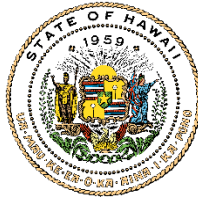


JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



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

P.O. BOX 621  
HONOLULU, HAWAII 96809

Testimony of  
DAWN N. S. CHANG  
Chairperson

Before the House Committee on  
WATER AND LAND

Thursday, February 6, 2025  
9:00 AM  
State Capitol, Conference Room 411

In consideration of  
HOUSE BILL 512  
RELATING TO OCEAN RECREATION MANAGEMENT

House Bill 512 proposes to establish a standard of state waters within three thousand feet seaward of the base line of the territorial sea as ocean recreation management areas; and prohibit commercial activity in ocean recreation management areas, except by a commercial use permit. **The Department of Land and Natural Resources (Department) strongly supports this measure.**

One of the thirteen statutory mandates of the Department's Division of Boating and Ocean Recreation (DOBOR) is to administer the Ocean Recreation Management Area (ORMA) Program, with a goal of balancing the use and enjoyment of ocean waters with the need to ensure the safety of all users, conserve marine ecosystems, and prevent user conflict.

Under the current regulatory structure, an ORMA must first be designated in Hawaii Administrative Rules (HAR). State ocean waters are all waters within 3 nautical miles from shore, and ORMA designation encompasses all waters within 3,000 feet from shore between specific boundary lines (for example, the northern region of a particular island). Then, the activity regulations in these designated ORMAs can be further refined through HAR by implementation of specific zones that separate and/or restrict activities, such as designating swim zones where vessels are prohibited, or designating a zone only for thrill craft operation that is far from any other activities in order to reduce the chance of collisions. In non-designated areas, users are free to engage in recreational activities anywhere they want.

Current ORMA designations are piecemeal and vary by island, leading to inconsistencies in DOBOR's ability to address safety concerns and user conflicts when an area is not designated. By designating all state waters within 3,000 feet from any shoreline as ORMAs, the Department

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

would be able to better respond to emerging safety concerns and user conflicts. Additionally, the Department has seen a rapid expansion of commercial ocean recreational activity within a relatively short period of time, leading to overuse of boating facilities, strain on natural resources, and increased user conflicts between recreational and commercial ocean users.

Mahalo for the opportunity to testify on this measure.

House Committee on Water and Land

Chair Hashem

Vice Chair Lamosao

DATE: February 6th, 2025

TIME: 9:00 am

PLACE: Conference Room 411

**TESTIMONY IN STRONG OPPOSITION TO HB512**

Aloha Chair Hashem, Vice Chair Lamosao, and members of the committee.

The Maui and Hotel Lodging Association is providing written testimony in **STRONG OPPOSITION** to HB512. Our belief is this bill has overly broad restrictions that could harm small businesses. HB512 does not provide many assurances to commercial operators with no guarantee permits will be renewed.

Mahalo for your consideration,

John Pele  
Executive Director- Maui Hotel and Lodging Association  
John.pele@mhla.org



**TESTIMONY OF THE OCEAN TOURISM COALITION IN STRONG OPPOSITION OF  
HB512.**

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

My name is Denver Coon. I am the president of the Ocean Tourism Coalition ("OTC"). OTC represents hundreds of locally owned ocean tourism businesses statewide, many being family businesses. I am writing in opposition to HB512. HB512 and its intent to create uniform Ocean Recreation Management Areas (ORMAs) poses significant risks to our industry and recreational users:

1. **Overregulation:** Designating all waters within 3,000 feet as ORMAs without stakeholder consultation creates unnecessary burdens and uncertainty for commercial operators who are already heavily regulated. What will these regulations be? The language of the bill states "the department may designate zones where specific recreational and commercial ocean activities may occur." In other words, the department may designate zones where commercial and recreational activities **cannot** occur. How is this decided? Do commercial operators and recreational users who frequent these places get a say?
2. **Unintended Consequences:** The language around prohibiting commercial activity without permits could lead to excessive restrictions, jeopardizing businesses critical to Hawaii's economy. A similar bill last year attempted to shut down all commercial operations on weekends and holidays, and I am worried this bill will allow DLNR to do that or something similar. Hawaii businesses are already struggling, particularly on Maui, and the consequences from this bill are both unclear and potentially dire.
3. **Bigger Issue:** Recent court cases indicate that operators holding DLNR permits are at great risk to being shut down due to the application of Chapter 343 on longstanding permitted activities, including those activities in ORMAs. The State must take action to protect current permits before it can attempt to regulate them further with a statewide ORMA. Accordingly, this is not the time to add more regulation to the ocean industry. The State cannot be given more power to regulate what they cannot currently protect.

