

**STATE OF HAWAII
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT**

JOSH GREEN, M.D.
GOVERNOR

MARY ALICE EVANS
DIRECTOR

235 South Beretania Street, 6th Floor, Honolulu, Hawaii'i 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii'i 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <https://planning.hawaii.gov/>

Statement of
MARY ALICE EVANS, Director

before the
**HOUSE COMMITTEES ON
ENERGY & ENVIRONMENTAL PROTECTION AND
WATER & LAND**

Tuesday, March 18, 2025, 9:00 AM
State Capitol, Conference Room 325

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

Chairs Lowen and Hashem, Vice Chairs Peruso and Lamosao, and Members of the House Committees on Energy & Environmental Protection and Water & Land.

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

While the findings section of this bill indicates that previously permitted or authorized commercial activities are intended to be the subject of the bill, language in the proposed new text (on page 2, line 12, and again on page 3, line 11) states that the subject activities or operations are those "... previously authorized or permitted *by a commercial entity*...." This language is confusing since state or county agencies, not commercial entities, would have authorized or permitted the subject activities or operations.

We suggest the following **amendment** to page 2, lines 10 - 12 to clarify this confusion:

"(a) Notwithstanding any law to the contrary, when ~~an~~ a previously permitted or authorized commercial activity or operation ~~previously permitted or authorized by a commercial entity~~ is challenged as to being subject to...".

And this similar amendment to page 3, lines 10-12,

“(b) If an agency determines that ~~an~~ a previously permitted or authorized commercial activity or operation ~~previously authorized or permitted by a commercial entity~~ is subject to the requirements of this chapter, ...”.

Thank you for the opportunity to testify on this measure.



**TESTIMONY IN OPPOSITION TO SENATE BILL 1074 SD2
RELATING TO ENVIRONMENTAL IMPACT STATEMENTS**

House Committee on Energy and Environmental Protection
House Committee on Water and Land

March 18, 2025

9:00 AM

Room 325

Aloha e Chairs Lowen and Hashem, Vice Chairs Perruso and Lamosao and Members of the Committees:

The Office of Hawaiian Affairs (OHA) respectfully submits this testimony in **OPPOSITION to SB1074 SD2**, which would amend Hawai'i Revised Statutes (HRS) Chapter 343, the Hawai'i Environmental Policy Act (HEPA), to allow previously permitted activities to continue, if challenged under HEPA, pending environmental review.

While this measure has been amended by the Senate Judiciary Committee and now specifies that a previously authorized or permitted commercial activity or operation is allowed to continue for one year when challenged, with the possibility of an extended period at the discretion of the court. Additionally, the measure has been changed to delete language that would have allowed a challenged commercial activity or operation to continue while an agency determines whether it is subject to or exempt from environmental review. The amendment further defines "previously permitted or authorized" to mean permitted or authorized at the time of the challenge and modifies Section 1 to reflect this revised purpose. **These changes do not address the serious concerns regarding the measure's potential negative consequences, including its impact on Native Hawaiian rights, interests, and cultural practices.**

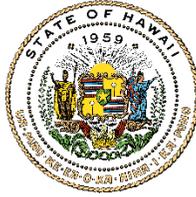
The amendments to Chapter 343 proposed in this measure would have unintended negative consequences, including for Native Hawaiian rights, interests, and cultural practices, by allowing harmful activities to continue simply because they have been previously permitted, even if done so illegally, or prior to the adoption of HEPA. **Stopping an activity from proceeding during HEPA review is a bedrock principle of the law and ensures that precious resources are not destroyed before the public has input and decision-makers are fully aware of the potential consequences of their permitting choices.** Thus, while framed as a tag-on amendment to the law, this amendment would fundamentally alter the nature of HEPA review and the ability of the statute to accomplish its intended purposes.

HEPA is frequently a vehicle for OHA's beneficiaries to ensure the protection of their rights including the exercise of traditional and customary practices. As just one example, the commercial aquarium trade had never been subject to environmental review prior to a 2017 ruling from the Hawai'i Supreme Court and was subsequently enjoined in certain areas pending HEPA compliance. Traditional Native Hawaiian fishers and cultural practitioners were among the plaintiffs in that landmark ruling to ensure careful consideration of how this extractive commercial enterprise affects others who depend on the same resources for subsistence and cultural practices. This is simply one example of many illustrating the importance of this law to the individuals and communities that OHA represents. However, if the amendment proposed in SB1074 SD2 had been in place in 2017, unchecked commercial extraction would have continued pending environmental review.

Mahalo for the opportunity to submit this testimony. OHA urges the Committee to **HOLD this measure.**

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

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 Committees on
Energy & Environmental Protection
and
Water and Land

Tuesday, March 18, 2025
9:00 AM

State Capitol, Conference Room 325 & Videoconference

In consideration of
SENATE BILL 1074 SD2
RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

Senate Bill 1074 SD2 proposes an amendment to Chapter 343, Hawaii Revised Statutes (HRS), also known as the Hawai'i Environmental Policy Act (HEPA), to allow a previously authorized or permitted activity or operations to continue operation while the appropriate agency determines whether the activity or operation is subject to or exempt from the environmental review process when challenged. 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.

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 shares the courts' intent to ensure proper environmental review of activities that have the potential for substantial environmental impacts. However, many of these ocean recreational activities have been permitted for many years, in some cases 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 recreational activities that provide 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 recreational activities. We believe this bill permits the status quo, no expansion of activities, pending the Department's determination of appropriate environmental review.

In response to concerns that the bill may create an overly broad exemption, the Department recommends clarifying and narrowing its applicability to certain permitting activities under DOBOR and DAR. Specifically, the Department proposes the following amendment to limit the bill's scope.

On **page 2, line 12**, the Department recommends adding the underlined language:
"permitted or authorized by a commercial entity pursuant to chapters 187A, 188, 189, 190, or 200 is challenged as ..."

The Department also notes that the time to comply with HEPA review processes could likely take more than one year. Therefore, the Department respectfully recommends removing the one-year limitation at **page 2, line 14 of this bill**.

Mahalo for the opportunity to testify on this measure.

SB-1074-SD-2

Submitted on: 3/14/2025 4:11:48 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Shaye Clarke	Blue Dolphin Charters, Ltd.	Support	Written Testimony Only

Comments:

I strongly support SB1074 to allow continued commercial activity during the period if an environmental impact statement is required.

SB-1074-SD-2

Submitted on: 3/14/2025 4:35:08 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Sally Lambert	For the Fishes & asann individual citizen	Oppose	Written Testimony Only

Comments:

I write again my testimony in opposition to the newest version of the effort to gut the environmental protection of our reefs. SB1074 may be a loophole for water & land activities that have been in operation for many years and have followed legal requirements, however to allow potentially destructive activities, such as fish collection for the aquarium trade to continue during any required environmental review is foolish. The systematic removal of fish from our reef is a business that should not even be considered sustainable. But even if a person thought they could replace what they removed, like planting another tree where one was logged, it would still need to be reviewed by HEPA, and allowing the fish to be collected during the review process doesn't solve the problem of destroying the reef and taking the fish we need to maintain our ocean ecosystems. A large percentage of them die before they ever reach an aquarium. Let's enjoy the fish on their reef in a healthy ecosystem. They are one of the reasons we have so many visitors renting gear and enjoying a beautiful reef fringed bay. It would be so much less interesting if they were taken away.



EEP/WAL COMMITTEE

DATE: Tuesday, March 18, 2025

TIME: 9:00 AM

Strongly Support SB1074 SD2

Aloha Chairs Lowen/Hasham, Vice Chair Perruso/Lamosao 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 SD2**.

SB1074 SD2 allows previously permitted activities to continue operating while undergoing environmental assessment, or an environment impact statement should one be required. This is critical for ensuring regulatory stability and preventing unnecessary interruptions for compliant businesses. **This Bill does not undermine the Hawaii Environmental Policy Act and allow the Aquarium Fisheries to operate.**

Mahalo for your time,

Toni Marie Davis

SB-1074-SD-2

Submitted on: 3/14/2025 6:21:26 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nedi McKnight	Rights of Nature Hawai'i	Oppose	Written Testimony Only

Comments:

Strong opposition to SB1074

SB-1074-SD-2

Submitted on: 3/15/2025 6:52:45 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

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

Comments:

Aloha,

I am writing in support of SB1074 SD2. We follow all of the rules and regulations and have worked to create sustainable business practices that support our local economy while caring for our local resources and environment. This bill allows us to continue working while an environmental assessment is completed. Being able to continue operating our longstanding business is critical to our livelihood and the jobs it provides and everything else it supports. Shutting down while an environmental assessment is done would destroy our business. Please pass this bill.

In Support of SB 1074 HD2 only if changes.

By Ron Tubbs B.S. N.D. UHM Research Degree

EEP/WAL on Tuesday, 03-18-25 9:00AM in House conference room 325

Please change SB 1074 to read the same as HB661 SD2, especially section J. [HB661 HD2](#).

The biggest issue is still permitting, which is not addressed in either HB661 or SB 1074!

What happens after an EIS is passed? Permits should be issued with conditions to ensure that the information in the EIS minimizes environmental impacts. Each agency should be able to add permit conditions without making new laws, either legislative or by BLNR, in the long, drawn-out rule-making process. This must be resolved.

Eighty percent of all visitors to Hawaii participate in Ocean activities, and invalidating ocean user permits would devastate the 20 billion dollar-a-year tourist industry. In 2019, the visitor industry supported 216,000 jobs statewide, yielded nearly \$17.8 billion in visitor spending, and contributed more than \$2 billion in tax revenue to state coffers. Now that is at risk!

What do the Super Ferry, Thirty Meter Telescope, Aquarium Fishery, Commercial Fisheries and All Ocean-based Tourism Permits have in common?

Act 343 shuts them down solely because of user conflict, not because of environmental concerns.

Over 15,000 Hawaiians moving away from Hawaii Annually, losing more jobs without reasonable environmental causes, just user conflict, is unacceptable. Ten percent of aquarium fish participants were of Hawaiian ancestry and were part of those 15,000 displaced Hawaiians.

To the Hawaii State Legislative Members: ENOUGH; PLEASE CORRECT THE UNCONSTITUTIONAL AND MISGUIDED Judicial Branch USE OF LEGISLATIVE LAW ACT 343. Put ENVIRONMENTAL management back in the Scientific review process of scientists working for DLNR!

YOU ALREADY HAVE A WHOLE DIVISION OF GOVERNMENT TO MANAGE THESE PERMITS TO ENSURE ENVIRONMENTAL CONCERNS ARE MET! IT WAS NEVER THE INTENT OF ACT 343 TO HAVE THE COURTS SUPERCEED THIS MAGEMENT.

Here is an example of ecological sustainability pathways moving forward for the environment!

Meta-Analysis Hawaii & Pacific Fisheries, Environmental Review, and Global Warming 2025 Report

Sustainability is Key to Hawaii's future. As the most isolated island in the world, Hawaii is too dependent on tourism, the military, and other non-sustainable, unreliable economic sources.

Marine fish are Hawaii's most renewable resource. Opah Moon Fish produces 300 million eggs a year per pair. Tuna produce 5 million to 15 million fry per female per spawn. Reef fish produce tens of thousands to millions of fry per spawn per female. Fish can renew and sustain current fishing practices if appropriately managed. We must support a managed sustainable fishery to create a more sustainable society, especially in isolated Hawaii.

Since the introduction of the first men to Hawaii in 400 A.D., land-based species have resulted in over 100 endemic plant species, 30 bird species, 74 insect species, and 41 tree snails becoming endangered or extinct. Insects, Birds, snails, and many others are listed as Hawaii IUCN red species of concern. In 2023 8 more birds were removed from the Federal Lists of Endangered and Threatened Wildlife and Plants due to their confirmed extinction.

Marine Fish are more immune to global warming impacts, and No Pacific marine fish species have become extinct over the past historical period. Looking at the marine species extinctions of the past five global extinction-level events, marine fish are more immune to global impacts and will out-survive land-based species. It should be noted, however, that marine mammals and their low, long reproductive cycles make them more vulnerable than broadcast-spawning highly reproductive marine fish species.

Marine fish's vast geographical distribution, due to broadcast breeding and larval distribution over as much as five thousand miles and even other oceans like the Atlantic and Indian Ocean from and to Hawaii, makes them much less vulnerable to fishing and environmental impacts. Marine fish are more resistant to global warming temperature changes, pH changes, salinity changes, and other ecological changes than land-based species. Ocean Depth habitat range, the latitude of the Hawaiian Islands chain from 19 degrees to 28 degrees latitude, and

1500 miles of 132 atolls, reefs, and shoals create a vast, unique habitat range protecting Hawaii's ocean biodiversity. Seventy percent of the earth is ocean, making marine fish in Hawaii less vulnerable to point-source pollution and global warming.

DNA Genetic Biodiversity and Hawaii Fisheries.

The key to lowering the huge carbon footprint of the most isolated populated area in the world is using our renewable resources to their maximum potential while maintaining sustainability. While tourism is essential to our economy, **it is not sustainable**, it is vulnerable, and it is Hawaii's largest carbon footprint source.

Human survivability and a sustainable future depend heavily on transitioning to and maximizing renewable resources while understanding and managing our dependence on non-renewable resources.

The idea that DNA genetic diversity in Hawaii's aquarium fishery is significantly affected does not hold water scientifically.

"We find no evidence of genetic (biodiversity) bottlenecks between islands of the Hawaiian Archipelago, as expected under a stepping-stone model of colonization, from the initial introduction site. Many species rapidly colonized across 2000km without loss of genetic diversity".

Gaither, Michelle R., et al. "Genetic consequences of introducing allopatric lineages of Bluestriped Snapper (*Lutjanus kasmira*) to Hawaii." *Molecular Ecology* 19.6 (2010): 1107-1121.

Broadcast-breeding marine fish are the most biodiverse species on the planet due to their ability to disperse new DNA diversity over long distances and interconnect all the Hawaiian Islands.

The aquarium fishery was Hawaii's most valuable and sustainable ecologically friendly fishery. However, despite the passage of the Environmental Impact Statement Act 343, the fishery still has no permits!

Support sustainable, highly renewable, valuable fisheries (Ocean Value is well over 14 billion of sustainable, highly renewable resources). However, their significant economic contributions to Hawaii are not being used due to user conflict, bias, and propaganda. Science is being perverted, and facts are being distorted. DAR's and numerous scientists' recommendations, at every BLNR hearing to pass the EIS and at every legislature Bill regarding the fishery to give out aquarium fish permits, have been politically stalled by

BLNR and the Hawaii State Legislature. **Facts, not Fiction, should be the basis of decision-making.**

I highly suggest you also utilize fishermen in a working group to aid this stock assessment. We must understand our stocks to maintain fisheries sustainably and maximize their economic benefits to the state, so **funding DAR on this is more essential than any other Earth Day topic you will address!**

If overall populations were declining, deeper reserves were affected, and statewide populations were affected, then DNA diversity could be impacted. But Hawaii's aquarium fishery shows population increases, not declines.

Marine species from deeper areas can repopulate. Many species, like yellow tangs, can be found at depths exceeding 200 feet, and many collected fish live in ecosystems as deep as 600 feet. Also, baby fry returns to Hawaii's reefs at very deep depths and slowly migrates to the shallows. Yellow tangs have been found as far away as the north Philippines Islands, and there is genetic connectivity.

All of Hawaii's collected marine fish species are broadcast breeders. Fish thousands of miles away can contribute new DNA to fish populations. Many of Hawaii's fish species came in on ocean currents from Japan 4000 miles away. Breeding biodiversity in areas where fishing occurs is not affected because of deeper "**Deep Refuge**" areas hold reserve marine fish in uncollected areas. Fish are not monogamous and breed in groups, creating more biodiversity than other species.

In areas where aquarium fish collection occurs both on Oahu and in West Hawaii closed to fishing reserves provide a source for new genetic biodiversity. Fish migrate along the coast, and many species have migrated hundreds of miles in search of food, even between Islands.

Larger breeder fish and smaller fish provide DNA sources that remain in collected areas; generally, only smaller fish are collected to ensure long-term DNA biodiversity and high populations of quick population-renewing breeders.

Conclusion: Multiple fish sources for renewed DNA biodiversity are available to ensure reef fish genetic biodiversity counter the harvest in Hawaii aquarium fish collection.

Renewable Resources:

These resources can be replenished naturally over time, often at a rate that matches or exceeds consumption. Examples include solar energy, wind power, water, and sustainably harvested timber.

Why is Transitioning to Renewable Resources Key?

- **Sustainability:**

Renewable resources are inherently sustainable because they can be replenished, unlike non-renewable resources which are finite and can be depleted.

🔍 🔍 **Environmental Benefits:**

Burning fossil fuels for energy releases harmful greenhouse gasses, contributing to climate change and air pollution. Renewable energy sources, on the other hand, produce significantly lower emissions, helping to combat climate change and improve air quality.

🔍 🔍 **Energy Security:**

Relying on a limited number of non-renewable resources can make a country vulnerable to price fluctuations and geopolitical instability. Diversifying energy sources with renewables can improve energy security.

🔍 🔍 **Economic Opportunities:**

The renewable energy sector is growing rapidly, creating new jobs and economic opportunities.

🔍 🔍 **Health Benefits:**

Switching to clean energy sources like wind and solar can help reduce air pollution, which is a major cause of respiratory and cardiovascular diseases.

🔍 🔍 **Resource Depletion:**

Continued reliance on non-renewable resources leads to their depletion, which can have serious consequences for future generations

University of Hawai'i Economic Research Organization report in 2024 by UHERO.

“Hawai'i's economy depends heavily on tourism and is therefore vulnerable to sudden drops in visitor numbers and inconsistent and slow growth in tourism revenue for the past 30 years”.

A new report, 2024, by the University of Hawai'i Economic Research Organization (UHERO) analyzes the variety of industries across counties in the U.S. and Hawai'i to identify potential opportunities to diversify the state's economy.

Based on industries already in Hawai'i, the study shows Hawai'i has great potential for ocean-based industries—such as *fishing, fish farming* and hatcheries, boat building, port and harbor operations, and seafood packaging. Diversifying into these industries can create long-term stability and support growth beyond tourism.”

With science supporting the sustainability of fisheries, an HEPA EIS exemption of fishery permits could aid the state in its shift toward sustainable renewable resource use.

What About the Survivability of Aquarium Fishes

Why is it OK to Kill a fish but not OK to keep the same fish in an Aquarium?

“fish can and do live much longer lives in captivity than in the wild, not surprising given the absence of predators (in most cases), the unlimited amount of food available, and the lack of disease.” Link to full article:

<https://reefs.com/magazine/aquarium-fish-longevity/>

The Emily Munday study followed 200 yellow tangs from West Hawaii for two years, and there was 100% survivability.

Please pass SB1074 with amendments.

Thanks,

Ron Tubbs B.S.N.D.

Genetic Biodiversity Topic Sources:

[2020 WHRFMA report](#) to Legislature

Leis, Jeffrey M., Ulrike Siebeck, and Danielle L. Dixson. "How Nemo finds home: the neuroecology of dispersal and of population connectivity in larvae of marine fishes." *Integrative and comparative biology* 51.5 (2011): 826-843.

Kramer, Donald L., and Matthew R. Chapman. "Implications of fish home range size and relocation for marine reserve function." *Environmental biology of Fishes* 55 (1999): 65-79.

Hourigan, T. F., & Reese, E. S. (1987). Mid-ocean isolation and the evolution of Hawaiian reef fishes. *Trends in ecology & evolution*, 2(7), 187-191.

