of this Order is life threatening to these businesses, particularly those whose permits will expire in the near future. The Environmental Assessment could take months or years, and these businesses would be lost forever while waiting for the results of the EA. The consequences of this Order are multiple and far-reaching including loss of jobs, loss of businesses, bankruptcies affecting financial institutions, loss of tourism, and the impact will be felt not only by those businesses that operate under a Permit, but also by the shops on the shoreline that tourists support, individuals that provide services to these affected businesses, etc.

These businesses have been operating under Permits for many years with no discernable environmental degradation, so there is no "emergency" that needs to be addressed. Permits should be renewed while the EA is ongoing and then let the conclusions of the EA determine the balance between commercial and environmental interests.

The COVID-19 period was a heavy blow to the economy of West Maui and the 2023 Lahaina fire has added to the struggle for survival of these businesses that rely on tourism for their livelihood. The passage of SB1074 SD2 HD1 is essential, as the Civil Court Order may be fatal to many of these businesses.

SB-1074-HD-1

Submitted on: 3/26/2025 3:26:12 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kimmer Horsesen	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chairs and Committee,

Plz oppose this bill SB 1074 Mahalo!

Kimmer Horsesen

SB-1074-HD-1

Submitted on: 3/26/2025 3:57:58 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Caroline Azelski	Individual	Oppose	Written Testimony Only

Comments:

Oppose. Ty.

SB-1074-HD-1

Submitted on: 3/26/2025 4:29:43 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Eric Koch	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas and fellow committee members,

im submitting my testimony in opposition to this measure for a very simple reason: fairness. The reason this bill and its companion were introduced in the 2025 legislative session is because the Umberger ruling against the state regarding the commercial aquarium fishery, has had an unattended effect on other adjacent commercial activities such as the operators in Kaaanapali. Now, this may not have been the intent by the activist, but turnabout is fair play. Many of these tour operators are supportive in the umberger suit. They have said so over an over as these measures have been ascending. These same operators in years past have come against the aquarium fishery and have sided with thes activists, if they weren't the activist themselves. I'll remind you, Rene Umberger and Snorkel Bob are from this particular commercial field and they're both from Maui. Now I realize not every single Kaaanapali operator is like this but enough of them are and to me, having been on the receiving end of that court ruling and the impact it had on my business, my ohana, I feel like they deserve to experience the exact same thing as I did. How is it fair that their business, their commercial activity be allowed to work through while my business was shuttered? They like to give testimony about how this MAY impact their businesses and employees...while for us, this isn't theoretical...we got obliterated. We lost everything and then Covid hit. Do these operators have any concern for that? No they don't. They instead come in here giving testimony against us still in an attempt to save their own asses! Shame on them!! I'll remind you and all of them or anyone reading this, our fishery is the most sustainable and studied fishery in all of Hawaii, bar none! This has been exhaustively confirmed and supported by not only ALL of the premiere coral reef ecologist in Hawaii, but by the accepted full environmental review statement that has now been affirmed by the Supreme Court of Hawaii. I say if this legislature has any fairness whatsoever, they apply standards of the law EQUALLY. Commercial activity is commercial activity. They need a to complete a EIS like we had to do and DID, while we were shut down, so shoud they. What are these guys special? Is their business more important than mine? Is this legislature picking winners and losers? And if so, based on what? Surely not the science as our activity has completed what was asked of us, while their activity is stil yet to be determined. Do what's right, vote this measure down and make these guys walk the same path we had to walk and maybe these guys will humble themselves a little bit and quit attacking others

mahalo

Eric K.

Kaū, Hawaii

SB-1074-HD-1

Submitted on: 3/26/2025 5:11:37 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Vivian S. Toellner	Individual	Oppose	Written Testimony Only

Comments:

SB1074 was prompted by a court order prohibiting issuance and renewal of marine tourism permits in Ka'anapali until they have undergone environmental review, or DLNR has declared they are exempt. **DLNR and the Environmental Council have already determined that these types of tour operations are exempt**, because they are non-extractive and minimally impact the environment. **DLNR could have and should have drafted and published the determination of exemption months/years ago. And they can do so right now! There simply is no need for this dangerous bill.**

They ruined Paradise to put up a parking lot. If you would not do it on land for all to see, you should not do to the Ocean. We must preserve Hawai'i Natural Resources. Yes, that means limiting harmful activities. Just stop the removal of Hawaiian Reef fish for the Aquarium Trade.

Far more money is made by keeping the fish here and charging to see alive and well here in their natural habitat. Please stop the blinking \$\$ dollar signs in peoples eyes... Over and over, I have testified, why does this persistantly keep coming up? What kind of force, money, evil ? is behind this. The agency that is suppose to protect is actually not protecting. Please Save Hawai'i.