I respectfully urge the committee to reject HB512. ORMA permits are already in jeopardy and this is not the time to create a statewide ORMA. If you do pass HB512, please amend it to ensure that permitted activities are exempt from Chapter 343 to protect law-abiding commercial operations from being shut down through no fault of their own.

Sincerely,

Denver S. Coon

President, Ocean Tourism Coalition

**HB-512**

Submitted on: 2/5/2025 12:03:12 PM

Testimony for WAL on 2/6/2025 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
dave C weiss	RED Hospitality & Leisure Hawaii, LLC	Oppose	Written Testimony Only

Comments:

Overly broad restrictions could harm small businesses. Similar bill last year sought to restrict weekends and holidays. DLNR already has authority to create rules for ocean activities, this is expansive and broad without many assurances to commercial operators. Could put restrictions on permits that could greatly hinder your operations.

**HB-512**

Submitted on: 2/5/2025 12:08:22 PM

Testimony for WAL on 2/6/2025 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Richard Kersten	Sea Paradise Scuba Inc.	Oppose	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

I am Richard Kersten and I oppose Bill HB512.

HB512 has overly broad restrictions which could harm my small businesses. A similar bill last year sought to restrict weekends and holidays. DLNR already has authority to create rules for ocean activities, this is expansive and broad without many assurances to commercial operators. This Bill could put restrictions on our permits that could greatly hinder our operations.

Please kill HB512 to show you support our small businesses!

Mahalo for your consideration,

Richard Kersten

President

Sea Paradise Scuba Inc.

**HB-512**

Submitted on: 2/5/2025 12:29:12 PM

Testimony for WAL on 2/6/2025 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Caitlin Maratea	Banyan Tree Divers Maui LLC	Oppose	Written Testimony Only

Comments:

Aloha Esteemed Committee Members,

My name is Caitlin Maratea and I am submitting testimony on behalf of Banyan Tree Divers Maui LLC in strong OPPOSITION to HB512. A bill similar to this one was introduced last year. What makes this bill alarming is the sweeping and vague changes being made to the coastline designation, with no guarantee to existing permit holders that their permits will transfer. The DLNR already has the authority to create rules for ocean activities and they do.

Our small business is still recovering from losing everything including our home in the Lahaina fire. Any legislation that could potentially make our already difficult recovery more challenging is undue and unnecessary. Please vote no on HB512. Mahalo for your consideration.

**HB-512**

Submitted on: 2/5/2025 12:29:45 PM

Testimony for WAL on 2/6/2025 9:00:00 AM

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

Comments:

Aloha Chair and Members of the Committee,

On behalf of **Sail Maui**, we respectfully submit this testimony in strong opposition to HB512. As a small charter boat business deeply rooted in our community, we are concerned that the overly broad restrictions proposed in this bill could severely harm not only our operations but also the livelihoods of those who depend on us.

A similar bill introduced last year sought to impose restrictions on weekends and holidays, critical periods for businesses like ours that rely on these peak times to sustain operations. This new bill, while expansive in scope, offers few assurances to commercial operators, leaving us vulnerable to unpredictable and potentially crippling limitations.

Furthermore, the Department of Land and Natural Resources (DLNR) already possesses the authority to create rules and regulations for ocean activities. This bill appears to duplicate that authority unnecessarily, expanding regulatory reach without clear justification. The lack of defined parameters raises concerns about the potential for inconsistent enforcement and arbitrary restrictions.

The proposed legislation could impose additional permit conditions that might greatly hinder our ability to operate effectively. Such constraints would not only disrupt our business but also negatively impact the broader community, including employees, local suppliers, and the tourism sector that relies on vibrant, accessible ocean activities.

We urge you to consider the unintended consequences of this bill on small businesses like ours and to recognize the sufficient regulatory framework already in place through DLNR. We respectfully request that you oppose HB512 to protect the sustainability of our operations and the economic health of our community.

Thank you for your consideration.

Sincerely,

**Don Prestage**  
**President**



**Sail Maui**  
**don@sailmaui.com**



**TESTIMONY Regarding HB512**  
**TESTIMONY: Opposing HB512- Relating to Ocean Recreational Management**

February 5, 2025

Aloha Chair and Members of the Committee,

I, Inca Robbin, strongly OPPOSE HB512 “in current form.” I wholeheartedly ask that the committee reject HB512 or add an improvement and amend it to ensure that current ORMA permitted activities are exempt from Chapter 343. This small change will ensure the existence of many valuable, professional operations, families and individuals.