Jankowski, M. W., N. A. J. Graham, and G. P. Jones. "Depth gradients in diversity, distribution and habitat specialisation in coral reef fishes: implications for the depth-refuge hypothesis." *Marine Ecology Progress Series* 540 (2015): 203-215.

MacDonald, Chancey, Tom CL Bridge, and Geoffrey P. Jones. "Depth, bay position and habitat structure as determinants of coral reef fish distributions: Are deep reefs a potential refuge?." *Marine Ecology Progress Series* 561 (2016): 217-231.

Tricas, Timothy C., and Kelly S. Boyle. "Acoustic behaviors in Hawaiian coral reef fish communities." *Marine Ecology Progress Series* 511 (2014): 1-16.

Gruenthal, Kristen M., and Mark A. Drawbridge. "Toward responsible stock enhancement: broadcast spawning dynamics and adaptive genetic management in white seabass aquaculture." *Evolutionary Applications* 5.4 (2012): 405-417.

Ward, R. D. "Genetics in fisheries management." *Hydrobiologia* 420.1 (2000): 191-201.

Rowe, Sherrylynn, and Jeffrey A. Hutchings. "Mating systems and the conservation of commercially exploited marine fish." *Trends in Ecology & Evolution* 18.11 (2003): 567-572.

Beacham, Terry D., et al. "DNA in action: rapid application of DNA variation to sockeye salmon fisheries management." *Conservation Genetics* 5 (2004): 411-416.

Valdez-Moreno, Martha, et al. "Using DNA barcodes to connect adults and early life stages of marine fishes from the Yucatan Peninsula, Mexico: potential in fisheries management." *Marine and Freshwater Research* 61.6 (2010): 655-671.

Hansen, Brian Klitgaard, et al. "The skeptical optimist: challenges and perspectives for the application of environmental DNA in marine fisheries." *Fish and fisheries* 19.5 (2018): 751-768.

Thanks, Ron Tubbs

SB-1074-SD-2

Submitted on: 3/15/2025 8:28:21 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kaanapali Golf Courses	Kaanapali Golf Courses	Support	Written Testimony Only

Comments:

Aloha,

I would like to testify on behalf of several of our associate's family members who work in the Kaanapalai Boating Industry and who's lively hood depends on it. We have young adults working in our outside services departments who's parents are "boat captains" and they have advised us if their parents are laid off, they will have to resign and move to the mainland. This is very difficult for these young people who have already gone through the nightmare of losing their family home in the Lahaina Fire and have already moved several times. Further disruption for these families will be heartbreaking. Please condider keeping these vital activites going in our resort while you conduct your environmental studies, please do not shut them down. Please consider the "human" aspect your decision has on our already devastated area. -Thank you - Karl F. Reul, GM. -
Kaanapali Golf Courses.

SB-1074-SD-2

Submitted on: 3/15/2025 9:30:31 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Keao	Absolute charters dba kainani sails	Support	Written Testimony Only

Comments:

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

I am writing in support of Bill SB1074 to allow commercial operators to continue operating in Kaanapali while a EIS or EA is completed. We operate a small 6 passenger business with a sailboat that burns minimal fuel. Our impact is extremely small if at all. We have in water guides that take our guests snorkeling to insure the best practices. We follow all state and federal guidelines. If we are shut down for this process we will not be afford all of the expenses that come with own g a vessel like this, we will most likely be out of business for good. We employ 10 people that rely on us, not to mention 2 children a mortgage on our property that burned down and no longer to live at. At the moment we have one leg to stand on, and we are being threatened to remove that one as well.

our community relies heavily on tourism during covid we had the highest unemployment rate in the country because. Removing these vessels from west Maui will kill tourism. People come from around the world to visit Maui and getting on a boat to snorkel/whale watch/spread loved ones ashes/proposals or catch a sunset cruise is a huge part of it! As a community we rely on tourists coming to Maui and spending money at local businesses, this is it. We are the mom and pop operations, small locally owned businesses are the foundation of our economy and we should be encouraging the next generation to stay here and keep Hawaii, Hawaii. We should be encouraging the next generation to be business owners so that the large out of state businesses don't take the money out of state and keep them here in Maui.

thank you for your time and considerations.

Aloha

Keao Brian Shaw

SB-1074-SD-2

Submitted on: 3/15/2025 12:09:21 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

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

Comments:

Aloha

It is imperative that permittees are allowed to continue to operate and renew their permits while environmental impact studies are taking place which can take many years to complete.

As a small business owner I strongly support this bill.

Thank You

SB-1074-SD-2

Submitted on: 3/15/2025 1:02:13 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
jessie croft	Explore Kauai Scuba	Support	Written Testimony Only

Comments:

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

I support SB1074 for commercial boating operators. This bill is imperative for ensuring that ocean tourism operators 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.

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

Mahalo

Jessie Croft

SB-1074-SD-2

Submitted on: 3/15/2025 1:10:27 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Teri Leicher	Jack's Diving Locker	Support	Written Testimony Only

Comments:

Aloha,

Please support SB1074 for current holders of Ocean Recreation Commercial permits.

In the case of Ka'anapali Operators, It will allow the permittees to continue to operate their vessels while the environmental assessment is being updated.

This is important to keep folks employed and allow Kama'aina and visitor alike to have access to the waters off of Lahaina and Ka'anapali.

With Lahaina Harbor not being accessible at this time, it becomes even more important.

Thank you for your consideration.

 Teri Leicher

managing partner of Jack's Diving Locker

kailua-Kona

SB-1074-SD-2

Submitted on: 3/15/2025 2:03:14 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

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

Comments:

Aloha Members of the committee,

Please change the wording to allow permittee's to stay in business and operating during any environmental issues and allow the permits to be reissued with conditions, if necessary to address any environmental concerns.

Mahalo,

Greg Howeth

President, Lahaina Divers Inc

SB-1074-SD-2

Submitted on: 3/15/2025 3:41:08 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Christopher Dean	Clean The Pacific, Recycle Hawaii	Oppose	Remotely Via Zoom

Comments:

Dear Representatives,

I know you feel that you need to consider all sides of every choice that comes before you and that's good, but don't forget, humans are not the only animals on this planet who have rights, who feel emotions, who have desires, curiosity, fear, and above all, a right to exist without being subjected to cruelty and, or death. Maybe it's not a big deal if tourists are allowed to behave in a certain way while a study is done, as long as no one's lives are in danger. But what if you allowed some behavior to continue while a study was being done and tourist died? Clearly, that would not be good.

Now, if only you perceived that reef fish, the sanctity and beauty of our coral reefs, were as important as a tourist's life. They are for me. We are not going to survive on this planet unless humans treat all life with the same compassion and dignity that they reserve for homo sapiens, global warfare notwithstanding. The marine environment is being abused in so many different ways. As the founder of Clean The Pacific, a surfer and all around waterman, I've seen the devastation humanity has wrought upon our oceans. Plastics, chemicals, development, erosion, climate crisis, industrial fishing, commercial extraction of reef fish, tourism, sewage, sonar, military operations, beach nourishment, jetties and groins. Right now, our coral reefs are on the edge of irreversable collapse. One wrong move and it could cause a cascade of tragedies. We can not afford to fool around and continue business as usual.

I'm begging you, as someone who's in love with the beauty of our natural world, please do not pass SB1074. We need to be careful with every step we take on this planet now. This bill would give a green light to the aquarium extraction industry at a time when our reefs are barely hanging on. It's way too dangerous. By the time it's clear that it was a mistake, it will be too late. I wouldn't want you to have to live with that on your conscience.

SB-1074-SD-2

Submitted on: 3/15/2025 4:32:38 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

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

Comments:

Aloha Chairs Lowen, Hashem and members of the committees,

I am from Hawai'i island and I **STRONGLY OPPOSE SB1074 SD1**, which would allow illegally authorized activities to be continued, potentially indefinitely, without a consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

This measure puts the cart before the horse when it comes to environmental planning and protection. Our environmental review law works by allowing decisionmakers 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.

This bill would do the opposite, allowing activities that have been previously, but unlawfully, authorized without environmental review, to continue while environmental review is pending.

More particularly, I am concerned about giving any further loophole to the Aquarium industry operatives who our island's people have resolutely opposed for many years. We say NO to compromises and future loopholes!

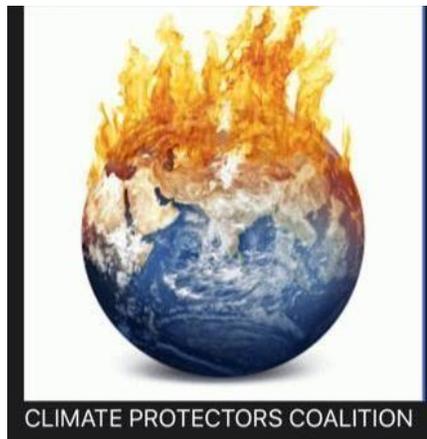
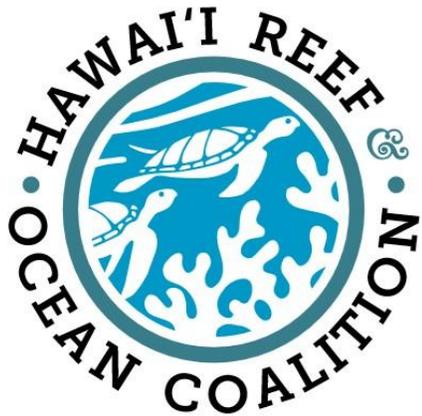
Respectfully,

R A Culbertson

member,

Big island Reef Keepers hui

Honokaa



To: The Honorable Representatives Nicole Lowen and Mark Hashem, Chairs, the Honorable Representatives Amy Perruso and Rachele Lamosao, Vice Chairs, and Members of the Energy and Environment and Water and Land Committees.

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

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

Hearing: Monday March 18, 2025 9:00 a.m. CR325

Aloha Chairs Lowen and Hashem, Vice Chairs Perruso and Lamosao, and Members of the Energy and Environment and Water and Land Committees!

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!**

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), the Office of Environmental Quality Control and the Environmental Council. **It is my considered opinion that this bill would 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.** It would make environmental review an afterthought in many instances instead of a useful planning process.

Not all existing commercial operations are small, benign, and without environmental impacts that should be allowed to continue to damage the environment while being reviewed. Not all "previously undertaken activities" should be grandfathered from review of environmental impacts, especially when they have new projects or programs, while environmental review takes place. To allow this continuation could have grave consequences for our precious coral reefs and other critical ecosystems.

This bill is overbroad and potentially harmful. If litigation over existing charter boat operations has not been settled and an exemption for them 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 operations. HEPA already provides for agencies to establish procedures to exempt from environmental assessments "specific types of actions, because they will probably have minimal or no significant effects on the environment." HRS Sec. 343-6(a)(2).

The overbroad language in this bill could allow the indefinite continuation, for example, of aquarium trade operations and the dewatering of East Maui streams. This broad exemption language looks like an inappropriate end-run against validly decided court decisions, *Umberger, et al. v. DLNR*, *Kaupiko et al. v. DLNR*, etc.

Please hold this bill in its current overbroad form!

Mahalo!

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

SB-1074-SD-2

Submitted on: 3/15/2025 6:29:05 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Susan Kellam	Friends of Pebble Beach, South Kona, HI	Oppose	Written Testimony Only

Comments:

This is my testimony: I am in strong opposition to SB1074.

The amended version inexplicitly allows permits to be renewed during the environmental review process, setting up a permanent loophole to Hawaii's environmental law because there are no legally required time constraints on preparing or completing environmental studies.

The Friends of Pebble Beach represents more than 1,000 Big Island residents.

Mahalo of hearing our voice.

Susan Kellam

Friends of Pebble Beach

SB-1074-SD-2

Submitted on: 3/15/2025 8:47:29 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tadashi Muratake	Na Pali Experience	Support	Written Testimony Only

Comments:

Aloha, my name is Tadashi Muratake, and I fully support this bill.

SB-1074-SD-2

Submitted on: 3/15/2025 9:21:15 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Monroe Bryce	Kamoana Incorporated	Support	Written Testimony Only

Comments:

I support allowing charter businesses to continue to operate while and environmental impact statement is being prepared.

Please support SB1074 for ocean tour boats. This bill is essential for ensuring that ocean tourism operators in Kaaanapali 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 Hawai'i'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

SB-1074-SD-2

Submitted on: 3/16/2025 5:54:11 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Mario Noble	Maui Snorkeling	Support	Written Testimony Only

Comments:

We are responsible operators realize that our business can only survive if we protect the environment. We ask that a timely environmental review first be conducted prior to making decisions about keeping or revoking a permit.

Aloha Chair, Vice Chair and members of the committee:

My name is Dave Weiss and I serve as the Senior Vice President for RED Hospitality and Leisure Hawaii, LLC. We operate a variety of vessels from Maalaea Small Boat Harbor and the Kihei Boat Ramp. However, I began my commercial boating career as a deck hand in Kaanapali in 1980. Although we do not operate out of Kaanapali, I also served as SVP for a long standing Kaanapali operator that would be directly affected should this measure fail.

Suspending currently valid operating permits while a decision is made on if these permittees are exempt from an EA, is tantamount to guilty without a trial. There has been commercial boating in Kaanapali for over 50 years. If all operators are required to suspend all operations while waiting for a decision on the exemption, it is likely that many, if not all the operators will be out of business, their staff, many of whom have, and continue to suffer from the wildfires will be unemployed and most likely have to relocate (again). What will happen if it is determined that these permits are exempt from an EA The end result will be a world class resort without the one adventure most visitors come for and financial devastation for both the owners and their staff. So, please consider that there have been commercial operations in Kaanapali since the 1970s, why not just wait until the final decision is rendered and act then.

So, in closing, 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.

Sincerely,

Dave Weiss

SB-1074-SD-2

Submitted on: 3/16/2025 10:10:18 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Caitlin Maratea	Banyan Tree Divers Maui	Support	Written Testimony Only

Comments:

Aloha Chairs and esteemed Committee Members,

Thank you for taking the time to hear and read testimony today regarding SB 1074.

This bill is not only imperative for the continued operation of small businesses in Ka'anapali, it also sets a precedent for future environmental reviews. Protection of natural resources through environmental impact statements and reviews are of the utmost importance, however, requiring small businesses to cease operation during such a lengthy process could put longstanding, regulated operators out of business.

On a personal note, through covid as well as losing our home and place of business in the Lahaina fire, we have struggled to keep our business going. As stewards of ocean conservation awareness, we welcome the review process that ensures that natural resources are protected, but a closure due to a lengthy review process would decimate our tiny company.

This bill finds a clear balance between caring for our natural resources without harming law abiding businesses who have been operating responsibly with state oversight for decades.

Please protect our ocean tourism industry, the jobs it supports, and the families who rely on it.

SB-1074-SD-2

Submitted on: 3/16/2025 10:36:39 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

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-SD-2

Submitted on: 3/16/2025 10:36:56 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

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.

SB1074 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 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 a great loss of jobs in Lahaina, which has already been through enough

Please pass SB1074 and support our local families.

Mahalo for considering this testimony.

Sincerely,
Rod Nichols

SB-1074-SD-2

Submitted on: 3/16/2025 10:38:47 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tanner Vaughn	Teralani	Support	Written Testimony Only

Comments:

My name is Tanner and I strongly support SB1074.

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.

Please pass SB1074 and support our local families and businesses.

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 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.



TESTIMONY SB:1074
TESTIMONY IN FULL SUPPORT of SB 1074 – Environmental
Review

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 will be able to continue our operations while undergoing environmental review. Without this bill, our longstanding, regulated operations will face the risk of being shut down for years. This will result in our tour boat services having zero chance of starting up again after a long drawn-out environment review is conducted. We have diligently complied with all the permitting requirements, in addition to health department licenses, liquor licenses, FCC requirements, USCG inspections and mandatory dry docks ensuring that the vessels hull integrity and safety gear is in top notch condition. Owners of small businesses are all to familiar with operating costs such as Health Insurance, TDI, Workman's Compensation, Marine Insurance, Rents for Office and Boat Storage. From big to small these necessities require steady income to keep active, even if we are not in service.

Our tour operations allow residents and visitors to experience Hawaii's marine environment with minimal disruption, supporting conservation efforts through education and sustainable tourism practices. We also provide defibrillators, oxygen, basic first aid kits, as well as CPR-trained personnel, who frequently are on scene to assist in first responder lifesaving procedures, where there are no state providers lifeguards on duty.

This bill strikes a fair balance between protecting our natural resources through 343 and supporting the small ocean tour businesses like myself who 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 our employees and their families who depend on it.

Peter Wood 808-870-3672
Sailing Maui Inc.

SB-1074-SD-2

Submitted on: 3/16/2025 11:56:18 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Erik Stein	Exteneded Horizons	Support	Written Testimony Only

Comments:

I support SB1074

SB-1074-SD-2

Submitted on: 3/16/2025 12:35:01 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Philippe Le Blanc	Sea Maui	Support	Written Testimony Only

Comments:

Statement in Support of SB1074 SD2

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 SD2, 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, catering, 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 SD2 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 SD2 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-SD-2

Submitted on: 3/16/2025 12:55:10 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

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

Comments:

Statement in Support of SB1074 SD2

Submitted by: Gabe Miranda, Island Scuba / Sea Maui Surf, Ka‘anapali Beach

Aloha Chair and Members of the Legislature,

I’m writing in strong support of SB1074 SD2 because it’s essential for keeping local businesses alive and protecting jobs here on Maui.

I’ve been running a surf school on Ka‘anapali Beach for years, teaching both visitors and locals the joy of surfing while respecting the ocean and following every regulation required to operate. Like many long-standing businesses, we’ve always had the right permits and complied with the rules. But now, due to changes in how environmental laws are being applied, businesses like mine—and many others—are at risk of being shut down, even though we’ve been operating responsibly for decades.

For me, this is personal. Myself and several of my employees lost everything in the fires. Our homes, our belongings—gone. We’ve been trying to rebuild our lives, and this job is the one thing keeping us afloat. Now, we’re facing the possibility of losing that too. It’s devastating to think that after surviving one disaster, we could be forced into another crisis just because of shifting regulations.

If this happens, it won’t just affect a handful of businesses; it will impact an entire network of people who rely on tourism to make a living. Surf instructors, beach rental operators, hospitality workers, surf shops—thousands of jobs are on the line. Maui is still trying to recover, and shutting down businesses now would only make things worse for the local economy and the families who depend on it.

SB1074 SD2 is a practical and fair solution. It allows long-standing businesses with valid permits to keep operating while going through the environmental review process, instead of forcing them to shut down immediately. This bill doesn’t eliminate oversight—it simply prevents unnecessary job losses and economic damage while businesses go through the proper steps.

Maui’s small businesses need stability now more than ever. I urge you to pass SB1074 SD2 to protect local jobs, keep businesses running, and support the people who call this island home.

Mahalo for your time and consideration.

Gabe Miranda

Island Scuba / Sea Maui Surf, Ka'anapali Beach

SB-1074-SD-2

Submitted on: 3/16/2025 1:01:06 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kayle Fancher	Fun Charters Inc.	Support	Written Testimony Only

Comments:

Statement in Support of SB1074 SD2

Submitted by: Kayle Fancher, Business Manager, Fun Charters Inc.

Aloha Chair and Members of the Legislature,

I am writing in strong **support** of SB1074 SD2 because this bill is essential to protecting jobs, businesses, and the livelihood of so many people here on Maui.