I strongly oppose SB1074, which would allow agencies to keep rubberstamping environmentally harmful activities (like commercial aquarium collection) until whenever the agencies may get around to actually looking at the impacts and doing anything about it. I am deeply concerned how this bill would affect Hawai'i's reefs and lawai'a pono practices. Commercial aquarium collectors have devastated reef ecosystems around O'ahu and Hawai'i Island, extracting hundreds of thousands of fish and invertebrates each year in hotspots including West Hawai'i and Kāne'ohē Bay. Collected species include lau'ipala (yellow tang), kole (goldring surgeonfish), pāku'iku'i (Achilles tang), among many other native and endemic species that are critical for maintaining healthy reefs and supporting Native Hawaiian subsistence fishing and cultural practices.

- This reef life is sold and shipped in plastic bags to the continent and around the world to supply the global pet market for ornamental reef fish, instead of staying on the reefs to support ecosystem health and Native Hawaiian fishing practices that have been handed down for generations.

- Thanks to HEPA and recent court rulings, our reefs have finally gotten a break from unlimited aquarium extraction while the collectors and State look at environmental and cultural impacts, mitigation measures, and alternatives through the public environmental review process.
- Please let HEPA do its job to inform agency decision-making beforehand, rather than handing industry a free pass to continue causing harm for years on end until they get around to completing the environmental review process. This bill would turn HEPA review into an afterthought and meaningless formality to justify harm that's already been done . . . and can't be undone.
- This bill would gut HEPA's whole purpose and is unnecessary. HEPA provides for exemptions of activities that have truly minor impacts. I strongly urge you to VOTE NO on SB1074. Most Sincerely

Aloha & Mahalo, Vivian Toellner

SB-1074-HD-1

Submitted on: 3/26/2025 5:57:50 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Freddy Camacho	Individual	Support	Written Testimony Only

Comments:

My name is Freddy Camacho. I work as a first mate and also as the crew manager for Teralani Sailing in Kaanapali.

I strongly support passing Bill SB1074. The bill allows those of us who work for companies that have longstanding permits, and work legally within the parameters of those permits, to continue working during the timeframe of the environmental assessment.

There are hundreds of of people who work under the umbrella of these permits just in Kaanapali alone. Please keep us working!

Thank You.

SB-1074-HD-1

Submitted on: 3/26/2025 6:00:58 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Momi Vee	Individual	Oppose	Written Testimony Only

Comments:

Aloha to all the people in support of this bill, Should Be Ashamed of themselves!! Why have we taken such care of Hawai'i Nei, only to have a few come and carelessly Abuse this place!? It makes no sense at all.? Why has Hawai'i lawmakers been so foolish and greedy to Allow money take over, instead of the needs of the majority!? We leave items in your hands and Next thing know we're here In Strong Opposition!?? Rarely in support of you. Thank you for your service, your time and for your being there for us and for the community.

SB-1074-HD-1

Submitted on: 3/26/2025 7:31:58 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
ANDREW ISODA	Individual	Comments	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the House Judiciary & Hawaiian Affairs Committee,

My name is Andrew Isoda and I strongly **OPPOSE SB1074 SD2 HD1**, a dangerous measure that continues to subvert the environmental review process and by extension, the public interest in our coastal and marine environment.

I appreciate that this measure has been amended to narrow its scope and to provide a sunset date for its provisions. However, it still flies in the face of our environmental review process as a mechanism for transparency, public engagement, due diligence, and prudent planning, before commercial uses of our vital coastal areas are permitted. Under this bill as currently drafted, the Department of Land and Natural Resources would be allowed to turn a blind eye to significant potential impacts to water quality, public and cultural practitioner access, public safety, public health, and cultural and ecological resources, among others, in authorizing the commercial use and occupation of our small boat harbors, beaches, and nearshore waters without the completion of any environmental review. Moreover, the negative consequences of this bill may be exacerbated by amendments made prior to its passage, as well as after its potential enactment into law.

The continued movement of this measure will also prolong the uncertainty and fear that has been expressed by the Ka'anapali ocean tour operators, whose operations have been disrupted by the DLNR's refusal to comply with the environmental review law or accept a settlement offer that would address community concerns regarding water pollution, water safety, and public access. The DLNR's acceptance of such an offer would allow these tour operators to be issued permits nearly immediately, rather than wait the months it would take for this measure to be enacted into law. However, the DLNR has little incentive to agree to such a resolution if this bill remains alive and moving.

Please **HOLD SB1074 SD2 HD1**.

Sincerely,
Andrew Isoda
Lahaina, Mau'i

SB-1074-HD-1

Submitted on: 3/26/2025 7:56:19 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ryan Christopher	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB1074. This bill will weaken our environmental protections. Why would be weakening the laws that protect our lands and oceans? This makes no sense. I urge you to think about the future and the negative impacts this will have on our aina.