One of my reasons for opposition revolves around the recent court case threatening to shut down DLNR / ORMA permit holders that would forever change our ocean recreation industry. This would create irrevocable and highly negative consequences towards tourism in Hawaii. Application of Chapter 343, if allowed to move forward, would adversely affect hundreds of families, small businesses, support industries, tourism and resort occupancies and the State tax base. An initial and very helpful step towards achieving support and protection to ocean activities, a vital part of Hawaii’s economy, would be amendment of this bill exempting permitted activities within the ORMA area from inclusion or any relation to Chapter 343. If this exemption and change is not implemented, it will be the end of ocean recreation in many areas and thereby remove the funding for and need for DLNR. Closed business will no longer be capable of generating any revenue nor require any regulation or management.

I urge you to consider the devastating and catastrophic results that will result if HB512 is passed.

Mahalo for taking the time to read my testimony.

With Respect,

Inca Robbin  
Sailing Maui Inc. – 808 870-3673

**HB-512**

Submitted on: 2/5/2025 12:53:17 PM

Testimony for WAL on 2/6/2025 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Christopher Kasper	Calypso Charters	Oppose	Written Testimony Only

Comments:

Aloha,

I strongly oppose this bill. It is another unnecessary burden on small business. We already have plenty of government oversight.

Mahalo

**HB-512**

Submitted on: 2/5/2025 1:25:26 PM

Testimony for WAL on 2/6/2025 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Manu Powers	Sea Quest Hawaii	Oppose	Written Testimony Only

Comments:

**Testimony for 512**

**Subject:** Testimony in Strong Support of HB512 – Relating to Environmental Review

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

I oppose HB512. The bill's overly broad restrictions would cause immense harm to small businesses. It is expansive and broad without many assurances to commercial operators and leaves the door open to litigation and could cause conflict and confusion. I urge you to oppose this bill.

Mahalo for considering this testimony.

Sincerely,

Manu Powers

**HB-512**

Submitted on: 2/5/2025 2:28:14 PM

Testimony for WAL on 2/6/2025 9:00:00 AM

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

Comments:

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

My name is Gabriel Lucy, and I am the General Manager of Captain Andy’s Sailing Adventures. For over 40 years, we’ve been sharing the beauty of Kaua‘i’s waters with locals and visitors while providing jobs and supporting families within our community.

I understand the need to protect our ocean, but H.B. No. 512 threatens small businesses like ours. The permit restrictions and broad regulations in this bill could force many local operators out of the water, leaving only large corporations with the resources to survive. We’re not just a business, we’re part of a community that depends on ocean recreation for both income and culture.

Our team is committed to sustainability and safety, and we believe local communities, not statewide mandates, know best how to manage these waters. Please don’t take away opportunities that have helped small businesses like ours thrive and contribute to Hawai‘i’s economy.

We ask you to reconsider this bill and work with businesses and local communities to find a better solution that protects both the ocean and our way of life.

Mahalo for your consideration,  
Gabriel Lucy  
General Manager  
Captain Andy’s Sailing Adventures

**HB-512**

Submitted on: 2/5/2025 2:32:15 PM

Testimony for WAL on 2/6/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jim Walsh	Atlantis Submarines	Oppose	Written Testimony Only

Comments:

Aloha Committee on Water and Land,

My name is Jim Walsh and I am in **Strong Opposition to HB512.**

The main reason for my opposition is that our state has suffered greatly from the downturn in the visitor industry. Our businesses are hurting, my going out of business. This bill is attempting to limit days of operation for certain locations on Oahu and Maui.

I am very much opposed to restricting days of operation for any business. As business people, we develop business plans with a seven day work week. The banks loan us money based on our seven day a week business plan. The company that I work for would stand to lose \$1.5 million dollars if we were reduced to a six day work week and no Holiday operations. The states portion of the revenue would over \$115,000.

In addition, the visitro industry is a seven per week endeavour. The visitors are looking for things to do everyday. To shut commercial operations down, would be to furhter give reason for visitors to find somewhere else to vacation.

If there are user conflicts between local residents and commercial activities, I believe these conficts can be worked out without closures.

For these reasons I oppose HB512.

Thank you for the opportunity to testify.