As the business manager of Fun Charters Inc., I’ve seen firsthand how much hard work goes into operating responsibly. Our team has always followed the rules, secured the necessary permits, and done everything required to comply with regulations. Now, because of changes in how environmental laws are being applied, businesses like ours could be forced to shut down—**despite decades of operating legally and in good faith.**

For myself and many of our employees, this isn’t just about business—it’s about survival. **We lost everything in the fires.** Our homes, our possessions, and our sense of stability were taken away in an instant. The only thing keeping us going is our work, and now we’re at risk of losing that too. If this bill doesn’t pass, it won’t just hurt businesses—it will push countless families further into financial hardship when they’re already struggling to rebuild their lives.

The economic impact would go beyond Fun Charters. This could mean the loss of **thousands of jobs** across the island—boat crews, tour operators, catering companies, hospitality workers, and so many others who depend on tourism and ocean-based businesses to survive. Maui is still in recovery, and shutting down businesses now would only make things worse for the entire community.

SB1074 SD2 is a fair and reasonable solution. It allows businesses that have been legally operating to continue while going through the environmental review process, instead of being forced to close immediately. It doesn’t eliminate oversight—it simply prevents unnecessary job losses and economic harm while businesses comply with the process.

Maui needs support and stability now more than ever. I urge you to pass SB1074 SD2 to keep businesses running, protect local jobs, and give our community the chance to recover and rebuild.

Mahalo for your time and consideration.

Kayle Fancher
Business Manager, Fun Charters Inc.



TESTIMONY SB:1074
TESTIMONY IN FULL SUPPORT of SB 1074 - Environmental
Review

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 will be able to continue our operations while undergoing environmental review. Our companies have been operating since 1994 from Kaanapali Beach, providing residents and visitors with upscale, safe and educational boat charters. We will not be able to endure an extended drawn out environmental review. The financial burden of this will be too much to survive and our businesses will be closed forever. We have diligently complied with all the permitting requirements, in addition to health department licenses, liquor licenses, FCC requirements, USCG inspections and mandatory dry docks ensuring that the vessels hull integrity and safety gear is in top notch condition. Owners of small businesses are all to familiar with operating costs such as Health Insurance, TDI, Workman's Compensation, Marine Insurance, Rents for Office and Boat Storage. From big to small these necessities require steady income to keep active, even if we are not in service.

In addition to operating tour boat excursions departing from Kaanapali Beach, we also provide CPR-trained personnel, who frequently are on scene to assist in first responder lifesaving procedures with access to defibrillators, oxygen, basic first aid kits. The State does not provide professional lifeguards for 99% of the coastline, that is frequented by residents and tourists alike.

This bill strikes a fair balance between protecting our natural resources through 343 and supporting the small ocean tour businesses like ours who 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 our employees and their families who depend on it.

Inca Robbin 808-870-3672
Sailing Maui Inc.

SB-1074-SD-2

Submitted on: 3/16/2025 1:16:06 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

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

Comments:

Statement in Support of SB1074 SD2

Submitted by: Mike Marcol, Owner, Exclusive Limo Maui

Aloha Chair and Members of the Legislature,

I am writing to express my **strong support** for SB1074 SD2, a bill that is critical for protecting Maui’s businesses, workers, and the economy.

As the owner of Exclusive Limo Maui, I have built a company that provides transportation services to visitors and locals alike, directly supporting many tour operators, boat charters, surf schools, and other activity providers in Ka’anapali. Our business depends on a thriving tourism industry, and if long-standing, properly permitted businesses are suddenly forced to shut down, **it will have devastating consequences not just for them, but for all the businesses connected to them—including mine.**

The ripple effect of these closures would be massive. Local transportation services, catering companies, hotels, and countless others rely on the success of ocean and tourism-based businesses. Many of my colleagues and employees lost everything in the fires, and now they’re just trying to stay on their feet. If this bill does not pass, more people will be out of work, more **families will struggle**, and Maui’s recovery will be set back even further.

SB1074 SD2 is a common-sense solution. It ensures that businesses that have been operating legally can continue to do so while undergoing the environmental review process, instead of being forced to shut down immediately. This bill does not remove environmental oversight—it simply prevents unnecessary economic harm while businesses follow the proper procedures.

Now is not the time to create more hardship for Maui’s workers and businesses. I strongly urge you to pass SB1074 SD2 to keep local businesses open, **protect jobs**, and support the livelihoods of so many people who depend on a stable economy.

Mahalo for your time and consideration.

Mike Marcol
Owner, Exclusive Limo Maui

SB-1074-SD-2

Submitted on: 3/16/2025 1:17:22 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

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

Comments:

Aloha,

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

SB-1074-SD-2

Submitted on: 3/16/2025 2:06:23 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
George F. Garnes III	Sailing Shipps	Support	Written Testimony Only

Comments:

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

My name is George Garnes and I am an owner of Sailing Shipps. We have been in operation in Kaanapali Beach since 1991 and employ 22 Lahaina families. We have had great support in Lahaina since the fires for housing families and now desperately need your support for small business that employ local families. Without your help hundreds of jobs will be eliminated and tens of millions tax dollars further harming our economic recovery.

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.

Mahalo for your time

George F. Garnes III

SB-1074-SD-2

Submitted on: 3/16/2025 2:34:57 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kula Raquedan	Ka'anapali Kai Charters - Teralani Sailing	Support	Remotely Via Zoom

Comments:

Aloha,

I am writing to express my strong support for SB1074 SD2, which relates to Environmental Impact Statements and allows Kaanapali Kai Charters—Teralani to continue operating during its environmental review.

As we know, employment is critical to our livelihoods in Hawai'i and plays a significant role in sustaining the local economy.

We rely on our jobs for financial stability, a sense of purpose, and fulfillment. With a steady source of income, we can support ourselves and our families, access essential services, and contribute to the overall well-being of our community.

I urge you to consider passing SB1074 SD2, which would allow us to continue operating during the environmental review process.

Mahalo!



March 17, 2025

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION	COMMITTEE ON WATER & LAND
Rep. Nicole E. Lowen, Chair	Rep. Mark J. Hashem, Chair
Rep. Amy A. Perruso, Vice Chair	Rep. Rachele F. Lamosao, Vice Chair

Re: Support SB1074 SD2:

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, 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 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-SD-2

Submitted on: 3/16/2025 4:26:38 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Richard Haviland	Outfitters Kauai Ltd	Support	Written Testimony Only

Comments:

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

Thank you for bringing this bill along. Our sister and brother permitted and regulated tour operators in Kaanapali need your support at this time, and without it, in the future devastating implications statewide would most likely follow.

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

Mahalo nui,

Rick Haviland

SB-1074-SD-2

Submitted on: 3/16/2025 5:00:31 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Joanne Howard	Gone Surfing Hawaii	Support	Written Testimony Only

Comments:

Narrowing the Bill to just apply to "current" permit holder makes great sense and I stongly support SB1074. Mahalo for your consideration.



Maui Hotel & Lodging
ASSOCIATION

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Rep. Nicole E. Lowen, Chair
Rep. Amy A. Perruso, Vice Chair

Rep. Kirstin Kahaloa Rep. Sean Quinlan
Rep. Matthias Kusch Rep. Gene Ward

COMMITTEE ON WATER & LAND

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

Testimony in Strong Support for SB1074 SD2

Aloha Chair Lowen, Vice Chair Perruso, Chair Hashem, Vice Chair Lamosao and committee members,

SB1074 SD2 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, 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. This has a direct negative impact on the revenue generated by commercial operators, as seen with the proposed HB649, which suggests increasing gross receipt fees from 3% to 5%. However, this increase becomes irrelevant if commercial operators are forced to cease operations entirely.

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

Mahalo,

John Pele
Executive Director-Maui Hotel and Lodging Association

SB-1074-SD-2

Submitted on: 3/16/2025 6:20:16 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

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

Comments:

I am submitting testimony in strong support of **SB1074 SD2**, which seeks to clarify the application of the environmental review process for long-standing, permitted commercial activities.

Hawaii’s environmental review process is a critical tool for assessing new projects with potential environmental impacts. However, recent court decisions have expanded the definition of "action" in ways that could unfairly jeopardize businesses that have operated responsibly for decades. These long-standing operations, which have complied with all regulatory requirements, should not be forced to shut down due to reinterpretations of existing law.

SB1074 SD2 provides a reasonable and fair solution by allowing permitted activities to continue for one year while agencies assess whether they are subject to environmental review. This ensures due process while maintaining environmental oversight and business stability.

By supporting this bill, the Legislature will help protect local businesses from unnecessary disruptions while still upholding Hawaii’s commitment to environmental stewardship.

I respectfully urge you to pass SB1074 SD2. Mahalo for your time and consideration.

Testimony in support of SB 1074 – SD2

Aloha Chair and Members of the Committee,

I'm writing in strong support of senate bill SB 1074 SD2. After all that our Lahaina residents have gone through with the fire and subsequent struggle to survive and provide for their families, this bill provides a balanced and reasonable path forward that considers environmental impact without negatively impacting jobs for local residents.

Without sacrificing the livelihoods of those working directly for the boating industry, or sacrificing the greater recovery of local jobs due to the slowly improving return of visitors to our island, this bill still maintains a requirement to operate in an environmentally responsible manner, conduct any necessary studies, and ensure that we move forward in an overall responsible manner – both for our environment and for the livelihoods of our local residents.

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

Mahalo,

Josh Hargrove

General Manager – The Westin Maui Resort & Spa

Chairman – The Maui Hotel & Lodging Association

SB-1074-SD-2

Submitted on: 3/16/2025 7:08:15 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Virginia Armstrong	Splashers Ocean Adventures DBA Kona Snorkel Trips	Support	Written Testimony Only

Comments:

I urge you to support **SB1074**, a crucial bill that ensures Kaanapali’s ocean tourism operators can continue their work while undergoing environmental review. Without this legislation, long-established, regulated businesses risk being forced to shut down for years—despite full compliance with permitting requirements.

These responsible operators provide residents and visitors with meaningful, low-impact experiences of Hawaii’s marine environment, promoting conservation through education and sustainable tourism practices.

SB1074 strikes a fair balance between environmental protection under **HRS 343** and the survival of small ocean tour businesses that have operated responsibly under state oversight for decades.

Please pass SB1074 to safeguard our local ocean tourism industry, protect jobs, and support the families dependent on this vital sector.

Best,

Virginia Armstrong



House Committee on Energy & Environmental Protection
House Committee on Water & Land

Tuesday, March 18, 2025, 9 AM Hearing in Conference Room 325 on
SB 1074, SD2, Relating to Environmental Impact Statements

TESTIMONY

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

Chair Lowen, Chair Hashem, Vice Chair Perruso, Vice Chair Lamosao, and Committee
Members:

The League of Women Voters of Hawaii opposes SB 1074, SD2. 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 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 there already is a safe, legal, quick way for the DLNR to resolve Chapter 343 compliance. **Chapter 343 rules already allow, and it would be reasonable, for the DLNR to publish electronic public notice in “The Environmental Notice”, that the DLNR has determined that an EA is not required for renewal of noncontroversial permits for existing commercial boating.**

The major problem with SB 1074, SD2 is that it is NOT limited to boating. As drafted this bill would apply when a private applicant requests agency approval to renew ANY permit which “triggers” Chapter 343, and does not “... include construction, grading, dredging, or other structural modifications...”. Under SB 1074, SD2, Chapter 343 compliance could be delayed for a year and a court could arbitrarily delay compliance for longer than a year. In other words, Chapter 343 would no longer require either environmental analysis or the opportunity for informed public comment prior to renewal of controversial, problematic permits which authorize private businesses to continue diverting streams, removing native plants and animals, or dumping polluted wastewater.

Thank you for the opportunity to submit testimony.

To Whom It May Concern,

I am writing in strong support of SB1074. As a longtime Maui resident and business owner, I have seen firsthand the challenges our community faces. This bill is essential to our economic recovery, ensuring businesses like ours can continue operating without unnecessary shutdowns due to prolonged environmental reviews.

For over 15 years, Three's Bar & Grill has served locals and visitors, providing jobs for more than 80 employees. Our catering partnership with Teralani Sailing Charters helps sustain the tourism industry, supporting countless families. If businesses lose permits and are forced to close, many never reopen, leading to job losses and economic setbacks.

I believe in protecting Hawaii's environment, and SB1074 offers a fair balance—allowing businesses to operate while undergoing necessary reviews when contested. This bill will safeguard both livelihoods and sustainability, keeping Maui's economy strong.

Please pass SB1074 to support local businesses and families.

Mahalo,

Jaron Blosser

Owner/Employee, Three's Bar & Grill



March 16, 2025

Aloha House Representatives,

My name is Soo Kim and I am the owner/operator of HoloKai Catamaran; one of the six beach catamaran permits.

I am in strong support of passing Senate Bill SB1074SD2.

Thank you so much for your time and considerataion.

Sincerely,

A handwritten signature in black ink, consisting of a stylized 'S' and 'K' intertwined.

Soo Kim
President
HoloKai Catamaran

SB-1074-SD-2

Submitted on: 3/16/2025 9:10:40 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Blake Moore	Teralani Sailing Adventures	Support	In Person

Comments:

Testimony in Support of SB1074

Aloha Chair and Members of the Committee,

I humbly ask you to stand with our locally owned and operated business that has served the Maui community for over 35 years. I write today in strong support of SB1074, a measure that strikes the right balance between environmental protection and the economic survival of our community.

Teralani Sailing proudly employs over 50 families, many of whom are still struggling to recover from the devastating Maui wildfires. These hardworking individuals—deckhands, captains, reservations staff, maintenance crews, and more—are not just employees; they are the backbone of our company and the fabric of our island community. The ability to continue our permitted operations while an Environmental Assessment (EA) is conducted is critical to ensuring these families have jobs, food on their tables, and stability in their lives.

Our industry is already one of the most heavily regulated in the state. Between the oversight of the U.S. Coast Guard, the Department of Land and Natural Resources, the Department of Health, and multiple other agencies, we adhere to strict safety, operational, and environmental standards every single day. The permits we hold require compliance with these regulations, ensuring that our activities are conducted responsibly and with the utmost respect for our marine environment.

SB1074 provides a necessary safeguard against unintended economic devastation by allowing current permitted activities to continue while the EA process unfolds. Pausing operations while awaiting an EA—particularly after the hardships our community has already endured—would place an unnecessary burden on businesses and workers who are still in recovery mode. The alternative would lead to job losses, financial instability, and further displacement of local families who are already facing extraordinary challenges.

We all share a deep love for Maui’s ocean and environment—our livelihoods depend on it. The responsible path forward is to allow permitted operators to continue serving our community while ensuring environmental reviews are conducted thoughtfully and efficiently. I urge you to support SB1074 to protect both our fragile economy and the people who call Maui home.

Mahalo for your time and consideration.

Blake Moore

SB-1074-SD-2

Submitted on: 3/16/2025 9:16:27 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Andrew Perry	Critical Ocean Rescue Education Hawaii	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.

To the Honorable Members of the Committee:

This testimony is submitted on behalf of Maita'i Catamaran Corporation in support of SB 1074 SD2. Maita'i Catamaran operates commercial catamaran tours off the coast of Waikiki under permits issued by the Department of Land and Natural Resources. We follow all regulatory requirements and run safe and environmentally friendly sailing trips for locals and visitors alike. It would be devastating to our business and all other commercial ocean tour operators to be forced to shut down pending the environmental review process, regardless of the outcome of the challenge. Moreover, a challenge which comes close to our permit renewal date could shut down our business with dire consequences for our employees as well as visitors who may have already booked tours.

SB 1074 SD2 is a common sense measure to allow businesses such as ours to continue to operate pending the resolution of an environmental review challenge. We suggest, however, that the language be clarified to specify that a court can extend the one year period for good cause.

Thank you for the opportunity to testify.

George Parsons, President
Maita'i Catamaran Corporation

SB-1074-SD-2

Submitted on: 3/16/2025 9:30:48 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Krystine Samson-Boughton	Islands Beach Activities, inc.	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

My name is John Savio, and I am the owner of Islands Beach Activities, inc., a local, family-run business that has proudly operated in Hawai‘i for over 50 years. Throughout our history, we have remained fully compliant with every rule, permit requirement, and environmental regulation. We strongly support SB1074 SD2 and appreciate the bill’s narrowing to apply only to *current* permit holders. It ensures that only businesses that have already demonstrated compliance and good stewardship of Hawai‘i’s natural and cultural resources can continue operating while awaiting environmental determinations. This targeted approach prevents bad actors from exploiting the process while protecting businesses that have faithfully adhered to state and environmental laws.

Under existing laws, even fully compliant businesses can be forced to pause operations for up to a year due to regulatory delays—an unnecessary hardship that puts jobs, livelihoods, and local economies at risk. SB1074 SD2 provides a reasonable solution by allowing *only* current permit holders to continue operations during the review process, ensuring fairness without compromising environmental oversight.

We appreciate the careful consideration given to this issue and urge the committee to pass SB1074 SD2. This bill maintains strong environmental protections while preventing undue harm to businesses that have followed the law for decades.

Mahalo for your time and consideration.

Sincerely,

John Savio

Owner of Islands Beach Activities, inc.

alohaboatshawaii@gmail.com

808-223-8735

SB-1074-SD-2

Submitted on: 3/16/2025 9:31:45 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Fariyal Savio	ANELA KAI CATAMARANS, INC.	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

My name is Fariyal Savio, and I am the owner of Anela Kai Catamarans, INC. a family-run business that has proudly operated in Hawai‘i for over 50 years. Throughout our history, we have remained fully compliant with every rule, permit requirement, and environmental regulation. We strongly support SB1074 SD2 and appreciate the bill’s narrowing to apply only to *current* permit holders.

For responsible, long-standing businesses like ours, this clarification makes great sense. It ensures that only businesses that have already demonstrated compliance and good stewardship of Hawai‘i’s natural and cultural resources can continue operating while awaiting environmental determinations. This targeted approach prevents bad actors from exploiting the process while protecting businesses that have faithfully adhered to state and environmental laws.

Under existing laws, even fully compliant businesses can be forced to pause operations for up to a year due to regulatory delays—an unnecessary hardship that puts jobs, livelihoods, and local economies at risk. SB1074 SD2 provides a reasonable solution by allowing *only* current permit holders to continue operations during the review process, ensuring fairness without compromising environmental oversight.

We appreciate the careful consideration given to this issue and urge the committee to pass SB1074 SD2. This bill maintains strong environmental protections while preventing undue harm to businesses that have followed the law for decades.

Mahalo for your time and consideration.

Sincerely,
Fariyal Savio



SIERRA CLUB OF HAWAI'I

HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION HOUSE COMMITTEE ON WATER AND LAND

March 18, 2025

9:00 AM

Room 325

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

Aloha Chair Lowen, Chair Hashem, Vice Chair Perruso, Vice Chair Lamosao, and Members of the Committees,

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

Our environmental review law has, for 40 years, played a critical role in ensuring that certain proposed actions potentially impacting our islands' environmental, cultural, and socioeconomic integrity are carefully and transparently assessed by government decisionmakers, **before** such actions are allowed to proceed. This helps to ensure that government officials explicitly acknowledge the environmental consequences of their decisions, and explore alternatives that could avoid such impacts, to the extent feasible. Importantly, the environmental review law includes opportunities for government decisionmakers with limited experiences to be informed by those with a wide range of expertise, insight, and perspectives - including Native Hawaiian cultural practitioners and members of the public with intimate, place-based knowledge of their local environment and associated cultural and recreational practices.