SB-1074-HD-1

Submitted on: 3/26/2025 8:50:53 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jacob Wiencek	Individual	Support	Written Testimony Only

Comments:

Aloha Committee Members,

I speak in **STRONG SUPPORT** of this proposal. We need better and more streamlined regulations to enhance socioeconomic opportunity in our islands. Our onerous and burdensome regulations are a key driver of our general affordability crisis that is driving hardworking working- and middle-class families from our state. This must change. This legislation will be a **MAJOR** component of that change.

I strongly urge this Committee to vote **YES** on this bill!

SB-1074-HD-1

Submitted on: 3/26/2025 9:18:17 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Karen Winslow	Individual	Oppose	Written Testimony Only

Comments:

This bill subverts environmental protections in favor of tourism.

SB-1074-HD-1

Submitted on: 3/26/2025 10:30:58 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sherry Pollack	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose SB1074SD2HD1, which would allow a vast range of illegally authorized activities to continue, potentially indefinitely, without a required consideration of their environmental, cultural, and social impacts to our islands and our present and future generations. I urge you to HOLD this misguided measure.

SB-1074-HD-1

Submitted on: 3/27/2025 12:35:16 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nicki Tedesco	Individual	Oppose	Written Testimony Only

Comments:

Dear Committee,

I strongly oppose this bill as it undermines environmental protections that were put in place to prevent projects to be allowed to proceed without full vetting of impacts. There is no reason to hurry and create or develop anything on Maui. What has been done to this island has devastated its natural resources and overall health. Now is not the time to go faster. It's time to slow down and evaluate each step that's taken, carefully and thoughtfully before moving forward.

Environmental impact statements are the LEAST that should be done.

Sincerely,

Nicole Tedesco

SB-1074-HD-1

Submitted on: 3/27/2025 7:14:38 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Byron Kay	Individual	Support	Written Testimony Only

Comments:

Please support SB1074 for ocean tour boats. This bill is essential to ensure that ocean tourism operators in Kaanapali can continue operating while undergoing environmental review. Without this bill, longstanding, law-abiding operators risk being shut down for years—even though they have complied with all permitting requirements.

These tour operators provide responsible access to Hawaii’s marine environment for residents and visitors alike, while promoting education, conservation, and sustainable practices.

SB1074 strikes a reasonable balance—allowing 343 to do its job while preventing unnecessary harm to local businesses, employees, and families that depend on this industry.

Please pass SB1074.

Mahalo,

Byron Kay

SB-1074-HD-1

Submitted on: 3/27/2025 11:41:23 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gregory Misakian	Individual	Oppose	Remotely Via Zoom

Comments:

I strongly oppose SB1074 SD2 HD1.

Gregory Misakian

SB-1074-HD-1

Submitted on: 3/27/2025 11:44:32 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jordan Aina	Individual	Oppose	Written Testimony Only

Comments:

I choose to oppose this bill because it only helps tourism grow bigger. As a local boy born and raised here in Hawaii, I believe this bill does not fit with the Hawaiian Values of our Aina. Please do not pass this bill.

SB-1074-HD-1

Submitted on: 3/27/2025 12:06:35 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
arleen velasco	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose SB1074. The marine environment must be protected. An environmental review process should be required to insure transparency, public input, due diligence, and prudent planning, before commercial uses of our vital coastal areas are permitted. Please do not pass this bill.

SB-1074-HD-1

Submitted on: 3/27/2025 12:44:31 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

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

Comments:

Aloha,

SB1074 HD1 proposes exempting HRS 200 - a lengthy statute with over 70 sections and subsections, 8 covering a wide range of high impact ocean activities including the operation of thrill craft, “commercial high speed boating” throughout all state waters from normal HEPA requirements. (i.e. HRS §200-37 Operation of thrill craft; parasailing; water sledding; commercial high speed boating.)

This bill poses a direct threat to the fragile reef systems of Kāne’ohe Bay by specifically exempting all commercial ocean activities in Kāne’ohe Bay from normal HEPA requirements, including controversial commercial high-speed boating, parasailing, water sledding, commercial sailing, diving and fishing tours, etc. (i.e. HRS §200-39 Kāne’ohe Bay commercial ocean use activities; permits; restrictions.) Kāne’ohe Bay is the only bay in Hawai’i Nei which features fringing, patch and barrier reef systems. It is highly vulnerable to damage, with a long history of boaters slamming into reefs. As a twenty-year Kāne’ohe resident I have had the great fortune to paddle the length and width of the bay, as well as its entire shoreline, and can attest to the remarkable reef features as challenges to even paddle speed navigation. This unique and valued area should be managed with a precautionary principle, strictly regulating commercial activity with a focus on preservation.

In 2023, the legislature approved a bill to strengthen protections for Kāne’ohe Bay from out-of-control commercial activities (HB1134 – 2023).

This bill represents a threatening step backwards.

It is utterly unreasonable to exempt this entire statute from normal HEPA requirements - an extraordinary and unacceptable weakening of Hawai'i's foundational environmental law.

Many thanks for considering my opinions, Jim Kastner