Kind regards,

Jim Walsh

**HB-512**

Submitted on: 2/5/2025 2:36:58 PM

Testimony for WAL on 2/6/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Peter o riordan	Sea Maui LLC	Oppose	Written Testimony Only

Comments:

**TESTIMONY regarding HB512**

**TESTIMONY: *Opposing HB512 – Relating to Ocean Recreation Management***

Aloha Chair and Members of the Committee,

I, Peter Anthony O’Riordan am an operator of boating and other ocean recreation services in Hawaii’s “specifically Maui’s” ocean tourism industry for over a decade . I firmly *OPPOSE HB512 “in current form”* for multiple reasons.

The intention of HB512 seems to be for the structure and outline of “ORMA” Ocean Recreation Management Areas”. Seemingly this is forward thinking and would make sense “however” as laid out HB512 will create unexpected consequences and result in new hardships and greater risks for the industry.

1. A similar bill last year referred to and would have shut down operations by ocean sport and ocean recreation services companies on weekends and holidays. That effectively takes 8-9 days per month or nearly 1/3rd of all operations away. I cannot think of any industry or business that can remain viable if one third of their days of operation vanish. One of my many concerns is that this bill may move that initiative forward and allow this to happen. Business and commerce has already declined and us operators who are ALSO community members and have lost everything ..... THIS IS ALL I HAVE LEFT.
1. Noting that waters within 3000 feet of shoreline become ORMA area is unreasonable and more so unmanageable. I would believe greater thought and consideration could go towards what the added value of moving forward with this really is and that involving the hundreds/ thousands of professional operators in the discussion would prove valuable prior to execution. Operators are currently heavily regulated and working diligently to achieve all compliance required.

1. *Perhaps the largest as most concerning of my reasons for opposition to HB512* revolves around the recent court case threatening to shut down DLNR / ORMA permit holders and forever change the landscape of our ocean recreation industry and related unintended negative consequences towards tourism in Hawaii. Application of Chapter 343, if allowed to move forward, would deal a devastating blow to hundreds of families, small businesses, support industries, tourism and resort occupancies and of course the State tax base. I am asking the State to move quickly to support and protect these operators and important businesses to Hawaii's economy. An initial and very helpful step towards achieving that would be *amendment of this bill exempting permitted activities within the ORMA areaf rom*

inclusion or any relation to Chapter 343. If this exemption and change is not implemented it will be the end of ocean recreation in many, many areas and thereby remove the funding for and need for DLNR as closed business do not create funding nor require any regulation or management.

We're at a critical juncture that if not attended to and revised will have far reaching and catastrophic results. In the most passionate and sincere manner possible I'm imploring the committee to *reject HB512 or add an improvement and amend it to ensure that current ORMA permitted activities are exempt from Chapter 343*. This small change will ensure the continuation of many valuable, professional operations, their owners, families and the lifeblood of an entire industry.

Thank you for your time and consideration of my thoughts and request with this testimony. I can't be any more clear or certain that we are at the brink of complete industry devastation, and I ask your help.

Fondest Regards

Pete





February 5, 2025

Aloha Chair and Members of the Committee,

I, Peter Wood, am and have been an operator of boating services in Hawaii's "specifically Maui's" ocean tourism industry for over 52 years. I firmly **OPPOSE HB512** "in current form" for multiple reasons.

The intention of HB512 appears to be for the structure and outline of "ORMA: Ocean Recreation Management Areas." HB512 will create unexpected consequences and result in new hardships and greater risks for the industry.

- A) A similar bill last year referred to and would have shut down operations by ocean sport and ocean recreation service companies on weekends and holidays. That practically takes 8-9 days per month. And that's if weather and conditions are perfect every day (except on weekends and holidays). We are concerned that this bill may move that initiative forward and allow this to happen.
- B) Noting that waters within 3000 feet of shoreline become an ORMA area is unreasonable and ungovernable. Operators are currently heavily regulated and working diligently to achieve all compliance required.
- C) The biggest concern regarding HB512 revolves around the recent court case threatening to shut down DLNR / ORMA permit holders and forever changes the landscape of our ocean recreation industry and related, unintended negative consequences towards tourism in Hawaii. Application of Chapter 343, if allowed to move forward, would severely strain and possibly ruin hundreds of families, small businesses, support industries, tourism and resort occupancies and the State tax base.