By allowing agencies to delay environmental review until **after** certain actions are approved and allowed to commence - for a year or potentially indefinitely - this measure erodes the very foundation of our environmental review law. **Rather than serve as a prudent planning mechanism providing for transparency and fully-informed decisionmaking, any environmental review for authorized actions - if it is conducted at all - will serve more as an afterthought, with potentially significant and avoidable impacts accumulating over the course of a year or even longer as environmental review is "pending."**

Notably, the authority granted to agencies to renew permits throughout the environmental review process could allow actions to be continued indefinitely, without any accounting of their environmental impacts. **For example, the dewatering of East Maui's streams continued, uninterrupted, for nearly 20 years after an environmental review for long-term diversions was ordered by the circuit court - a practice that has most recently been confirmed as illegal by the Hawai'i Supreme Court, and that would be legitimized after-the-fact by this measure.**



SIERRA CLUB OF HAWAI'I

In addition, many permits subject to environmental review - including those authorizing the unlimited extraction of public trust resources, or the full diversion of public trust streams - are valid for one year, yet are continually renewed to allow the continuous extraction and exploitation of our natural and cultural resources. **The deferral of environmental review upon a legal challenge for up to a year after these yearly permits are approved may result in these permits and their underlying actions never being subject to any environmental review whatsoever.**

The Sierra Club understands that the impetus behind this measure is a court ruling that found the Department of Land and Natural Resources (DLNR) in violation of our environmental review law, in its issuance of commercial ocean operator permits in Ka'anapali. The Sierra Club notes that the DLNR's refusal to proactively comply with the law for nearly a decade when the lawsuit was first filed, or to even begin the environmental review process for the Ka'anapali permits after last year's ruling, is the reason why many of these permittees are now experiencing great uncertainty and hardship. **The Sierra Club also understands that the plaintiffs in that case have transmitted a settlement offer to the DLNR's legal counsel which, if accepted, would provide nearly immediate relief to these commercial operators, address the wastewater and public access concerns underlying the court ruling, and avoid the erosion of our environmental review law as proposed by this measure.**

Moreover, the Sierra Club also notes that the existing environmental review law already allows for certain actions to be declared "exempt" from an environmental assessment or impact statement, to the extent that they may have minimal or no significant impacts. This includes categories of actions that could cover the issuance of commercial operator permits in Ka'anapali if sufficient protective permit conditions are included, to ensure that any environmental impacts will be insignificant.¹ **The application of this existing law could also provide much more timely relief to the Ka'anapali permittees than the one year (or longer) contemplated in this measure - or even the months it would take for this bill to become law - and without undermining the foundational protections of environmental review.**

With these and other options for timely resolution already at its disposal, the DLNR should not be allowed to prolong the hardship and fear being expressed by these permittees to justify the undermining of the very laws that protect our lands and natural and cultural resources.

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

¹ For example, the DLNR's exemption list of actions that may be exempted from the environmental review law includes: "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing;" and "Granting to a person the privilege to conduct operations involving the provision of goods, wares, merchandise, or services to the general public including, but not limited to, tours, food and beverage operations, retail operations, rental operations, or communications and telecommunications services in or on an existing building, facility, or area." See Exemption List for the Department of Land and Natural Resources, https://files.hawaii.gov/dbedt/erp/EC_Meetings/2020-10-06-Revised-S-14-Exemption-List-for-the-Department-of-Land-and-Natural-Resources.pdf (last accessed March 15, 2025).



SIERRA CLUB OF HAWAI'I

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 Committees to **HOLD** SB1074 SD2. Thank you very much for this opportunity to testify.

Aloha Chair and Members of the Committee,

I, Lauren Ray, Hotel Manager of Sheraton Maui Resort & Spa, am in **support of SB1074 SD2**. I am fully in support of Ka'anapali boating and ocean recreation and passing SB1074 SD2.

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,

Lauren Ray

Hotel Manager

Sheraton Maui Resort & Spa

Date: March 17, 2025

To: Chair and Members of the Committee
Committee on Energy & Environmental Protection (EEP)
Committee on Water & Land (WAL)
Hawaii State Legislature
415 South Beretania Street
Honolulu, HI 96813

Subject: Testimony in Support of SB1074 SD2

Aloha Chair and Members of the Committee,

My name is Martin Han, on behalf of NOKANET Consulting. We strongly support SB1074 SD2 because it ensures fairness for long-standing, responsible businesses while maintaining environmental oversight.

Under the current system, fully compliant businesses can face unnecessary shutdowns due to regulatory delays, threatening jobs and livelihoods. We believe SB1074 SD2 provides a fair solution by allowing only current permit holders who have demonstrated compliance to continue operations while awaiting environmental determinations. This bill prevents undue harm to businesses that have followed the law while keeping protections in place for Hawai'i's natural and cultural resources.

We urge the committee to pass SB1074 SD2 to support fair and responsible business practices in Hawai'i.

Mahalo for your time and consideration.

Sincerely,

Martin Han
NOKANET Consulting

(808) 944-6552



Environmental Caucus of The Democratic Party of Hawai'i

March 16, 2025

To: House Committee on Energy and Environmental Protection
Hon. Nicole E. Lowen, Chair
Hon. Amy A. Perruso, Vice Chair

House Committee on Water and Land
Hon. Mark J. Hashem, Chair
Hon. Rachael F. Lamosao, Vice Chair

Subject: SB 1074 relating to Environmental Impact Statements

Hearing: Tuesday, March 18, 2025, 9:00 a.m. Conference Room 325 & Videoconference

Position: **Strong Opposition**

Aloha, Chairs Lowen and Hashem, Vice Chairs Perruso and Lamosao, and Members of the Committees!

The Environmental Caucus of the Democratic Party of Hawai'i **strongly opposes SB 1074**, which would allow persons and corporate entities across the board to take advantage of improperly granted environmental use permits for at least one year, and potentially indefinitely.

Key Points in Opposition:

1. **This Bill Attempts to Overturn the Unanimous, Carefully Considered Decision of the Hawai'i Supreme Court in *Umberger v. Department of Land and Natural Resources* of 2017**

The *Umberger* decision, 140 Hawai'i 500, 403 P.3d 277 (2017), related to DLNR's faulty policy of automatically granting permits online to any applicant catch reef fish for the aquarium trade in most shoreline areas in Hawai'i. The Hawai'i Supreme Court unanimously determined that DLNR failed to consider whether such applications, considered as a whole, were adversely affecting these reef fish populations and, by extension, the reef ecosystems. DLNR had abdicated its duty under Chapter 343 to analyze the impact of the aquarium trade on the ecosystems of the reefs. This bill would allow the aquarium trade to continue, without any oversight for at least one more year.

2. **This Bill Would Turn Hawai'i's Environmental Protection Law Upside Down in Many Cases, and Broaden the Scope of *Umberger* to Any Environmental Issue.**

Hawaii's environmental laws, most of which are collected in HRS Chapter 343, are based on the common-sense premise that, when a person or corporate entity wants to do



something that might have a major environmental impact, the petitioner needs to get permission *before* going ahead and conducting activity that might damage the environment.

This bill would broaden the scope of *Umberger* way beyond the aquarium trade and extend this backwards process of going ahead and doing whatever you want and let the oversight agency try to catch up with you later to EVERY type of activity that would require an environmental impact statement.

3. Although the Bill States that Users of Improperly Granted Permits Would Have Continuing Use for One Year, a Loophole Allows for Indefinite Extension.

The latest draft of SB 1074, which is SD 2, inserts the following exemption into the one-year limitation: “provided further that the activity or operation may continue for an extended period at the discretion of the court.” See page 3, lines 7-9 of SD 2. This is dangerous.

4. This Bill is an Invitation to County-Level Developers to Try for Similar Procedures.

We are all sadly aware of the failures of the Honolulu Department of Planning and Permitting to deal effectively with out-of-control developers building mega-homes that defy any reasonable definition of a “single family home.” What would prevent them from taking SB 1074 to the Counties and saying, in essence, that they should get a free ride to continue their questionably permitted housing while County officials try to catch up?

For these multiple reasons, please defer this bill. Thank you very much for the opportunity to testify.

Alan B. Burdick and Melodie Aduja
Co-Chairs of the Environmental Caucus of the
Democratic Party of Hawai'i
Burdick808@gmail.com legislativepriorities@gmail.com

SB-1074-SD-2

Submitted on: 3/17/2025 2:13:28 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kevin Cooke	Meili Vodka	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 required.

We at Meili Vodka have been working with Sea Maui since they align with our values of sustainability and being strong supporters of the environment. These are the ethos of our brand and theirs.

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

SB-1074-SD-2

Submitted on: 3/17/2025 3:31:24 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Pascal Le Guilly	Schooner Creek Boat Works	Support	Written Testimony Only

Comments:

I am writing to express my concern regarding potential restrictions on ocean activities and boating in Ka'anapali. These activities are integral to the Maui experience and support numerous local businesses and employees.

The companies and employees involved in these industries are vital members of the community. Imposing restrictions could have disastrous economic consequences, particularly as Maui continues to recover from the devastating wildfires.

I urge you to consider the significant impact that such restrictions would have on the local economy and the livelihoods of the residents.

Thank you for your time and consideration.

Sincerely,

Pascal Le Guilly

General Manager, Schooner Creek Boat Works



Three crucial questions about HB661 HD2 and SD1074 SD2

Kā'anapali, Papahānaumokuākea, and Irreversible Damage to Public Trust Resources

Aloha,

We **strongly oppose HB 661 HD2 and SB1074 SD2** which would unacceptably weaken the Hawai'i Environmental Policy Act (HEPA), to allow activities permitted by an agency to continue before any environmental review has been conducted, even if causing irreversible environmental or cultural damage and challenged under HEPA. [These bills represent a direct assault on public trust lands and waters and cultural practices throughout our islands and also pose a threat to Papahānaumokuākea.](#)

Meanwhile, the National Environmental Policy Act (NEPA) is under attack in Washington DC. In these risky times, please do not gut HEPA, Hawai'i's bedrock environmental law, to solve DLNR's Kā'anapali problem.

Instead, DLNR should be instructed to take the necessary and known simple steps (see below) to resolve their Kā'anapali issue which can certainly be solved without eviscerating HEPA or changing existing statutes.

Below are **three key questions** that highlight the extraordinary impact of these proposed bills and underscore the fact that agency inaction is no reason to undercut HEPA's core requirements and fundamentally alter the landscape of environmental protection in Hawai'i Nei.

1) **Kā'anapali Questions**

Maui ocean users and cultural practitioners prevailed against DLNR in a court case that began in 2017 regarding commercial tour boat waste dumping¹, interference with shoreline access, gathering rights, traditional fishing practices², ocean safety³, and coral reef damage⁴ on the Kā'anapali coast.

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.⁵"*

- a) If the purported goal of this bill is to resolve the Ka'anapali issue, **why hasn't DLNR – during the past 8 years of lawsuits – taken simple steps, including those above, to resolve the issue?**
- b) **What prevents DLNR - now - from taking the simple steps needed and already proposed** to resolve the Kā'anapali boating issue? i.e. parking, boat waste management plans, beach ingress/egress marks, etc.

2) **Papahānaumokuākea Questions**

The strong protections of the Northwestern Hawaiian Islands State Refuge, Reserve and Papahānaumokuākea Monument were established as a result of public outrage over decades of the state's refusal to exercise jurisdiction and refusal to implement HEPA in the state waters of the NWHI. This allowed a tiny handful of politically-connected Wespac lobster fishers and poachers to destroy lobster populations in state waters and contributed to the starvation of the nearly extinct Hawaiian monk seals. Commercial fishing vessels slammed into reefs damaging corals and releasing thousands of gallons of fuel and fishing gear into the NWHI marine environment. Lobster stocks have never recovered.

There are efforts underway now in Washington, D.C. to weaken the management structure and protections in Papahānaumokuākea and well-founded concerns that the state intends follow DC efforts to weaken Papahānaumokuākea protections.

If the current protections and management structure were to be weakened, however, normal HEPA requirements apply to any proposed Papahānaumokuākea activities unless they are exempted as proposed under these bills. This stealthy attempt to exempt activities in the Northwestern Hawaiian Islands is unacceptable.

The bills propose to exempt, among many things, HRS Chapter 188 including §188-37 *Fishing in the Northwestern Hawaiian Islands* – and HRS 189 including §189-6 *Licenses for marine life from waters not within state jurisdiction* which specifically applies to “lobsters taken from the waters of the Northwestern Hawaiian Islands.”

- a) **Why does DLNR propose to exempt from normal HEPA requirements the rules applying to Papahānaumokuākea - §188-37 – *Fishing in the Northwestern Hawaiian Islands* and §189-6 – which applies to lobster harvest in NWHI?**
- b) 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 Refuge protections are weakened or if the Papahānaumokuākea management structure changes, **couldn't the proposed HEPA exemptions (HRS 188 and 189 pertaining to extractive activities in the Northwestern Hawaiian Islands) apply to future activities in Papahānaumokuākea?**

3) Questions about other massive DLNR exemptions and damage to public trust resources

Similar questions apply to the lengthy list of HEPA exemptions proposed by DLNR in **HRS Chapters 187A, 188, 189, 190, and 200** pertaining to activities in protected areas, aquaculture, aquarium fishing, commercial fishing throughout state waters, the operation of thrill craft, commercial high-speed boating in state waters, and all commercial activities in Kaneohe Bay, etc. Kā'anapali tourism operators have [testified against these exemptions](https://nwhihui.wordpress.com/wp-content/uploads/2025/03/testimony-ocean-tourism-operator-concerns-about-hb661-sb1074.pdf). (See: <https://nwhihui.wordpress.com/wp-content/uploads/2025/03/testimony-ocean-tourism-operator-concerns-about-hb661-sb1074.pdf>)

In response to questions by the Judicial and Hawaiian Affairs Committee, DLNR Chair Dawn Chang testified that, since there were no *active* aquarium fish permits *at the moment*, this bill would not *currently* affect aquarium fishing.

But the specific language of the bill seems to allow DLNR to, again, issue unlimited *new* aquarium fishing permits prior to environmental review, allowing high-impact aquarium fishing to occur while “waiting” for DLNR to conduct an environmental review, leading to potentially irreparable environmental damage.

Questions:

- **Given that DLNR proposes to exempt HRS Chapter 188 and 187A (including aquarium fishing) from normal HEPA rules, could the proposed exemptions apply *in the future*, to aquarium fishing, if DLNR were to issue aquarium fishing permits in the future?**
- **Couldn't the proposed exemptions apply *in the future* to permits granted *in the future* by DLNR for activities in protected areas, aquaculture, commercial fishing throughout state waters, the operation of thrill craft, commercial high-speed boating in state waters, and all commercial activities in Kaneohe Bay, etc.?**

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

www.NWHIhui.wordpress.com/legislation

¹ “Draper has reportedly also observed commercial ocean vessels from Kaanapali operating bilge pumps within three miles of the coast, and discharging sewage and refuse into nearshore waters, according to the lawsuit. The lawsuit said the Lahaina pumpout station for receiving wastewater from vessels does not have the capacity to accommodate all passengers carrying ocean vessels in West Maui. Attorney Lance Collins, representing the group bringing the lawsuits, said there were other issues as well including the impact on traditional fishing and the safety of canoe paddlers, surfers and snorkelers. Draper has died since the lawsuit was filed.” <https://www.mauinews.com/news/local-news/2024/12/brakes-may-be-put-on-kaanapali-commercial-ocean-uses/>

² <https://www.lahainanews.com/news/local-news/2023/04/14/nothing-to-lose-hawaiian-activist-kekai-keahi-looks-at-the-mala-ramp-conflict/>

³ **Safety concerns continue: 2024 Teralani IV**, <https://www.hawaiinewsnow.com/2024/09/11/mfd-4-injured-after-catamaran-runs-aground-west-maui/>; **2023 Sail Maui** - <https://www.hawaiinewsnow.com/2023/03/02/couple-files-suit-alleging-maui-snorkeling-tour-company-left-them-behind-water/>;

⁴ **Reef damage: 2025 Hula Girl** “The Department of Land and Natural Resources Division of Boating and Ocean Recreation confirmed that Hula Girl, a 65-foot commercial catamaran, ran aground in the Honolua-Mokuelia Marine Life Conservation District during the winter storm early Friday. But Maui County Councilmember Tamara Paltin said she doesn’t understand why they would have taken the vessel there. “Anybody that knows anything about the ocean knows that Honolua Bay is not a safe haven during a Kona storm,” Paltin said. “This is one of the commercial vessels that takes tours to Honolua Bay regularly, and so, of all people, they should know better.” DLNR said efforts are underway to salvage the vessel before it breaks apart and releases debris and pollutants into the bay. <https://www.khon2.com/local-news/frustrations-flare-as-catamaran-sits-on-reef-in-maui-conservation-area/>;

⁵ <https://mauinow.com/2025/01/05/preservation-groups-demand-state-follow-court-order-and-pause-commercial-permits-at-kaanapali-beach-until-study-is-done/>;

SB-1074-SD-2

Submitted on: 3/17/2025 4:26:37 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

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

Teresa Lynn

SB-1074-SD-2

Submitted on: 3/17/2025 5:41:27 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Mike Moran	Kihei Community Association (KCA)	Oppose	Written Testimony Only

Comments:

Aloha Chair,

We request you reject this measure, The amended version explicitly allows permits to be renewed during the environmental review process, setting up a permanent loophole to Hawaii's environmental law because there are no legally required time constraints on preparing or completing environmental studies. Please protect out coral reef infrastructure. Mahalo

Mike Moran for KCA



Trojan Horse:

HB661 HD2 and SD1074 SD2 threaten irreversible damage to public trust lands and waters, including Papahānaumokuākea¹

Aloha,

We **strongly oppose HB 661 HD2 and SB1074 SD2** and urge you to hold these bills.

Kā'anapali issues can be **resolved**² without gutting Hawai'i's foundational environmental law (HEPA)

Overview

The US National Environmental Policy Act (NEPA) is under attack in Washington, D.C. As a result, our Hawaii Environmental Policy Act (HEPA) – the bedrock law protecting public trust state lands and waters and cultural practices for future generations - may soon be standing alone.

HB661 HD2 and SD1074 SD2 propose eviscerating HEPA at this most dangerous time.

These controversial bills were purportedly “backward-looking” and targeted at a specific circumstance on Maui involving a group of commercial tour boat ORMA permit holders operating on the Kā'anapali coast for decades.

Instead, these broad forward-looking bills - with no sunset date –are a Trojan horse, and use the Kā'anapali boating situation as a cover for gutting HEPA by exempting a staggeringly wide range of high-impact activities throughout public trust lands and waters from normal HEPA requirements.

DLNR proposes exempting the lengthy list of activities in HRS Chapters 187A, 188, 189, 190, and 200.

These exemptions apply to **future** permits issued by DLNR for high impact activities in protected areas,³ potentially even in Papahānaumokuākea,⁴ aquaculture,⁵ the operation of thrill craft, commercial high-speed boating in state waters⁶, aquarium fishing⁷ and other commercial fishing⁸ throughout state waters, and all commercial activities in Kaneohe Bay⁹ etc.

HB661 and SD1074 allow 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. This complete 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.¹⁰

Even 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.¹¹

Nothing in these bills suggests that they apply solely to Ka'anapali ocean permittees in business for decades prior to the 2017 lawsuit or to non-extractive activities. Instead, these bills apply a wide range of high-impact

activities throughout the islands, unrelated to Kā'anapali, that DLNR can permit - *at any point in the future* - prior to any environmental review, no matter how illegal or destructive to public trust resources.

What are the answers to these **THREE CRUCIAL QUESTIONS** about HB661 HD2 and SD1074 SD2 – on Kā'anapali, Papahānaumokuākea, and irreversible damage to our public trust resources?

<https://nwhihui.wordpress.com/wp-content/uploads/2025/03/3-key-questions-about-hb661-hd2-and-sd1074-sd2-3.pdf>

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 sued¹² 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 completed¹³;
- **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. 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.

**Please oppose this dangerous effort to weaken HEPA
which will impact public trust lands, waters and cultural practices for generations to come.**

Mahalo nui loa, Vicky Holt Takamine 'Īlio'ulaokalani Coalition

¹ The strong protections of the Northwestern Hawaiian Islands State Refuge, Reserve and Papahānaumokuākea Monument were established as a result of public outrage over decades of the state's refusal to exercise jurisdiction and **refusal to implement HEPA in the state waters of the NWHI**. This allowed a tiny handful of politically-connected Wespac lobster fishers and poachers to destroy lobster populations in state waters and contributed to the starvation of the nearly extinct Hawaiian monk seals. Commercial fishing vessels slammed into reefs damaging corals and releasing thousands of gallons of fuel and fishing gear into the NWHI marine environment. Lobster stocks have never recovered.

Efforts are now underway in Washington DC to weaken the management structure and protections in Papahānaumokuākea and there are well-founded concerns that DLNR intends follow DC efforts to weaken Papahānaumokuākea protections.

If this were to happen, however, normal HEPA requirements apply to any proposed Papahānaumokuākea activities unless they are exempted as proposed under these bills which present a grave danger to our Northwestern Hawaiian Islands pu'unohua.

² Plaintiffs have since offered simple solutions that the state could implement but failed to do, 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."*

³ HRS Chapter 190 – *Marine Life Conservation Program*

⁴ 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/>

⁵ HRS Chapter 187A – *Aquatic Resources*

⁶ HRS Chapter 200 – includes §200-37 *Operation of thrill craft; parasailing; water sledding; commercial high speed boating*.

⁷ HRS Chapter 188 – *Fishing Rights and Regulations*, includes §188-31 *Permits to take aquatic life for aquarium purposes*.

⁸ HRS Chapter 189 – *Commercial fishing*, including "**lobsters taken from the waters of the Northwestern Hawaiian Islands**".

⁹ HRS Chapter 200 – includes §200-39 *Kaneohe Bay commercial ocean use activities; permits; restrictions*.

¹⁰ 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.

¹¹ Written testimony submitted by Ocean Tourism Coalition, Kā‘anapali commercial tour boat permittees, Sheraton Maui, Maui Banyan, etc. <https://nwhihui.wordpress.com/legislation/>

¹² <https://savewestmaui.com/2017/11/23/lawsuit-calls-for-study-of-tour-boat-operations-off-kaanapali/>

¹³ The Second Circuit Court in Nā Papa‘i Wawae ‘Ula‘ula, et al. v. DLNR,(2024), enjoined DLNR from issuing or renewing any commercial use permits for activities in Kā‘anapali ocean waters off West Maui until they determine that the activities are exempt from HEPA, or an environmental review is completed.

¹⁴ For suggestions by plaintiffs on simple steps to resolve Kā‘anapali issues, see, for example:

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

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

My name is Tony Coscia, and I am submitting testimony in strong support of SB 1074, which provides much-needed clarification regarding Hawaii's environmental review process and ensures the continued operation of long-standing, well-regulated commercial activities.

For decades, businesses across Hawaii have operated in full compliance with all applicable regulations, contributing to our local economy, providing essential services, and supporting thousands of residents and their families. However, recent legal interpretations have broadened the scope of what qualifies as an "action" under the environmental review process, placing long-standing businesses at risk of being forced to cease operations due to an unexpected and unnecessary regulatory shift.

SB 1074 is vital to the well-being and livelihood of countless Hawaii residents. It ensures that commercial activities previously authorized or permitted by the State can continue operating while a proper determination is made regarding their environmental review requirements. Without this measure, businesses could face sudden shutdowns, leaving employees without jobs, disrupting vital services, and harming Hawaii's economy—all without clear environmental benefit.

This bill does not weaken environmental protections. Instead, it provides fairness and stability by ensuring that businesses operating legally and in compliance with regulations are not unjustly penalized due to shifting legal interpretations. Additionally, it allows operators to renew their necessary permits while under review, preventing unnecessary economic and employment disruptions.

I urge you to pass SB 1074 to protect Hawaii's businesses, workers, and communities while maintaining our commitment to responsible environmental oversight.

Mahalo for your time and consideration.

Tony Coscia



SB-1074-SD-2

Submitted on: 3/17/2025 7:32:22 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

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

Comments:

Aloha Chairs,

Friends of Hanauma Bay strongly opposes this bill because It will entirely gut the Hawai'i Environmental Policy Act (HEPA) by allowing potentially destructive activities to **continue** during any required environmental review, which take an indeterminate amount of time to ensure public trust assets are fully protected for current and future generations.

Please defer this bill in the best interest of the people of Hawai'i and their public trust assets.

With Aloha,

Lisa Bishop, MS

President



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

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Rep. Nicole E. Lowen, Chair
Rep. Amy A. Perruso, Vice Chair

COMMITTEE ON WATER & LAND

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

NOTICE OF HEARING

DATE: Tuesday, March 18, 2025
TIME: 9:00 AM
PLACE: VIA VIDEOCONFERENCE
Conference Room 325
State Capitol
415 South Beretania Street

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

Dear Chair Hashem, Chair Lowen, Vice Chairs, and Members of the Committees on Water and Land and Energy and Environmental Protection:

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 in Hawai'i for 52 years.

OTC is in strong support of SB1074 SD2. However, if there are concerns that the bill is too broad, we would like to suggest certain changes which would maintain the bill's core purpose of ensuring regulatory stability for ocean-based tour businesses but prevent any unintended consequences.

The revised bill (provided below) clarifies that the temporary continuation provision applies exclusively to permits issued under HRS Chapter 200, which governs DLNR's boating permits, including those in Kā'anapali. This ensures that the law is limited and does not apply too broadly.

Additionally, the bill has been refined to apply only to permits renewed within the past twelve months. By limiting eligibility to recently renewed permits, the bill ensures

that only actively operating activities are affected by temporary continuation while undergoing environmental review.

Below is a revised version of SB1074 SD2 that reflects these proposed changes:

Proposed Language:

- (a) Notwithstanding any law to the contrary, when an activity or operation permitted or authorized under chapter 200 and renewed within the 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.

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. The court may extend the continuation period at its discretion.

- (b) If an agency determines that an activity or operation permitted or authorized under chapter 200 and renewed within the twelve months preceding the initiation of proceedings under this section is subject to this chapter, the operator 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 a permit or authorization issued under chapter 200 that has been valid and renewed within the twelve months preceding the initiation of proceedings under this section.

Sunset

To ensure this bill remains a temporary measure, OTC would not oppose adding a sunset provision that automatically repeals the bill. This would provide DLNR time to implement necessary changes while maintaining a balanced approach between industry stability and environmental accountability.

Conclusion

The Ocean Tourism Coalition is in strong support of SB1074 SD2, but understands the concerns stated in previous hearings. The suggested changes provide a clear, balanced approach that ensures regulatory certainty for Hawaii's ocean tourism industry while maintaining the integrity of environmental review processes.

We respectfully urge the Committees to pass this measure. Thank you for your time and consideration.

Sincerely,



Denver S. Coon
President, Ocean Tourism Coalition



REPRESENTATIVE NICOLE E. LOWEN, CHAIR
REPRESENTATIVE AMY A. PERRUSO, VICE CHAIR
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

REPRESENTATIVE MARK J. HASHEM, CHAIR
REPRESENTATIVE RACHELE F. LAMOSAO, VICE CHAIR
HOUSE COMMITTEE ON WATER & LAND

TESTIMONY IN **STRONG OPPOSITION** TO SENATE BILL SB 1074, SD2,
RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

March 18, 2025, 9:00 a.m.
Conference Room 325
State Capitol
415 South Beretania Street

Dear Chairs Lowen and Hashem, Vice-Chairs Perruso and Lamosao, and members of the House Committees on Energy & Environmental Protection and Water & Land:

Earthjustice **strongly opposes SB 1074, SD2**, 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 agencies like the Department of Land and Natural Resources to continue indefinitely rubberstamping approvals to use our 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, SD 2 cuts to the heart of HEPA's purpose, subordinating the public interest in service to "commercial operations."¹

¹ See Senate Stand. Com. Rep. No. 1043.

SB 1074, SD2's preamble suggests that "the State's environmental review process" is to blame for "commercial operations" being "forced to cease operations." In the boating context underlying this and similar bills this session, we understand that the parties are in the process of working out a settlement that would allow operations to continue. The legislature should respect the court process and not intervene on behalf of specific parties or interests in pending litigation.

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, SD 2 then subverts HEPA's core purpose by proposing to allow ongoing or recurring permitted 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 permitted 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. Indeed, permittees and agencies would have zero incentive to timely and faithfully comply with the environmental review process, relegating it to a meaningless paper exercise to justify continued harm and zero change in the status quo. 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.

March 18, 2025

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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 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. HEPA has 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, SD 2 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 and fearmongering.

For these reasons, Earthjustice strongly opposes SB 1074, SD 2 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



THE RITZ - CARLTON

MAUI, KAPALUA

TESTIMONY SB: 1074SD2

Subject: **TESTIMONY IN SUPPORT of Senate Bill SB 1074SD2 – Environmental Review**

Aloha Chair and Members of the Committee,

I, Jon Gersonde, General Manager of The Ritz-Carlton Maui, Kapalua strongly **SB 1074SD2** 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 1074SD2**.

Mahalo for considering this testimony.

Sincerely,

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



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

HEARING BEFORE THE HOUSE COMMITTEES ON
ENERGY & ENVIRONMENTAL PROTECTION and WATER & LAND
HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 325
Tuesday, March 18, 2025, 9:00 A.M.

To The Honorable Nicole E. Lowen, Chair
The Honorable Amy A. Perruso, Vice Chair
Members of the committee on Energy & Environmental Protection
To The Honorable Mark J. Hashem, Chair
The Honorable Rachele F. Lamosao, Vice Chair
Members of the committee on Water & Land

SUPPORT SB1074 SD2 RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

The Maui Chamber of Commerce **SUPPORTS SB1074 SD2**, which allows a previously authorized or permitted activity or operations to continue operation while the appropriate agency determines whether the activity or operation is subject to or exempt from the environmental review process when challenged; 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.

For these reasons we **SUPPORT SB1074 SD2** and respectfully request it 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.

Testimony in STRONG OPPOSITION to SB 1074, SD 2
Relating to Environmental Impact Statements

House Committees on Energy & Environmental Protection and Water & Land
Hearing: March 18, 2025, at 9:00 AM
State Capitol Conference Room 325

Aloha e Chair Lowen, Chair Hashem, Vice Chair Perruso, Vice Chair Lamosao, and Committee Members,

Nā Kiaʻi Kai submits this testimony in **strong opposition to SB 1074, SD 2**. 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.**

Mahalo for the opportunity to testify,

Kawai Warren
President, Nā Kia'i Kai



KO'OLAUPOKO HAWAIIAN CIVIC CLUB

House Committees on Energy & Environmental Protection and Water & Land
March 18, 2025, at 9:00 AM, State Capitol Conference Room 325

Testimony in **STRONG OPPOSITION** to SB1047, SD2 Relating to Environmental Impact Statements

Aloha Chair Lowen, Chair Hashem, Vice Chair Perruso, Vice Chair Lamosao, and Honorable Committee Members,

The Ko'olaupoko Hawaiian Civic Club (KPHCC) submits this testimony in strong opposition to SB1074, SD2. 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 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 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.**

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."

House Committee on Energy and Environmental Protection
House Committee on Water and Land
Hearing: March 18, 2025, at 9:00 AM
State Capitol Conference Room 325

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

Aloha e Chair Lowen, Chair Hashem, Vice Chair Perruso, Vice Chair Lamosao, and Committee Members,

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

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 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.**

Mahalo for the opportunity to testify on this important bill.

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

SB-1074-SD-2

Submitted on: 3/17/2025 8:36:07 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kim Ball	Hi-Tech Surf Sports	Support	Written Testimony Only

Comments:

Aloha House members,

I've supplied written testimony on this bill before, and I'm still in favor that this bill passes. I am the owner of Hi-Tech Surf Sports and we've been in business for 43 years on Maui.

This bill could put a lot of West Maui companies out of business, at a time when we need those businesses the most. Since the fire, our business has been struggling, less locals and less visitors, and our business is not even connected to the Kaanapali charter companies.

One of the charter company boats (Triology-who have been in business over 50 years) actually saved people from the fire on August 8....and that's after they lost one vessel in the fire.

Do what is pono...

Kim Ball



House Committees on Energy and Environmental Protection & Water and Land
March 18, 2025, at 9:00 AM, State Capitol Conference Room 325

Kūmano I Ke Ala's Testimony in STRONG OPPOSITION to SB 1074, SD 2

Aloha e Chairs Lowen & Hashem, Vice Chairs Perruso & Lamosao, and Committee Members,

Kūmano I Ke Ala submits this testimony in **strong opposition to SB 1074, SD 2**. 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, SD 2 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, SD 2 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, SD 2**.

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

SB-1074-SD-2

Submitted on: 3/17/2025 8:53:54 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

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



Native Hawaiian LEGAL CORPORATION

1164 Bishop Street, Suite 1205 • Honolulu, Hawai'i 96813
Phone (808) 521-2302 • www.nativehawaiianlegalcorp.org



SB1074 SD2

RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION
and
HOUSE COMMITTEE ON WATER & LAND

March 18, 2025

9:00 a.m.

Room 325 & Videoconference

Aloha e Chairs Lowen and Hashem, Vice-Chairs Perruso and Lamosao, and committee members:

The Native Hawaiian Legal Corporation **opposes SB1074 SD2**, which, like the previous drafts, subverts the fundamental purpose of the Hawai'i Environmental Policy Act ("HEPA"), Hawai'i Revised Statutes ("HRS") chapter 343, by proposing to allow permitted activities to continue even while undergoing environmental review.

HEPA was enacted over 50 years ago to protect the state's natural resources, held in trust for the people of Hawai'i, by "ensur[ing] that environmental concerns are given appropriate consideration in decision making." In so doing, the legislature declared that "the process of reviewing environmental effects is desirable because environmental consciousness is enhanced, cooperation and coordination are encouraged, and public participation during the review process benefits all parties involved and society as a whole." *See* HRS § 343-1. Since that time, this statute has been an important vehicle for communities across the pae 'āina – including Native Hawaiian cultural practitioners with place-based knowledge and traditional practices – to come to the table as part of the formal process to assess environmental impacts of proposed actions and provide agencies with the most comprehensive information to guide its decisionmaking and mitigate impacts **before** any action takes place.

SB1074 SD2 does the opposite. By allowing permitted activities to continue while undergoing environmental review, HEPA is turned on its head, rendering the legal

requirements of environmental review an afterthought rather than a planning tool to guide agency decision-making.

We have already witnessed the effects of unchecked authorizations without environmental review. For well over a century, commercial entities have historically dewatered streams in East Maui to support commercial operations dozens of miles away, severely impacting Native Hawaiian communities and their traditional farming, fishing, and gathering practices as well as the watershed that supports the moku's forests and estuaries. Under the authority of ongoing but "temporary" annual revocable permits, the state freely allowed the diversion of streams nearly two decades after (1) the community pushed for environmental review and (2) an environmental assessment was ordered by the circuit court. The diversions dried up streams, devastated lo'i kalo, destroyed the habitat that native species needed to thrive, and damaged the community's cultural heritage. And it was for that reason, the Hawai'i Supreme Court held that HEPA applied to these continuing activities: "[G]iven the significant environmental impact of the permitted action, [the Board of Land and Natural Resources'] authority to issue revocable permits is subject to the environmental review requirements of HEPA." *Carmichael v. Bd. of Land and Nat. Res.*, 150 Hawai'i 547, 552, 506 P.3d 233 (2022).

Indeed, turning a blind eye to the impacts of a "previously authorized or permitted activity" contradicts the intent and purpose of HEPA. SB1074 SD2 would allow for the rubberstamping of potentially devastating projects and programs, the perpetuation of harmful agency practices, and the authorization of actions that could harm our environment, culture, and community. Realistically, addressing compliance (or lack thereof) with environmental review could take years – years of potentially irreparable impacts that may never be able to be properly mitigated. "Disrupting" ongoing commercial activities should be the least of our state's concerns where our public trust resources are at stake.

Additionally, the proffered justification for this measure – *i.e.*, that "recent court decisions have broadened the definition of 'action'" – misstates the law. HRS § 343-2 defines "action" as "any program or project to be initiated by an agency or applicant." In looking at the range of activities to which HEPA has been applied, the Hawai'i Supreme Court in *Umberger* relied on "a generally accepted dictionary" for the plain meaning of the words "program" and "project" – ultimately narrowing and clarifying

the broader statutory definition. *See Umberger v. Dep't of Land & Natural Res.*, 140 Hawai'i 500, 513, 403 P.3d 277, 290 (2017); *see also* Hawai'i Administrative Rules § 11-200-1.2 (further defining "program" and "project").

HEPA already exempts from environmental review "specific types of actions, because they will probably have minimal or no significant effects on the environment." HRS § 343-6(a)(2). Commercial operations engaged in activities that will have no impact on our resources can rely on this provision – as they have always been able to do. However, weakening the protections of HEPA is inconsistent with the state's kuleana as trustee of our public trust resources.

For these reasons, NHLC opposes SB 1074 SD2 and requests that it be held. Mahalo for the opportunity to testify.

A handwritten signature in black ink, appearing to be 'S' followed by a flourish.

Ashley K. Obrey
Senior Staff Attorney
Native Hawaiian Legal Corporation

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

March 17, 2025

Aloha Chair and Members of the Committee,

OUTRIGGER Hospitality Group **strongly supports SB1074 SD2**, 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** 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**, 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.



Sean Dee

EVP, Chief Commercial Officer
OUTRIGGER Hospitality Group

SB-1074-SD-2

Submitted on: 3/17/2025 8:54:54 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Stephen Bennett	Trilogy Excursions	Support	Written Testimony Only

Comments:

My name is Stephen Bennett. I am President of Trilogy Excursions. I strongly support **SB1074** because Kaanapali is vital to our local economy and provides the income hundreds of local residents depend on to pay their rent and their bills.

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. Trilogy has proven over the years we are committed to being good stewards of our natural resources while providing jobs and keeping our community afloat.

If kaanapali orma operations 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,

Stephen Bennett

SB-1074-SD-2

Submitted on: 3/17/2025 8:59:05 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Geoff Peck	Aloha Blue Charters	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 Kaaupali 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. I have several employees of whom are able to support themselves and their families through this industry.

Mahalo

Geoff Peck

Owner/ Operator

SB-1074-SD-2

Submitted on: 3/17/2025 8:59:57 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Giovanna Tonzillo	Resting Beach Face LLC	Support	Written Testimony Only

Comments:

Dear Chair, Vice Chair and Members of the Committee,

I'm asking you for your support on bill SB1074 for our ocean tour boats. As a small business owner myself, like most of these operators, I know how greatly these companies and their employees will suffer if they are no longer able to operate while the environmental study is conducted. Without this bill, these abiding operators are at risk of being shut down for many, many years - even though they are held up there end on all fronts when it comes to complying with all permitting requirements.