A helpful step to take first towards supporting operators that contribute toward Hawaii's economy would be the **amendment of this bill exempting permitted activities within the ORMA area** from inclusion or any relation to Chapter 343. If this exemption and change is not set up, it will be the end of ocean recreation in many areas and consequently remove the funding and need for DLNR, as closed businesses do not generate funding nor do they require regulation or management.

I beg the committee to reject HB512 or add an improvement and amend it to ensure that current ORMA permitted activities are exempt from Chapter 343.

This small change will ensure the continued existence of many valuable, professional and safe operations, their owners, families and so many employed in this conscientious industry.

I appreciate your time in considering these statements.

Thank you,

Captain Peter Wood  
808 870-3672

**HB-512**

Submitted on: 2/5/2025 3:28:46 PM

Testimony for WAL on 2/6/2025 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Chandra Bertsch	Holo Holo Charters	Oppose	Written Testimony Only

Comments:

Aloha,

I oppose HB512 as written. DLNR already has many tools to regulate ocean activities, creating an ORMA around all state waters is concerning and a broad reach of power. This bill could have unintended consequences that threaten commercial operators and all ocean users.

Chandra Bertsch

Co-Owner & General Manager

Holo Holo Charters

**HB-512**

Submitted on: 2/5/2025 3:29:17 PM

Testimony for WAL on 2/6/2025 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Daniel Hazen	Holo Holo Charters, Inc.	Oppose	Written Testimony Only

Comments:

Aloha,

I strongly oppose HB512 due to its overly broad restrictions, which could significantly harm small businesses.

The Department of Land and Natural Resources (DLNR) already has the authority to regulate ocean activities, and HB512 appears to expand this authority in ways that lack sufficient protections or assurances for commercial operators. The bill's broad scope could create unnecessary challenges for businesses that rely on the ocean for their operations.

I urge lawmakers to carefully consider the potential unintended consequences of this bill and to seek a more balanced approach that does not jeopardize the livelihoods of small business owners and their employees.

Mahalo for your time,

Daniel Hazen

Operations Manager

Holo Holo Charters, Inc.

**HB-512**

Submitted on: 2/5/2025 4:28:59 PM

Testimony for WAL on 2/6/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tony Coscia	Captain Andy's Sailing Inc	Oppose	Written Testimony Only

Comments:

Aloha Committee Members,

I am writing to express my strong opposition regarding HB512, as it introduces restrictions that could significantly affect small businesses within Hawaii’s ocean tourism industry.

A similar proposal last year sought to limit commercial operations on weekends and holidays, which would have negatively impacted many local businesses. HB512 takes a similar approach, adding further limitations without providing necessary clarity or assurances for operators. The Department of Land and Natural Resources (DLNR) already has the authority to regulate ocean activities and issue permits, making this legislation an unnecessary expansion that could lead to operational challenges and economic uncertainty.

Hawaii’s ocean tourism sector plays an important role in the local economy, supporting businesses and jobs that rely on consistent and fair regulations. If HB512 is enacted, it may create difficulties for operators by introducing unclear permit restrictions, reducing business stability, and potentially limiting access to Hawaii’s waters for both operators and visitors.

I respectfully urge the committee to reconsider HB512 and support policies that balance responsible ocean access with the needs of local businesses.

Mahalo for your time and consideration.

Sincerely,  
Tony Coscia

**HB-512**

Submitted on: 2/5/2025 7:30:56 PM

Testimony for WAL on 2/6/2025 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nick Croft	Explore Kauai Scuba, LLC	Oppose	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

My name is Nick Croft, and I strongly oppose HB512. The bill imposes overly broad restrictions that would leave my small business vulnerable. A similar bill was introduced last year, and my question is: why do I constantly face the stress of being a small business owner, fearing that my company could be severely affected or even shutdown? Every year, there are new attempts by DLNR that threaten to put me out of business, leaving me with outstanding debt. DLNR already has the authority to create rules that govern how I operate, but this bill introduces too many uncertainties, keeping me up at night.

Please, I respectfully urge you to oppose HB512.

Mahalo for your time and consideration.

Sincerely,

Nick Croft

**HB-512**

Submitted on: 2/5/2025 7:53:10 PM

Testimony for WAL on 2/6/2025 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
jessie croft	Explore Kauai Scuba, LLC.	Oppose	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

My name is jessie Croft. I strongly oppose HB512. This bill has vague and broad restrictions. This leaves our small family business at risk because we dont really know what this bill could lead to. I feel like the last 3 years we have been under attack by the DLNR and now I just dont trust what their intentions are with these bills.