I have firsthand seen how much care and attention is put into keeping this aspect of Maui's tourism not only in compliance with Hawaii State Laws but in the overall well being of Maui's beautiful wildlife. These operators teach tourists the proper way to enjoy both the waters and the shores of this island by spreading knowledge on wildlife, environmental issues and so much more by way of their genuine passion for keeping this island thriving. Without these operators, I fear what tourists will do with no guidance in our waters and elsewhere - as we have all seen it firsthand.

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

SB-1074-SD-2

Submitted on: 3/17/2025 9:02:39 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tara Peck	Aqua Adventures	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 Hawai‘i’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

Tara Peck

SB-1074-SD-2

Submitted on: 3/17/2025 9:03:45 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

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

Comments:

Aloha,

My name is Daniel Hazen, Operations Manager for Holo Holo Charters on Kauai. I am writing to express my strong support for Senate Bill 1074. This bill is vital for ensuring that previously permitted activities can continue operating while undergoing environmental review if their permits are challenged. SB1074 provides a necessary safeguard for businesses, preventing unnecessary disruptions and costly shutdowns during environmental reviews. It strikes a fair balance between maintaining environmental protection and supporting regulated operations that comply with the law. If operators are forced to suspend their activities while conducting extensive environmental studies, it could lead to the closure of businesses and a devastating loss of jobs. I urge you to pass SB1074 and support the families, businesses, and local communities that depend on these activities for their livelihoods.

Sincerely,

Daniel Hazen

Operations Manager, Holo Holo Charters

SB-1074-SD-2

Submitted on: 3/17/2025 10:14:08 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kyler Myers	Captain Andy's Sailing Adventures	Support	Written Testimony Only

Comments:

Aloha Chairs, Vice Chairs, and Committee Members,

My name is Kyler Myers, and I am a captain and operations manager with Captain Andy's, a long-standing commercial sailing operation on Kauai's Nā Pali Coast. I strongly support SB1074, which provides much-needed certainty for permitted commercial operators while ensuring compliance with Hawaii's environmental review process.

For businesses like ours, unexpected environmental review requirements can disrupt operations, jeopardizing jobs, reservations, and community services. SB1074 allows businesses to continue operating under existing regulations while the review process is conducted—ensuring compliance without unnecessary economic harm.

We fully support environmental stewardship and responsible tourism. This bill strikes a fair balance between protecting our natural resources and maintaining operational stability for businesses that have already met stringent permitting requirements.

I respectfully urge the committee to pass SB1074. Mahalo for your time and consideration.

Sincerely,

Kyler Myers

Captain, Captain Andy's Sailing Adventures

SB-1074-SD-2

Submitted on: 3/17/2025 11:05:38 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Anthony O Riordan	Irish on maui	Support	Written Testimony Only

Comments:

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

I kindly urge you to support **SB1074** for ocean tour boats. This bill is crucial in allowing Kā'anapali's ocean tourism operators to continue their livelihoods while undergoing the necessary environmental review. Without it, these long-standing, regulated businesses—despite complying with all permitting requirements—could face years of uncertainty and potential shutdowns.

These operators provide residents and visitors with a meaningful way to experience Hawai'i's marine environment while promoting conservation through education and sustainable practices. Their work fosters a deep appreciation for our ocean and helps protect it for future generations.

This bill offers a fair and reasonable approach—ensuring that environmental protections under **HRS 343** remain intact while also safeguarding the small, locally owned ocean tour businesses that have responsibly operated under state oversight for decades.

I respectfully ask for your support in passing **SB1074** to help preserve our local ocean tourism industry, protect the jobs it sustains, and support the families who depend on it.

Mahalo for your time and consideration.

Sincerely Irish on Maui

SB-1074-SD-2

Submitted on: 3/17/2025 11:54:46 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

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

Comments:

Aloha!

The Free Access Coalition OPPOSES SB1074. The environmental protections need to be observed, not the moneyed intrersts who seek to take water from East Maui for their commercial ventures. All the public needs free access to the wai.

Please table SB1074



March 17, 2025

House Committee on Energy & Environmental Protection
House Committee on Water & Land
Hawai'i State Legislature
Via Electronic Transmission

Re: Testimony in OPPOSITION of SB1074 SD2, Relating Environmental Impact Statements
Hearing: Tuesday, March 18, 2025, 9:00 AM CR 325 Via Videoconference

To: The Honorable Chair Lowen, Chair Hashem, Vice Chair Perruso, Vice Chair Lamosao, and Members of the Committees

Surfrider Foundation Hawai'i Region strongly opposes Senate Bill 1074 SD2 which would allow state agencies to permit commercial activities even before environmental review is complete. This undercuts the core function of the Hawai'i 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 Hawai'i's coastal and marine environments for decades. Hawai'i's environmental review process is pivotal to this mission.

We oppose SB 1074 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.

The Bill Incentivizes Commercial Operators to Challenge Environmental Protections.

The bill claims that it "temporarily" allows commercial activities to continue while the environmental review process unfolds. But the bill provides no guidelines for how long that temporary exemption may last. In a scenario where the environmental review process determines that the activity is too dangerous to approve, commercial operators will be incentivized to challenge that decision. By dragging out their challenge, a commercial entity could continue operating for years and years even after it is initially determined that the activity is too dangerous to permit.

The Bill is Shockingly Broad. It Applies to Any Activity "Undertaken by a Commercial Entity."

Despite claims that this bill applies only to previously permitted activities, the plain text of the bill is much broader. It applies to any activity "previously permitted, authorized *or undertaken by a commercial entity.*" This broad exemption allows *any* commercial entity to continue *any* previously undertaken activity during environmental review, irrespective of whether that activity was previously permitted or authorized.

Environmental protections are 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.

Sincerely,

Hanna Lilley
Hawai'i Regional Manager
Surfrider Foundation

SB-1074-SD-2

Submitted on: 3/17/2025 2:04:41 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

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

Comments:

My name is Chandra Bertsch, and I wholeheartedly support SB1074.

This bill isn't just about business—it's about fairness, economic resilience, and common sense. Right now, responsible businesses can be forced to shut down indefinitely during environmental reviews, even when there's no proven harm. That's not regulation—it's unnecessary disruption.

SB1074 ensures that businesses can continue operating unless there's clear evidence of harm, much like our legal system presumes innocence until guilt is proven. Without this protection, we risk losing not only jobs but also the deep expertise and innovation that have fueled our industries for generations.

Environmental responsibility and economic strength can—and must—go hand in hand. Let's safeguard both by passing SB1074.

Chandra Bertsch

Co-Owner & General Manager

Holo Holo Charters



Testimony Before The
House Committee on Energy & Environmental Protection (EEP)
House Committee on Water & Land (WAL)
IN OPPOSITION TO SB1074 SD2
March 18, 2025, 9:00 a.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, 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 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'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 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.

Aloha 'Āina Momona no nā kau ā kau.

SB-1074-SD-2

Submitted on: 3/17/2025 3:47:06 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Frank Caparso	Tech Partners Hawaii	Support	Written Testimony Only

Comments:

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.

SB-1074-SD-2

Submitted on: 3/17/2025 7:52:01 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

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

Comments:

In **STRONG OPPOSITION** to **SB1074 SD2**

This bad bill continues to **undermine our environmental review law** and the public trust resources and other public interests this law serves to protect!

Please **HOLD SB1074 SD2**

Mahalo,

Kupuna for the Moopuna

SB-1074-SD-2

Submitted on: 3/18/2025 7:25:46 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Susan B Roberts Emery	Green Party of Hawai'i	Oppose	Written Testimony Only

Comments:

Aloha Chairs Lowen and Hashem, Vice Chairs Perruso and Lamosao, and members of the committees,

My name is Susan RobertsEmery, I am co chairman of the Green Party of Hawai'i and we strongly **OPPOSE SB1074 SD2**, which continues to needlessly undermine our environmental review law and the public trust resources, cultural practices, public health, recreational activities, economic opportunities, and other public interests this law serves to protect. My internet has been spotty , and so I must keep this short in order to submit!

Green Party of Hawai'i is watching closely and we urge a Hold on SB1074 SD2.

Sincerely,

Susan RobertsEmery

Green Party Hawai'i

Paauilo

SB-1074-SD-2

Submitted on: 3/14/2025 2:43:27 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

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

Comments:

Please do not allow permits to be renewed during the environmental review process, this sets up a permanent loophole to Hawaii's environmental law because there are no legally required time constraints on preparing or completing environmental studies.

We need our marine life in Nature more than people need fish in tanks!!!!!!

SB-1074-SD-2

Submitted on: 3/14/2025 3:08:42 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kelly Rohlfs	Individual	Oppose	Written Testimony Only

Comments:

Please oppose this destruction bill and protect our reefs and fish populations.

SB-1074-SD-2

Submitted on: 3/14/2025 3:09:08 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Darby Partner CPM LM	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill. Please put our oceans and ocean creatures first.

SB-1074-SD-2

Submitted on: 3/14/2025 3:12:44 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Pamela Small	Individual	Oppose	Written Testimony Only

Comments:

Dear Sir or Madam,

I am writing today to lodge my **STRONG OPPOSITION** to SB1074. It is a dangerous bill that would entirely gut the Hawai'i Environmental Policy Act (HEPA) by allowing potentially destructive activities to **continue** during any required environmental review. The point of an Environmental Review is to **PREVENT** potentially damaging and destructive behavior, not to allow them to continue unchecked.

By allowing potentially damaging activities to continue unchecked during the lengthy process of acquiring an Environmental Impact Statement/review defeats the purpose of HEPA and undercuts the entire purpose of environmental protections.

If you allow activities to continue while requiring an environmental review, in most cases allowing them to continue unchecked for **YEARS**, the damage inflicted upon the aina could be irreparable. For example, if this bill been in effect in 2017, when the Hawai'i Supreme court ruled that aquarium collecting must undergo environmental review, the trade would still be operating today and **millions** more of our important reef animals would be missing from our reefs!

Please do the right thing for Hawai'i and its fragile environment and vote against SB1074.

Mahalo,

Pamela Small

Kawaihae, Big Island

SB-1074-SD-2

Submitted on: 3/14/2025 3:30:20 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Riley E. Coon	Individual	Support	Written Testimony Only

Comments:

My name is Riley Coon, and I work for Trilogy Excursions, my family business. 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. We lost 3 family homes in the fire. 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. We want to be contributing members of our community and our economy. Please don't put us out of a job and take our livelihoods away!

Mahalo,

Riley E Coon

SB-1074-SD-2

Submitted on: 3/14/2025 3:32:53 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Caroline Azelski	Individual	Oppose	Written Testimony Only

Comments:

Strong opposition due to no due dates on environmental impact statements.

SB-1074-SD-2

Submitted on: 3/14/2025 3:33:53 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
james ward	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I strongly oppose the passage of SB1074 not in terms of allowing non invasive tourism permits, but the predictable attempt by the aquarium trade to use this bill passage as a vehicle to circumvent the EIS process. the wording of such a bill must be more specific and as it's worded now is liable to be misused . Please do not pass 1074

Mahalo

James Ward Captain Cook

808-895-9656

I am writing to express my strongest opposition to SB1074L. The provisions in this bill will cause foreseeable and irreparable harm to our marine ecosystem. The financial benefit obtained by a few individuals from passage of this bill cannot justify the clear degradation of our most precious marine resource. We have a responsibility to protect and preserve our diverse marine ecosystem for future generations. Never have marine ecosystems been under such advancing environmental harm due to climate warming. Nothing that potentially further threatens this already endangered ecosystem should be instituted. Tourists and residents want to experience a flourishing marine ecosystem. I ask that you be a guardian and a steward of our invaluable natural resource. Please do not support this bill.

Jason Worchel, MD

SB-1074-SD-2

Submitted on: 3/14/2025 3:46:04 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

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 SD2**, 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-SD-2

Submitted on: 3/14/2025 4:01:00 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
STEVEN DEPAOLI	Individual	Oppose	Written Testimony Only

Comments:

Aloha kakou,

This loop hole bill MUST not be passed so that we can keep our reef fish population protected from being wiped out.

Mahalo nui,

Steve

SB-1074-SD-2

Submitted on: 3/14/2025 4:08:29 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Heather Huitt	Individual	Oppose	Written Testimony Only

Comments:

To all concerned,

It is my understanding that this bill would entirely gut the Hawai'i Environmental Policy Act (HEPA) by allowing potentially destructive activities to **continue** during any required environmental review.

Had this bill been in effect in 2017, when the Hawai'i Supreme court ruled that aquarium collecting must undergo environmental review, the trade would still be operating today and **millions** more of our important reef animals would be missing from our reefs!

The amended version explicitly allows permits to be renewed during the environmental review process, setting up a permanent loophole to Hawaii's environmental law because there are no legally required time constraints on preparing or completing environmental studies.

This cannot be allowed to happen. As a former saltwater aquarium owner I can confirm that many species of Hawaiian fish caught and sold for home aquariums do not fare well. They belong in our reefs, not a glass box.

Please do not allow this bill to continue any further.

Mahalo for your consideration.

Heather Huitt

SB-1074-SD-2

Submitted on: 3/14/2025 4:12:23 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Herb Conley	Individual	Support	Written Testimony Only

Comments:

I am in full support of the bill on this continuing process. I am in support of the bill only applying to those who already have permits. We have already lost so much in Maui that to continue with additional loss at this time is unwarranted. Thank you for your support.

Herb Conley - Hawaii resident since 1975.

SB-1074-SD-2

Submitted on: 3/14/2025 4:14:20 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Carol Davies	Individual	Oppose	Written Testimony Only

Comments:

As someone who swims daily in our ocean, I wish to protect the reef and fish from the aquarium trade. This bill could provide them an opening to decimate our reefs again. We need to not only protect our corals, but also help them to regrow.

SB-1074-SD-2

Submitted on: 3/14/2025 4:29:00 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Grant Heidrich	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose bill SB 1074. It is an environmental disaster, and degrades the reef and its ecosystem. It must be stopped.

Grant Heidrich

SB-1074-SD-2

Submitted on: 3/14/2025 4:29:34 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kaleo Lopez	Individual	Support	Written Testimony Only

Comments:

I supprot this bill!

SB-1074-SD-2

Submitted on: 3/14/2025 4:34:58 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Robert Flatt	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose the bill, because it could create a precedent for bypassing environmental review by other operations. Such as extractive operations like tropical fish collecting.

SB-1074-SD-2

Submitted on: 3/14/2025 4:46:59 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Denise Boisvert	Individual	Oppose	Written Testimony Only

Comments:

I STRONGLY OPPOSE this bill; please HOLD it.

If this passes, why even bother having any environmental regulations and reviews at all? We can just revert back to the free-for-all, anything goes, good ol' days.

SB-1074-SD-2

Submitted on: 3/14/2025 4:57:37 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Patricia Cadiz	Individual	Oppose	Written Testimony Only

Comments:

I'm very concerned about this bill. I do not want to see aquarium collectors use this as a backdoor to justify their operations. No aquarium fish collection!

However, I DO support small business "surface activities" that are a critical component of tourism. By surface sports I mean snorkeling, surfing, windsurfing, kayaking, kitesurfing and other recreational activities like these. I DO NOT support shark tours that "chum the waters" to attract sharks. Please do the right thing for our environment.

SB-1074-SD-2

Submitted on: 3/14/2025 5:17:39 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lois Crozer	Individual	Oppose	Written Testimony Only

Comments:

I **STRONGLY** oppose allowing aquarium fishing to continue under any circumstances. It must be banned **NOW**. We need the herbivores on the reef to keep algae in check and keep our reefs healthy, plus for recreational purposes and Hawaiian fishing rights. If we continue at this rate, all the reefs will be dead.

SB-1074-SD-2

Submitted on: 3/14/2025 5:25:24 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Shayla Middleton	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill

SB-1074-SD-2

Submitted on: 3/14/2025 5:28:59 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kim Jorgensen	Individual	Oppose	Written Testimony Only

Comments:

I EMPHATICALLY OPPOSE THIS BILL.

SB-1074-SD-2

Submitted on: 3/14/2025 5:34:42 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

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

Comments:

Dear Members of the Legislatiire

Thank you for reading my testimony

I am strongly opposed to SB1074 because of it had been in effect when Aquarium Collecting of Hawaii fish was under environmental review in 2017, the collectors could have continued to collect hundreds of thousands of Hawaiiis reef fish and fish like the yellow tang - a collectors dream - would have been taken in great numbers severely depleting the population

Even now please witness the difference in numbers at protected Hamauma Bay and unprotected Kiona Bay to see how even wkth protection the aquarists take if not supervised Imagiine if they are given free reign

I know the legislature wishes to protect Hawaiiia natural resources so tjis bill which would weaken the Hawai'i Enviirlnlmal Protect Act shoild be defeated and protection sjould continue through A review period

Thank you

David Meyer

SB-1074-SD-2

Submitted on: 3/14/2025 6:07:41 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Brody B Long	Individual	Support	Written Testimony Only

Comments:

I very much support this bill. Please help the Lahaina recovery from more hardships and challenges.

SB-1074-SD-2

Submitted on: 3/14/2025 6:46:49 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kelly Rainone	Individual	Oppose	Written Testimony Only

Comments:

My name is Kelly Rainone and I have studied marine science. I strongly oppose **SB1074** because Kaanapali is home to lots of marine life and beach environments are at a high risk of detrimental effects.

It is more important now more than ever to protect beach habitats. Beach loading not only causes potential harm to the environment but also is very dangerous. In order for a proper assessment to be done at the beach boat operations need to be paused. If the study comes back negatively than we just allowed even more damage to occur in the process.

If boat operators are forced to down it will allow for proper assessment of the impact without interference and further damage. **Please do not pass SB1074** to protect our marine environment and beaches.

SB-1074-SD-2

Submitted on: 3/14/2025 7:20:11 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
norm kaufman	Individual	Support	Written Testimony Only

Comments:

I support giving the business owners time for an EIR, especially in light of all of the negative effects as a result of the Lahaina fire. Too many hardworking people with families to support can ill afford to have more devastation occur in their lives. It is the right thing to do to allow these people to continue operations while the study is being done. After the EIR is complete, discussion can ensue.

SB-1074-SD-2

Submitted on: 3/14/2025 8:16:25 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Neil Frazer	Individual	Oppose	Written Testimony Only

Comments:

If passed into law, this bill would undermine the Hawai‘i Environmental Policy Act (HEPA) by allowing destructive activities to continue during environmental review. Violating the precautionary principle in this way sets a dangerous precedent. Our environment is our greatest asset for business and our greatest solace for residents -- please do not put it at risk by weakening HEPA.

SB-1074-SD-2

Submitted on: 3/14/2025 8:30:39 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
michael gilbert	Individual	Oppose	Written Testimony Only

Comments:

Aloha

I'm most concerned with the Aquarium Trade

This bill opens a loophole were this outrageous trade can reapply

As a long standing resident of our State please stop this

Personally I have seen our reefs decimated first by taking all the angel fish then other species.
They can not recover

They are also a militate group who do this as threats to anyone near by

It's just a totally insane thing to let get a please do your part and help

Aloha

Michael Gilbert MPA.Cr

Curator of Corporate Collections

Waldorf Astoria

Maui Hawaii

Sent from my iPad

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-SD-2

Submitted on: 3/14/2025 10:02:09 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Emma Hanrahan	Individual	Support	Written Testimony Only

Comments:

My name is Emma Hanrahan, 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

Testimony for SB1074 SD2

Subject: Testimony in Strong Support for SB1074 SD2

Aloha Chairs Lowen and Hashem and Members of the Committee on Energy & the Environment and Co Water
Committee on Water & Land

My name is Richard C Lim and I strongly support HB661.

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 during the environmental review process would entail 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.

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 SB2074 SD2.

Testimony in Strong Support of SB1074 – Relating to Environmental Review

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 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-SD-2

Submitted on: 3/15/2025 5:14:51 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Dr Michael Amaranthus	Individual	Support	Written Testimony Only

Comments:

I support SB1074. 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 Hawai'i 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-SD-2

Submitted on: 3/15/2025 7:05:36 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jade Moss	Individual	Support	Written Testimony Only

Comments:

Aloha,

Thank you for taking the time to review this issue. I support sb1074sd2 to allow "current" permits holders of recreational boating to continue operations. These local businesses support families by providing jobs and medical benefits.

Mahalo

SB-1074-SD-2

Submitted on: 3/15/2025 7:21:16 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Peyton Hoge	Individual	Oppose	Written Testimony Only

Comments:

Please don't allow any more collecting of specimens from our reefs for the aquarium trade. Keep our oceans vibrant and healthy. Mahalo!

SB-1074-SD-2

Submitted on: 3/15/2025 7:49:49 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

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

Comments:

Aloha Chairs, Vice Chair, and committee members,

My name is Ashley, and I am the sales manager at Sail Maui Our company has been operating in Hawaii for over 30 years, dedicated to providing high-quality experiences while upholding the values of environmental stewardship and cultural respect. I strongly support SB1074 SD2.

SB1074 SD2 is essential to maintaining regulatory stability for businesses that have long operated in compliance while undergoing environmental assessments or impact statements. This measure ensures that responsible operators are not unfairly penalized by procedural delays, allowing them to continue offering services that contribute to Hawaii’s economy, visitor experience, and environmental education.

As an industry deeply connected to Hawaii’s natural beauty, we understand the importance of conservation and responsible management. Many of us have been stewards of these places long before formalized regulations, implementing best practices to protect and preserve the resources we rely on. This bill acknowledges that commitment while upholding rigorous environmental oversight.

Mahalo for your time, consideration, and the opportunity to testify.

SB-1074-SD-2

Submitted on: 3/15/2025 8:10:13 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Randy Fernley	Individual	Support	Written Testimony Only

Comments:

Aloha Committee Members,

Plse pass this bill to allow permitted commercial activities to continue while conducting an environmental review.

Mahalo for your consideration,

Randy Fernley

SB-1074-SD-2

Submitted on: 3/15/2025 8:18:01 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Teresa Landreau	Individual	Oppose	Written Testimony Only

Comments:

Please strongly oppose this bill, which allows ongoing harm to our lands, reefs and waters which the administrative process to protect these takes its time. In addition to the immediate harm to our environment it will encourage needless delay in the administrative and court processes to buy polluters and extractors more time to continue their profit streams. **STRONGLY OPPOSE.** Mahalo

SB-1074-SD-2

Submitted on: 3/15/2025 8:29:54 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Dorothy Norris	Individual	Oppose	Written Testimony Only

Comments:

Purpose of an environmental review of any legistration, plan or activity is to ensure that a bad (environmental damaging) idea does not proceed. This measure removes that safeguard. Please do not allow this bill to pass!

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-SD-2

Submitted on: 3/15/2025 8:35:43 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

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-SD-2

Submitted on: 3/15/2025 8:42:58 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Mary True	Individual	Oppose	Written Testimony Only

Comments:

SB1074 SD2 opens a very dangerous loophole. We need to err on the side of conservation rather than throw the doors wide open to abuse. Please don't pass this for the sake of the health of our reefs and their fishy populations.

Aloha and mahalo for your attention, Mary True, Pepekeo

In Support of SB 1074 HD2 only with changes.

EEP/WAL on Tuesday, 03-18-25 9:00AM in House conference room 325

Please change SB 1074 to read the same as HB661 SD2, especially section (J.) of [HB661 HD2](#), so it is fair to all those previously ordered to prepare an EIS.

In addition, both bills' have a significant issue: they do not address what happens after an EIS is granted, which, in effect, will continue to prohibit the activity without legislators or BLNR enacting another long, drawn-out process of making a "rules package" for the permit.

Instead, the bills should be amended to allow **permits to be issued immediately after an EIS passage, with conditions to ensure that the information in the EIS is applied** to minimize environmental impacts. **Each agency should be able to add permitting conditions based on the EIS findings.**

If permitting is not addressed, invalid ocean user permits would devastate the 20 billion dollar-a-year tourist industry. In 2019, the visitor industry supported 216,000 jobs statewide, yielded nearly \$17.8 billion in visitor spending, and contributed more than \$2 billion in tax revenue to state coffers. All that is at risk!

Thank you for this opportunity to improve SB1074 HD2 by changing it to apply to **all** those working on an EIS with previously approved permits and streamlining the permitting process.

Mary Tubbs, M.Ed.

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Rep. Nicole E. Lowen, Chair
Rep. Amy A. Perruso, Vice Chair

Rep. Kirstin Kahaloa Rep. Sean Quinlan
Rep. Matthias Kusch Rep. Gene Ward

COMMITTEE ON WATER & LAND

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

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

NOTICE OF HEARING

DATE: Tuesday, March 18, 2025
TIME: 9:00 AM
PLACE: VIA VIDEOCONFERENCE
 Conference Room 325
 State Capitol
 415 South Beretania Street

TESTIMONY OF JAMES E. COON IN STRONG SUPPORT SB 1074,SD2

Aloha Chairs Lowen & Hashem, Vice Chairs Perruso & Lamosao and Members of the Committees:

My name is Jim Coon speaking in Strong Support of SB 1074, SD2.

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, 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

SB-1074-SD-2

Submitted on: 3/15/2025 9:57:29 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

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

Comments:

My understanding of Senate bill 1074 is that it would put aside environmental protections during review. This is just plain wrong. The fish need protecting now.

Thank you for considering my viewpoint, Tom Wallace Hawaii Kai

SB-1074-SD-2

Submitted on: 3/15/2025 10:01:04 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

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

Comments:

Aloha,

I am a mother of 4 employed in the Ka'anapali hospitality and tourism industry. I support this bill to keep boats running on Ka'anapali beaches.

I cannot support my family and will lose all my income if the bill to allow the boats to run does not get approved. Hundreds of my co workers who survived Covid shutdowns and the devastating Lāhainā fires, where they lost everything, will also lose their jobs.

Our employment and ability to provide for our families and indeed our ability to stay on Maui are at stake. If you take away the boats, you are slicing the economic necks of families on Maui in an environment where those jobs can never be replaced.

In addition to stripping hard working people of jobs, as many resort guests have shared with me- you will decimate the guests staying in Ka'anapali. The guests will go to other islands or vacation venues when faced with nothing to do near their resorts. That is a dual tax base loss of the workers and hotel taxes and fees. Please sign this bill keeping our Ka'anapali economy alive.

Mahalo,

Amy Dewbre

Aqualani Concierge Services Manager

SB-1074-SD-2

Submitted on: 3/15/2025 10:14:39 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Alexis Akeo	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 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 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. 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,
Alexis Akeo

SB-1074-SD-2

Submitted on: 3/15/2025 10:44:19 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Alex Murillo	Individual	Support	Written Testimony Only

Comments:

My name is Alex Murillo, and I strongly support SB1074. My livelihood depends on a company that requires permits to continue operating in Ka'anapali. Without these permits, my ability to work and support myself would be at risk. I urge you to pass this bill to help protect jobs and the future of those who rely on this industry.

SB-1074-SD-2

Submitted on: 3/15/2025 10:47:38 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tristan Sumajit	Individual	Support	Written Testimony Only

Comments:

Aloha,

I strongly support SB1074 as a Maui resident.

Tristan Sumajit

SB-1074-SD-2

Submitted on: 3/15/2025 11:06:56 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jeffrey Melcher	Individual	Support	Written Testimony Only

Comments:

Aloha

My name is Jef Melcher and I SUPPORT B ill SB1074

SB-1074-SD-2

Submitted on: 3/15/2025 11:22:53 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lynn Allen	Individual	Oppose	Written Testimony Only

Comments:

I urge you to hold this measure unless a retroactive date of Jan. 1, 2025 is added so that commercial aquarium collecting – conducted under both commercial marine licenses and/or aquarium permits—is not allowed to resume operations. In 2023, the Board of Land and Natural Resources unanimously supported rulemaking to permanently end aquarium collecting. Do not create a loophole for the mainland aquarium trade to take advantage of while that rulemaking process remains unfinished.

SB-1074-SD-2

Submitted on: 3/15/2025 11:31:59 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jordan Murakane	Individual	Support	Written Testimony Only

Comments:

Date: March 15th

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

My name is Jordan, and I am writing in strong support of SB1074. As a dedicated worker in Ka‘anapali, I rely on the continued availability of permits to sustain my livelihood and contribute to our local economy.

Tourism is the backbone of our community, providing countless jobs for residents who depend on the industry to support themselves and their families. SB1074 is crucial to ensuring that businesses operating in Ka‘anapali can continue to thrive, offering essential services and experiences that attract visitors to our islands. Without proper permitting, many hardworking individuals—myself included—could face uncertainty about our futures.

By passing SB1074, you are not only supporting businesses but also protecting the jobs of local workers who depend on them. I urge you to approve this bill and ensure the sustainability of our workforce and economy.

Mahalo for your time and consideration.

Sincerely,

Jordan Murakane

SB-1074-SD-2

Submitted on: 3/15/2025 11:33:06 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nathaniel Fisher	Individual	Support	Written Testimony Only

Comments:

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

I am writing today to strongly support SB1074, which is critical to ensuring the continued operation of responsible, legal businesses while an Environmental Impact Statement (EIS) study is conducted.

SB1074 is not about sidestepping environmental responsibility; it is about fairness and common sense economic stability. Without this bill, long-standing legal operators, who have followed all regulations in good faith, will be forced to shut down while the EIS process is underway. This would create unnecessary and avoidable hardship for business owners, employees, and the many local families who depend on this industry.

The economic ripple effect of such a shutdown would be significant. Many businesses, including tour operators, mechanics, suppliers, and local vendors, rely on the steady flow of operations to sustain their livelihoods. Forcing closures before the study is even completed would disrupt an entire industry, jeopardizing jobs and impacting the broader local economy.

I support a thorough and fair EIS process, but it should not come at the cost of livelihoods and businesses that have operated legally and responsibly for years and in some cases, decades.

I urge you to pass SB1074 to ensure that legal operators can continue to serve their communities while the EIS process moves forward. Thank you for your time and consideration.

Nathaniel Fisher

SB-1074-SD-2

Submitted on: 3/15/2025 11:42:38 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Christopher Z Resich	Individual	Support	Written Testimony Only

Comments:

Aloha,

I, Christopher Z Resich, am in support of SB1074 SD2.

As I understand, passing this Bill will allow tour operators in 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 SD2 at minimum as it applies to Kaanapali ORMA permit operators.

Mahalo for considering my testimony,

Christopher Z Resich

SB-1074-SD-2

Submitted on: 3/15/2025 11:50:50 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Landon Dagupion	Individual	Support	Written Testimony Only

Comments:

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

I am submitting my testimony in strong support of SB1074. I work for a company that relies heavily on permitting in Ka‘anapali, and this bill is essential to ensuring that my co-workers and I can continue to do our jobs.

Our livelihoods depend on the ability to work in this area, and without the necessary permits, many of us would struggle to stay on Maui. This bill directly impacts our ability to provide for ourselves and our families, allowing us to remain part of the community we love.

I urge you to support SB1074 and help protect the jobs that so many local residents depend on.

Mahalo for your time and consideration.

Sincerely,
Lando Dagupion

SB-1074-SD-2

Submitted on: 3/15/2025 11:59:49 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Genesis Gomez-vinuya	Individual	Support	Written Testimony Only

Comments:

Aloha,

I strongly support SB1074. I work for a company that depends on permits in Ka‘anapali, and my job—along with many others—relies on this process.

Without these permits, my co-workers and I would struggle to keep working and living on Maui. This bill helps protect our jobs and the local community.

Please support SB1074 to keep us working.

Mahalo,
Genesis Gomez-vinuya

SB-1074-SD-2

Submitted on: 3/15/2025 12:19:00 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

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

Comments:

N/A

SB-1074-SD-2

Submitted on: 3/15/2025 12:33:02 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Kennedy	Individual	Support	Written Testimony Only

Comments:

I am strongly in favor of SB1074 SD2. Here are my reasons:

- 1) It is fair.
- 2) We especially need these tourist attractions on West Maui.

Mahalo,

A concerned Lahaina/Ka'anapali Home Owner

SB-1074-SD-2

Submitted on: 3/15/2025 12:58:35 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
andre Tangatailoa-villegas	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Tangatailoa-villegas, and I am a hardworking resident of Maui. I strongly support SB1074 because my job depends on the permits that allow businesses to operate in Ka'anapali.

Without these permits, my coworkers and I could lose our livelihoods, making it even harder to afford to live here. This bill is not just about businesses—it's about protecting the workers and families who rely on them.

Please support SB1074 to help keep us employed and our community strong.

Mahalo,
Andre Tangatailoa-villegas

SB-1074-SD-2

Submitted on: 3/15/2025 1:11:15 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
nainoa Fabrao	Individual	Support	Written Testimony Only

Comments:

To whom it may concern.

My name is nainoa Fabrao an I support Sb1074.

Mahalo

SB-1074-SD-2

Submitted on: 3/15/2025 1:17:18 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Moana Ward	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Moana Ward, and I am a hardworking resident of Maui. I strongly support SB1074 because my job depends on the permits that allow businesses to operate in Ka'anapali.

Without these permits, my coworkers and I could lose our livelihoods, making it even harder to afford to live here on Maui.

Please support SB1074 to help keep our community strong.

Mahalo,
Moana Ward

SB-1074-SD-2

Submitted on: 3/15/2025 1:22:39 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kodiak Bostick	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Kodiak Bostick, and I am a manager overseeing a team of hardworking associates here in Maui. I strongly support SB1074 because the permits in Ka'anapali directly impact my team's ability to work and provide for their families.

My associates rely on these jobs to afford the high cost of living on the island. Without these permits, many would face financial hardship, and we risk losing dedicated workers who are essential to our local economy.

I urge you to support SB1074 to protect the livelihoods of my team and countless others who depend on this industry.

Mahalo,
Kodiak Bostick

SB-1074-SD-2

Submitted on: 3/15/2025 1:24:43 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Christopher Doerr	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of SB1074

Aloha,

My name is Chris Doerr, and I am a dedicated worker in Ka‘anapali. I strongly support SB1074 because my job—and the jobs of many others—depends on the permits that allow us to continue working here.

Without these permits, I, along with my co-workers, would struggle to make a living and afford to stay on Maui. This bill is crucial to keeping us employed and supporting our local economy.

I ask for your support in passing SB1074 to protect our jobs and our community.

Mahalo,
Chris Doerr

SB-1074-SD-2

Submitted on: 3/15/2025 2:00:15 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Momi Vee	Individual	Oppose	Written Testimony Only

Comments:

Repeating this process only means one thing.? The ones supporting this bill could care less about Hawai'i's delicate ecosystem's. We have lost soo much and the blatant disregard for our children's rights are seriously being ignored on this platform. To have fish swimming freely in an ocean its ancestors have is shameful to disrupt, and will definitely hurt the regeneration of a species. This is one of the most environmentally dangerous bills circulating through Senate! It would entirely gut the Hawai'i Environmental Policy Act (HEPA) by disregarding care for our environment and potentially causing destructive activities to **continue** during any required environmental review.

SB-1074-SD-2

Submitted on: 3/15/2025 2:16:10 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Liahona Kaniho	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Liahona Kaniho, and I work in Ka‘anapali, where my job depends on businesses having the proper permits to operate. SB1074 is essential because it ensures that workers like me can continue earning a living and supporting our families here on Maui.

If these permits are not secured, many of us could lose our jobs, making it even harder to afford to live in our own community. This bill is not just about businesses—it’s about the workers who rely on them.

Please support SB1074 to help protect our jobs and keep Maui’s workforce strong.

Mahalo,
Liahona Kaniho

SB-1074-SD-2

Submitted on: 3/15/2025 2:23:35 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Donovan Lopez	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of SB1074

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

My name is Donovan Lopez, and I am writing in strong support of SB1074. As a worker in Ka'anapali, I rely on businesses that need permits to continue operating. This bill is crucial to ensuring job security for me and many others who depend on tourism and ocean activities to make a living.

Without these permits, many hardworking residents could face job loss, making it even more difficult to afford the rising cost of living on Maui. SB1074 helps protect local jobs and the businesses that keep our economy strong.

I respectfully urge you to pass this bill and support the workers and families who depend on it.

Mahalo for your time and consideration,
Donovan Lopez

SB-1074-SD-2

Submitted on: 3/15/2025 2:28:48 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jacob Garibay	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Jacob Garibay, and I strongly support SB1074 SD2.

Please continue to move this bill forward so we can keep working without disruption.

Mahalo,

Jacob Garibay

SB-1074-SD-2

Submitted on: 3/15/2025 2:36:26 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kiala Brown	Individual	Support	Written Testimony Only

Comments:

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

My name is Kiala Brown, and I am writing in **strong support** of SB1074 SD2. This bill is critical for protecting jobs and ensuring the stability of businesses that rely on permitted operations in Ka‘anapali.

As a worker who depends on these permits for my livelihood, I know firsthand how important it is to have consistency and reliability in our industry. Without these permits, many of us would face job insecurity, making it even more difficult to afford the high cost of living on Maui. Our work not only supports us and our families but also contributes to the local economy and visitor experience.

I urge you to **pass SB1074 SD2** to protect jobs, businesses, and the workers who make Ka‘anapali a world-class destination.

Mahalo for your time and consideration.

Sincerely,
Kiala Brown

Subject: Testimony in Strong Support of SB1074_SD2

Aloha Speaker and Members of the House,

I am Dan Shydler and I **strongly support SB1074_SD2.**

SB1074_SD2 is a good regulatory solution. SB1074_SD2 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.

I understand that there may be an intent to narrow this legislation and to focus its application to currently permitted commercial businesses. I am fully supportive of those intents.

The passing of SB1074_SD2 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 and support local families and businesses.

Mahalo for considering this testimony.

Sincerely,

Dan Shydler

SB-1074-SD-2

Submitted on: 3/15/2025 2:42:23 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tom Hargreaves	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-SD-2

Submitted on: 3/15/2025 2:42:56 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Thomas Domingo	Individual	Support	Written Testimony Only

Comments:

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

My name is Thomas Domingo, and I am writing in **strong support** of SB1074 SD2. As the head of my household, I rely on my job to provide for my family and keep a roof over our heads. This bill is essential to ensuring job security for myself and many others who depend on permitted operations in Ka'anapali.

Without these permits, hardworking people like me would be at risk of losing our livelihoods. The cost of living on Maui is already high, and any disruption to our jobs would make it even harder to support our families. We are not just workers—we are parents, providers, and members of this community who contribute every day to keeping Maui's tourism industry strong.

I urge you to **pass SB1074 SD2** to protect the jobs that so many families depend on.

Mahalo for your time and support.

Sincerely,
Thomas Domingo

SB-1074-SD-2

Submitted on: 3/15/2025 2:51:31 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jenna Allen	Individual	Support	Written Testimony Only

Comments:

Aloha!

My name is Jenna Allen and I am writing to strongly support SB 1074. I have worked for Trilogy Excursions for nearly 6 years, and continued operation at Kaanapali Beach is essential to my job, and so many others in my community.