Please oppose HB512.

Mahalo

Sincerely,

Jessie Croft

**HB-512**

Submitted on: 2/5/2025 9:58:48 AM

Testimony for WAL on 2/6/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kai Nishiki	Individual	Support	In Person

Comments:

**Testimony in Support of HB 512 – Regulation of Ocean-Based Commercial Activity**

I strongly support **HB 512**, which seeks to regulate commercial activity to protect local residents, cultural sites, and natural resources from the increasing impacts of overtourism. The rapid expansion of commercial boat tours, snorkeling and diving excursions, jet ski rentals, and other for-profit ocean activities has placed an unsustainable burden on our nearshore waters, coral reefs, and marine life. Without clear regulations, these businesses often prioritize profit over responsible stewardship, leading to overcrowding, pollution, and damage to fragile ecosystems. This bill is a necessary step to restore balance by ensuring that ocean-based commercial activities operate responsibly and in harmony with the people and environment they impact.

As a lifelong resident of Maui, I have witnessed firsthand the increasing commercialization of our coastal waters. Residents, cultural practitioners, and subsistence fishers are often displaced by the overwhelming presence of commercial tour boats, kayaks, and other watercraft crowding once-pristine areas. The increase in tourists engaging in ocean activities has also contributed to severe coral bleaching, habitat destruction, and disruption of native marine species. Overtourism is pushing our ecosystems to the brink, making it more critical than ever to implement thoughtful regulations that safeguard these waters for both locals and future generations while still allowing responsible businesses to operate in a way that respects the environment and community.

This bill is not about shutting down businesses but about **ensuring accountability and sustainability** in our marine environment. Establishing limits on commercial ocean activity will create a more equitable system that prioritizes the well-being of local families, cultural practitioners, and Hawaii’s unique marine ecosystems. By passing **HB 512**, you will be taking a critical step toward protecting the integrity of our coastal waters, preserving access to marine resources, and fostering a more responsible and sustainable tourism economy. I urge you to support this bill for the long-term benefit of Hawaii’s residents, marine life, and future generations. **Mahalo for your time and consideration.**



**TESTIMONY regarding HB512**

**TESTIMONY: Opposing HB512 – Relating to Ocean Recreation Management**

Aloha Chair and Members of the Committee,

I, Michael T. Kelley am and have been an operator of boating and other ocean recreation services in Hawaii's "specifically Maui's" ocean tourism industry for over 30 years. I firmly OPPOSE HB512 "in current form" for multiple reasons.

The intention of HB512 seems to be for the structure and outline of "ORMA" Ocean Recreation Management Areas". Seemingly this is forward thinking and would make sense "however" as laid out HB512 will create unexpected consequences and result in new hardships and greater risks for the industry.

- A) A similar bill last year referred to and would have shut down operations by ocean sport and ocean recreation services companies on weekends and holidays. That effectively takes 8-9 days per month or nearly 1/3<sup>rd</sup> of all operations away. I cannot think of any industry or business that can remain viable if one third of their days of operation vanish. One of my many concerns is that this bill may move that initiative forward and allow this to happen
- B) Noting that waters within 3000 feet of shoreline become ORMA area is unreasonable and more so unmanageable. I would believe greater thought and consideration could go towards what the added value of moving forward with this really is and that involving the hundreds/ thousands of professional operators in the discussion would prove valuable prior to execution. Operators are currently heavily regulated and working diligently to achieve all compliance required.
- C) Perhaps the largest as most concerning of my reasons for opposition to HB512 revolves around the recent court case threatening to shut down DLNR / ORMA permit holders and forever change the landscape of our ocean recreation industry and related unintended negative consequences towards tourism in Hawaii. Application of Chapter 343, if allowed to move forward, would deal a devastating blow to hundreds of families, small businesses, support industries, tourism and resort occupancies and of course the State tax base. I am asking the State to move quickly to support and protect these operators and important businesses to Hawaii's economy. An initial and very helpful step towards achieving that would be amendment of this bill exempting permitted activities within the ORMA area from

inclusion or any relation to Chapter 343. If this exemption and change is not implemented it will be the end of ocean recreation in many, many areas and thereby remove the funding for and need for DLNR as closed business do not create funding nor require any regulation or management.

We're at a critical juncture that if not attended to and revised will have far reaching and catastrophic results. In the most passionate and sincere manner possible I'm imploring the committee to reject HB512 or add an improvement and amend it to ensure that current ORMA permitted activities are exempt from Chapter 343. This small change will ensure the continuation of many valuable, professional operations, their owners, families and the lifeblood of an entire industry.

Thank you for your time and consideration of my thoughts and request with this testimony. I can't be any more clear or certain that we are at the brink of complete industry devastation, and I ask your help.

Sincerely,

Michael T. Kelley

808-385-5585

## Testimony in Opposition to HB512 – Relating to Ocean Recreation Management

Aloha Chair and Members of the Committee,

I am submitting this testimony in strong opposition to HB512, as it poses significant challenges to Hawaii's ocean tourism industry. While the intent behind the bill—to standardize Ocean Recreation Management Areas (ORMAs)—may seem practical, its current provisions create serious concerns.

1. **Excessive Regulation** – Expanding ORMAs to include all waters within 3,000 feet without proper input from those directly affected introduces unnecessary restrictions on commercial operators who are already subject to rigorous oversight.
2. **Negative Economic Impact** – The bill's wording regarding commercial activity restrictions could result in severe limitations on businesses that play a crucial role in Hawaii's economy, including the livelihoods of the local families these businesses support. A similar proposal last year attempted to ban all commercial operations on weekends and holidays, raising fears that this measure could grant the Department of Land and Natural Resources (DLNR) the ability to implement similar prohibitions.
3. **Legal Uncertainty** – Recent court rulings indicate that operators holding DLNR permits are vulnerable to closures due to the application of Chapter 343 to long-established permitted activities. Before introducing additional regulatory measures, the State must first ensure these businesses are protected. If permitted activities within ORMAs are not exempt from Chapter 343, many operations could be forced out of existence, leaving nothing left for DLNR to oversee.

Given these concerns, I urge the committee to either reject HB512 or revise it to explicitly exclude permitted activities from Chapter 343, safeguarding responsible businesses from unnecessary closures.

Mahalo for your time and consideration.

Sincerely,

Alexis Akeo

**HB-512**

Submitted on: 2/5/2025 1:05:07 PM

Testimony for WAL on 2/6/2025 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ali Grimes	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB512 as a recreational and small (one 6-person vessel) commercial operator out of Lahaina Harbor. While there are challenges at Mala ramp with entering and exiting the water, which need to be resolved, the use of the ocean itself is not overrun by commercial vessels. Our local and visitor guests often remark how few people there are out on the ocean while we are sailing. Commercial operators are limited by weather on a significant basis. Removing 2 operational days per week in addition to weather cancellations and tourism fluctuations will destroy some small businesses. Many of us are trying very hard to recover from the Lahaina Fire and rehire our employees and rebuild our businesses.

**HB-512**

Submitted on: 2/5/2025 1:05:43 PM

Testimony for WAL on 2/6/2025 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Keahi Ho	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB512 as a recreational and small (one 6-person vessel) commercial operator out of Lahaina Harbor. While there are challenges at Mala ramp with entering and exiting the water, which need to be resolved, the use of the ocean itself is not overrun by commercial vessels. Our local and visitor guests often remark how few people there are out on the ocean while we are sailing. Commercial operators are limited by weather on a significant basis. Removing 2 operational days per week in addition to weather cancellations and tourism fluctuations will destroy some small businesses. Many of us are trying very hard to recover from the Lahaina Fire and rehire our employees and rebuild our businesses.

**HB-512**

Submitted on: 2/5/2025 1:18:17 PM

Testimony for WAL on 2/6/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ginger Lucy	Individual	Oppose	Written Testimony Only

Comments:

February 5, 2025

**TESTIMONY IN OPPOSITION TO HB512**

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

My name is Ginger Lucy, and I am both an owner and an employee of Trilogy Excursions, a small, family-owned sailing business based in Lahaina, Maui. For the past 50 years, Trilogy has been more than just a business—it has been our family’s life, our passion, and our way of giving back to the island and community that we love so deeply. I am submitting this testimony to express my strong opposition to HB512.

Trilogy Excursions isn’t just a company; it’s a legacy. My family has poured their hearts into this business, starting with a single sailboat and a dream to share Maui’s beauty with both locals and visitors. Today, that dream continues through our dedicated crew, many of whom have become family, having spent years sailing alongside us. Our operations have fostered lifelong connections, created cherished memories for countless families, and supported the livelihoods of our dedicated employees.

HB512 presents overly broad restrictions that could severely impact small businesses like ours. Similar legislation proposed last year sought to restrict operations on weekends and holidays—the very times when families, both Kama’aina and visiting, come together to experience the magic of Maui Nui’s waters. These are the moments when we help create memories that last a lifetime, from witnessing a humpback whale breach for the first time to watching a sunset paint the sky with colors as it sets behind Lana’i. This bill threatens to take those experiences away.

The Department of Land and Natural Resources (DLNR) already possesses the authority to create and enforce rules for ocean activities. Adding layers of broad, undefined restrictions not only duplicates regulatory efforts but also creates uncertainty for small businesses striving to comply with existing regulations while maintaining operations that support our employees and community. It feels like an unnecessary burden placed on the very people who are committed to preserving and respecting our ocean environment.

The potential for additional, undefined permit restrictions could greatly hinder our ability to operate effectively. This isn’t just about business—it’s about people. It’s about the captains who

have sailed with us for decades, the deckhands who found their calling on the ocean, and the ohanas who rely on Trilogy for their livelihoods. It's about the smiles on the faces of keiki seeing a sea turtle up close for the first time and the kupuna who share their stories of old Hawai'i on our decks.

We urge you to consider the real-life impact this bill will have on small, family-owned businesses like Trilogy Excursions. Our commitment to responsible ocean stewardship and safe, sustainable operations is unwavering. We live and breathe aloha every single day, and we are dedicated to sharing that spirit with everyone who steps aboard our vessels.

Please do not let HB512 undermine the very fabric of Maui's maritime community and the lives of those who cherish and depend on it.

Mahalo for considering my testimony.

With deepest respect and aloha,

Ginger Lucy  
Owner & Employee, Trilogy Excursions  
Lahaina, Maui

**HB-512**

Submitted on: 2/5/2025 1:39:23 PM

Testimony for WAL on 2/6/2025 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Shelley Carey	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB 512. This bill is overtly authoritative and has no basis for implementation. To designate all Hawaiian waters as Ocean Recreation Management Areas (ORMA) is overreaching and does not benefit the citizens of Hawaii. The citizens of Hawaii are already struggling financially. To further reduce jobs and commerce does nothing for the state's employees. The DLNR already struggles to manage existing ORMAs. By increasing their scope it will further expose areas that do need oversight. Ocean recreation is not unsafe nor is there a level of conflict that requires government intervention. Further regulation would only increase conflict between commercial and recreational users.



**HB-512**

Submitted on: 2/5/2025 3:24:10 PM

Testimony for WAL on 2/6/2025 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kevin Ford	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill as the restrictions are too broad and could potentially harm a number of small businesses in Hawaii.

House Committee on Water and Land  
Chair Mark Hashem  
Vice Chair Lamosao

Date February 6<sup>th</sup>, 2024  
Time: 9:00am  
Place: State Capitol  
415 South Beretania Street  
Honolulu, Hawaii

### TESTIMONY IN **STRONG OPPOSITION OF HB512**

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

Thank you for the opportunity to provide testimony in strong opposition to HB512.

I work in the boating community on the island of Maui. I am firmly against this bill because these restrictions could significantly harm small businesses within the state. DLNR already has the authority to regulate ocean activities, and this proposal is overly broad without providing necessary assurances to our commercial operators. Imposing additional restrictions on our permits could severely impact our ability to operate.

So many of my co-workers have lost their homes in the Lahaina fire, please do not make it harder for us to keep our jobs within the boating community as well.

I respectfully urge you to support our community by rejecting this bill.

Thank you for the opportunity to provide testimony.

Anita Sweet

PO BOX 13112  
Lahaina, HI 96761  
anita\_88@yahoo.com

**HB-512**

Submitted on: 2/5/2025 7:50:42 PM

Testimony for WAL on 2/6/2025 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
James R Akana III	Individual	Oppose	Written Testimony Only

Comments:

Another attack on the marine industry and the business that supports us. Shutting down weekends and holidays. So there is no tourism on those days? People only come here on working weekdays? Will you supplement the income of unemployed crews? I am sure you won't. The increased tax on the marine business, is that to offset the days you are shutting us down. Wouldn't want you to lose any revenue.

Another classes act in the hands of Dawn Chang and her merry band of idiots. I strongly apose this attack on our marine community and the relentless attacks from Chang and her office of the Dlnr

**HB-512**

Submitted on: 2/5/2025 8:00:30 PM

Testimony for WAL on 2/6/2025 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Rita Maloney	Individual	Oppose	Written Testimony Only

Comments:

Overly broad restrictions could harm small businesses.