After losing my home in the Lahaina fires, my job has become more important than ever to me. The cost associated with replacing all of my possessions, in conjunction with my rent being over double as a result of the housing crisis has put a huge financial strain on me and so many of my friends. If Kaanapali permits are not renewed, and we lose another huge chunk of the industry on the Westside as a result, I may be forced to relocate. My job has been a lifeline to me during an exceedingly challenging time. We operate with minimal impact, value safety about all else and have a passionate and qualified crew on the beach and at the helm of all of our boats. Our industry allows visitors from all over the world to experience the magic of the ocean, often for the first time, and I hope to leave our guests with a new perspective and increased investment in ocean conservation.

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 continue to recover from the fires.

Mahalo

SB-1074-SD-2

Submitted on: 3/15/2025 3:07:55 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Sager	Individual	Support	Written Testimony Only

Comments:

Testimony for SB1074SD2

Subject: Testimony in Support of SB1074SD2 – Relating to Environmental Review

Aloha Chair and Members of the Committee,

My name is Elizabeth Sager and I am a resident and employee of West Maui. I am writing in support of SB1074SD2, 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.

SB1074SD2 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 SB1074SD2, 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 SB1074SD2 and support our local families and businesses.

Sincerely,
Elizabeth Sager

SB-1074-SD-2

Submitted on: 3/15/2025 3:08:42 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
kevin flanigan	Individual	Support	Written Testimony Only

Comments:

I write in support of passage for this Bill. My company builds boats for the Hawaii Tourism industry. We ask you to pass this bill to ensure tourism on Maui has more options. We agree it can apply to current permit holders.

thank you, Kevin Flanigan

SB-1074-SD-2

Submitted on: 3/15/2025 3:28:35 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Milana Lock	Individual	Support	Written Testimony Only

Comments:

March 15, 2025

Aloha Honorable Senators, Chairs and Committees,

I am writing again in support of passing 2 bills: SB 1074 and HB 661 pertaining to continued boat operations/activities/excursions and operating license renewals along Ka'anapali while an Environmental Assessment is evaluated/acted upon. I hope the essential and multiple contributions, benefits made by continued operations are recognized and supported by the full legislature and Governor.

Passing both bills would buoy ongoing comeback efforts, promote tourism and consumerism while also supporting environmental stewardship. Boat excursions and activities would continue to draw mainland and international bookings, contribute to many jobs and opportunities, therefore, income for residents as well as add to county and state revenues. Plus, both bills send a deeply important message about Hawai'i's commitment to getting Maui back on course so ohana and local folks can again thrive.

Restaurants, recreation companies, souvenir stores, Whaler's Village, etc., count on walk-in visitor business. Visitors are essential for families who own or are employed at these establishments. All of these places and services help rebuild lives and restore normalcy. Continuing beloved and long standing activities is another way to return to normal.

Maui continues to struggle after 2 devastating, jarring events: an extended Covid 19 shutdown and a life shattering Lahaina wildfire. Families, family-owned restuarants, locally owned excursion companies, popular vendors and 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 after the past 4 difficult years. **Passing SB 1074 and HB 661 supports recovery.**

My family and extended family are loyal, annual visitors who've been coming to Ka'anapali for decades to enjoy every type of boat and ocean activity. We come to the West Side for the rich variety of excursions and experiences offered by superior ocean activities operators, including whale watching, dinner cruises, sunset cruises, SUP (stand up paddle board), scuba diving at Molokini, Snorkel, parasailing, reef explorations, 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 contribution to that protection.

Mahalo nui loa, thank you again for your support.

Kindly, Milana Lock

SB-1074-SD-2

Submitted on: 3/15/2025 3:56:31 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Monique L LeBlanc	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 Kaaupali 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.

Mahalo-Monique LeBlanc

SB-1074-SD-2

Submitted on: 3/15/2025 3:56:38 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Marjorie Bonar	Individual	Oppose	Written Testimony Only

Comments:

Reversing the conditions of the previous legislation protecting the reef and it's resident population should be the first priority of all residents. Allowing the pillaging of animals that contribute to the health of our protective shores is tantamount to blowing holes in shoreline protections.

Please recognize the damage done by lack of environmental care by the aquarium collectors, even unintentionally. Hurt the reef, hurt all of us.

SB-1074-SD-2

Submitted on: 3/15/2025 4:23:56 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Brett Greenberg	Individual	Support	Written Testimony Only

Comments:

Aloha, I'm writing to ask you to please continue to help with HB-661. As a decades resident of the islands and with family affected by the horrible fires, you know Maui continues to struggle. With the economy so vital to all areas of recovery it's critical that tourism and the hospitality industry return to operations and be able to serve our islands lifeblood, which is tourism. The narrowing of this Bill to just apply to "current" permit holder makes great sense and we support it. These are legit operators who have been doing this for many many years. I ask that you please do the right thing and continue to allow current permit holders to be allowed to remain in business.

Mahalos for your time.

Brett

SB-1074-SD-2

Submitted on: 3/15/2025 5:02:00 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Molly McMillen	Individual	Support	Written Testimony Only

Comments:

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

I urge you to support SB1074 to ensure that ocean tour operators in Kaanapali can continue their operations while undergoing environmental review. Without this bill, these longstanding, regulated businesses risk being shut down for years—even when they’ve followed all permitting requirements.

These operators provide residents and visitors with a way to experience Hawaii’s marine environment responsibly, promoting conservation through education and sustainable tourism practices.

SB1074 strikes a fair balance—protecting our natural resources under 343 while allowing small ocean tour businesses, which have operated responsibly under state oversight for decades, to continue.

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

Mahalo for your time and consideration.

Best,

Molly McMillen

SB-1074-SD-2

Submitted on: 3/15/2025 8:25:57 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Waltraut Mori	Individual	Oppose	Written Testimony Only

Comments:

Let's stoop the aquarium trade once and forever and protect our reefs and our fishes!

SB-1074-SD-2

Submitted on: 3/15/2025 8:43:41 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
BENNETT CONVERSE	Individual	Support	Written Testimony Only

Comments:

Be reasonable

SB-1074-SD-2

Submitted on: 3/16/2025 3:29:04 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Theo King	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill. cannot imagine my government stopping good quality businesses from operating. We have endured so much over the past 7 years. Many lives would be ruined.

if this bill does not pass the personal impact would unforgiven. There are people who are feeding their families with their jobs the companies that own these permits have a vested interest, many are in debt to the bank as well as the SBA loans from covid. If these businesses are forced to stop there would be a major default of the loans secondly all the employees would either have to find new work or move off Island many of these employees do this out of the love of working on the ocean. This has got to be one of the most ridiculous anti-business moves I've ever seen the Hawaii state government make.

Beyond any common sence..

Theo King

SB-1074-SD-2

Submitted on: 3/16/2025 7:32:52 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Joe Culbertson	Individual	Oppose	Written Testimony Only

Comments:

Please oppose SB1074. Our state CANNOT afford the destructive actions of some to continue. Our environment is being stripped of it's limited resources now and I feel this must be stopped. Oversight of these environmental activities must continue until all reviews are completed and the leaders of this State and regulatory persons can guarantee the protections necessary to mitigate the greed that lurks within the aquarium trade as well as other short sighted, profit oriented entities.

Mahalo

SB-1074-SD-2

Submitted on: 3/16/2025 8:35:47 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

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

Comments:

Testimony in Strong Support of SB1074 SD2 – Relating to Environmental Review Aloha Chair and Members of the Committee, My name is Brandon Chu, and I am writing in strong support of SB1074 SD2. I will start by saying I'm in support of protecting Maui's natural resources and conducting an environmental review. This bill allows for this to happen without shutting down local business's who have been lawfully operating with permits for years. SB1074 SD2 acknowledges the significant KNOWN impact on our community and provides a fair condition in which to conduct an environmental review. I care deeply about our community, our island, and the hard working members of our industry who would be devastated if this bill is not passed and out of work. I can't elaborate enough that we here on Maui continue to try and just stay afloat from all the devastation from the fires from August 2023. Please help and support us by not shutting down our business's and allowing us to continue providing employment for our thousands of industry workers here on Maui. I appreciate the opportunity to share this testimony and support SB1074 SD2. Mahalo, Brandon Chu

SB-1074-SD-2

Submitted on: 3/16/2025 9:13:47 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
linda willaby	Individual	Oppose	Written Testimony Only

Comments:

My name is Linda Willaby. I live in Kalapana on the Big Island and have lived here for almost 17 years. I snorkel daily and in my time here I have seen a drastic reduction in the number of reef fish. Stop selling out our reefs. Stop letting monied interest take the fish from the reefs. Do not allow permits to be renewed during the environmental review process. All aquarium fishing needs to be banned for the health of our reefs.

SB-1074-SD-2

Submitted on: 3/16/2025 10:02:33 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kamalani Waipa	Individual	Support	Written Testimony Only

Comments:

Aloha

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

SB-1074-SD-2

Submitted on: 3/16/2025 10:23:38 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

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 SB1074. 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 SB1074 as it is vital for the future of our community.

Mahalo,

Fred G. Findlen

General Manager

Hyatt Regency Maui Resort and Spa

SB-1074-SD-2

Submitted on: 3/16/2025 10:39:25 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jenni DeFouw	Individual	Support	Written Testimony Only

Comments:

I am Jenni DeFouw and I strongly support SB1074.

SB1074 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,

Jenni DeFouw

SB-1074-SD-2

Submitted on: 3/16/2025 10:41:43 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

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

Comments:

I support SB 1074 . I have worked many years on kaanaapali and it has support not only me but many many families. It has been a very much struggle to try to recover economically from the fires in Lahaina. If this bill was to go through and block all. Oat yours in Kaanapali on top of the current struggle to recover from fires many family as well as Kaanapali economy itself would be devastated.

SB-1074-SD-2

Submitted on: 3/16/2025 10:48:17 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Matt Talbot	Individual	Support	Written Testimony Only

Comments:

I am Matt Talbot and I strongly support SB1074.

SB1074 allows previously permitted activities to continue operating while undergoing environmental review if permits are challenged.

This bill strikes a fair balance between protecting Hawaii's natural resources and supporting long-standing small businesses And the families they support

Please pass SB1074.

Mahalo for considering this testimony.

Sincerely,
Matt Talbot

SB-1074-SD-2

Submitted on: 3/16/2025 10:57:41 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tamara S Augustine	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Tamara Augustine. I work for Teralani Sailing and am in support of this Bill. Teralani provides me the oppurtunity to raise my 4 children on this Island. Without the job I do not know what I would do.

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 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 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-SD-2

Submitted on: 3/16/2025 11:00:12 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Hunter Cuaresma	Individual	Support	Written Testimony Only

Comments:

Aloha

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

SB-1074-SD-2

Submitted on: 3/16/2025 11:08:31 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Wendy Noritake	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB1074 and urge the legislators to stop the bill. I am an avid scuba and free diver, underwater photographer and writer. We must protect our fish, especially the reef fish from being removed from our waters, their home. Many of the reef fish, especially prized by the aquarium trade, are endemic to Hawai'i. They are found nowhere else on the planet, so we must protect them. They are already faced with pollution, climate change, other fish predators, and of course, humans.

Thank you for listening and taking action to stop SB1074.

Wendy Noritake

SB-1074-SD-2

Submitted on: 3/16/2025 11:15:39 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Greg Miller	Individual	Support	Written Testimony Only

Comments:

We are in full support of SB107. The narrowing of this Bill to just apply to current permit holders makes great sense.

SB-1074-SD-2

Submitted on: 3/16/2025 11:23:07 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tierra Dominguez	Individual	Support	Written Testimony Only

Comments:

Aloha

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-SD-2

Submitted on: 3/16/2025 11:23:17 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jayden Walker	Individual	Support	Written Testimony Only

Comments:

I support SB1074 SD2. Please pass this bill.

SB-1074-SD-2

Submitted on: 3/16/2025 11:33:18 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

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

Comments:

I AM VERY MUCH IN SUPPORT OF PASSING THIS BILL!

My ability to earn an income depends on having a job that runs out of Kaanapali Beach. As an older person, no one wants to hire anyone who isnt young despite experience. Without this job I wont be able to afford the cost of living on Maui. Please allow operators to continue work as the environmental impact study is underway.

Maria Schotte

SB-1074-SD-2

Submitted on: 3/16/2025 11:34:06 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
peter o riordan	Individual	Support	In Person

Comments:

Dear Chair, Vice Chair, and Committee Members,

Aloha,

I urge you to support SB1074 concerning ocean tour boats. This legislation is critical to ensure that ocean tourism operators in Kaanapali can maintain their businesses during environmental reviews. Without it, these established, law-abiding operators risk being closed for years, despite meeting all permit obligations.

These operators provide residents and tourists alike with opportunities to enjoy Hawaii’s marine wonders in a low-impact way, fostering conservation through education and responsible tourism practices.

SB1074 offers a reasonable compromise, safeguarding our natural resources under Chapter 343 while sustaining the small ocean tour companies that have operated diligently under state supervision for decades.

Please vote in favor of SB1074 to preserve our local ocean tourism sector, the employment it sustains, and the families who rely on it.

Mahalo nui loa

SB-1074-SD-2

Submitted on: 3/16/2025 11:35:31 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

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-SD-2

Submitted on: 3/16/2025 11:39:34 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lynda Wallach	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose SB1074 and urge that the legislature does not pass it. Any delay in the protection of our reefs and reef fishes supports the greedy aquarium industry which has no interest in the life or beauty of this precious resource but only in the money they can make exploiting it. As our representatives you have been entrusted with the obligation to protect Hawaii and what makes it such a special place. Please fulfill this obligation

mahalo, Lynda Wallach

SB-1074-SD-2

Submitted on: 3/16/2025 11:40:58 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Deborah Wallace	Individual	Oppose	Written Testimony Only

Comments:

Please do not pass this measure.

Our reefs and our fish and our Oceans must be protected. It is unconscionable to allow the continued degradation of our oceans, taking of our fish and damage to our environment and our health. Our oceans are severely damaged, our coral is in peril, and our fish population has been seriously decimated over the last many years. we already have climate change impacting our oceans in Hawaii and we add to that aquarium fishing that should not be allowed and overfishing. I have seen this destruction firsthand and it is just wrong to allow this. To to allow these behaviors to continue during review Will only bring harm to the reefs.

thank you for your consideration

Deborah Wallace

Hawaii Kai

SB-1074-SD-2

Submitted on: 3/16/2025 12:15:22 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Noah Flores	Individual	Support	Written Testimony Only

Comments:

I support this bill because I live in lahaina and still are struggling from the fire. still need a job to support my ohana.

Please accept my testimony in strong opposition to SB1074.

It is vital that this proposed permanent loophole to Hawaii's environmental law, with no legally required time constraints on preparing or completing environmental studies, is SQUASHED!

Please vote to protect Hawaii's unique and precious marine and land wildlife into perpetuity.

SB-1074-SD-2

Submitted on: 3/16/2025 12:18:48 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Bryson sylvia	Individual	Support	In Person

Comments:

Aloha my name is bryson sylvia I am a resident of Lahaina Maui Hawaii and also a Sheraton employee I strongly support this bill SB1074. The residents of Lahaina Maui including myself cannot afford to lose any more jobs for the residents of Lahaina and this bill allows for our industry and workers to make a living while an environmental assessment is done. Mahalo,

SB-1074-SD-2

Submitted on: 3/16/2025 12:20:54 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jeffrey Melcher	Individual	Support	Written Testimony Only

Comments:

I, jeff melcher, support this bill

SB-1074-SD-2

Submitted on: 3/16/2025 12:27:53 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

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.

SB-1074-SD-2

Submitted on: 3/16/2025 12:30:27 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ikaika Neizman	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

My name is Ikaika Neizman, 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.

The businesses are already under strict regulations and have accepted what ever changes the State and County have asked. That alone should garner proof that they are willing to follow whatever law is deemed necessary. Please do the study but also, please let businesses operate while the study is being conducted.

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.

SB-1074-SD-2

Submitted on: 3/16/2025 12:30:43 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
anita wintner	Individual	Oppose	Written Testimony Only

Comments:

I am a Hawaii resident and have been for almost 40 years. I strongly oppose SB1074. There is a reason a HEPA review was asked for and required. The numbers of reef fish have declined drastically in the past 20 years. Aquarium collectors have damaged the reef and continue to take fish of all sizes so they don't have a chance to reproduce, they take fish that are on the black list, there aren't limits to the number of permits, and still there are illegal poaching going on. It is common sense that there is an environmental review necessary before you allow new permits for aquarium collecting. Fish are needed to keep our reefs healthy. Please, just think ahead for future generations and health of the islands. Do not pass this bill. You also bring a whole lot more money from tourism who come to snorkel healthy reefs.

Anita Wintner

SB-1074-SD-2

Submitted on: 3/16/2025 12:30:52 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Philip akeo	Individual	Support	Written Testimony Only

Comments:

Aloha Committee Members,

My name is Philip Akeo, and I am writing to express my strong support for HB 1074 as a devoted husband, father, and proud resident of Hawaii. The well-being of my family and the future of our islands are always at the forefront of my mind, and this bill is a critical step toward ensuring a safer, healthier, and more sustainable Hawaii for our keiki.

HB 1074 is essential in providing stability, a safe environment, a strong community, and opportunities for future generations to thrive. If this bill does not pass, it will not only impact my family but also many others in our community, jeopardizing jobs and making it nearly impossible for local families to continue living on the island of Maui.

I urge you to support HB 1074 and stand with the hardworking families of Hawaii who want to build a secure and prosperous future for our children.

Mahalo,

Philip Akeo

SB-1074-SD-2

Submitted on: 3/16/2025 12:31:59 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

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-SD-2

Submitted on: 3/16/2025 12:33:20 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

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.

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 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 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 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 Hawaii's reputation as a world-class destination which the County and State of Hawaii 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 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-SD-2

Submitted on: 3/16/2025 12:33:24 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Javier barberi	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-SD-2

Submitted on: 3/16/2025 12:34:12 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Paula Le Blanc	Individual	Support	Written Testimony Only

Comments:

please support our Maui families who need business!

SB-1074-SD-2

Submitted on: 3/16/2025 12:35:08 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

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-SD-2

Submitted on: 3/16/2025 12:38:47 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Capt. Phil Quinn	Individual	Support	Written Testimony Only

Comments:

Statement in Support of SB1074 SD2

Submitted by: Capt. Phil Quinn, Sea Maui

Aloha Chair and Members of the Legislature,

I am writing to express my strong support for SB1074 SD2, a bill that is essential to keeping local businesses afloat, protecting jobs, and helping Maui’s economy recover.

As a longtime captain and operator with Sea Maui, I’ve spent years navigating both our island waters and the complex regulations that govern commercial operations. We have always followed the rules, secured the required permits, and operated responsibly. But now, because of changing interpretations of environmental laws, businesses like ours are facing the possibility of being shut down—despite decades of compliance.

If this happens, the impact will be devastating. Thousands of jobs could be lost across multiple industries that rely on tourism and ocean activities—boating, catering, hospitality, and local services. This comes at a time when Maui is already struggling to rebuild from the fires, and we simply cannot afford another economic blow. The loss of revenue from these closures would be another setback for an island that depends on a healthy and functioning economy to support its residents.

SB1074 SD2 is a practical and fair solution. It allows businesses that have been operating legally and responsibly to continue while undergoing environmental review, rather than forcing them to shut down immediately. This approach ensures that oversight remains in place without putting people out of work and disrupting the local economy.

Maui needs stability now more than ever. I urge you to pass SB1074 SD2 to protect local jobs, keep our economy moving, and maintain a balanced approach to regulation.

Mahalo for your time and consideration.

Capt. Phil Quinn

Sea Maui

SB-1074-SD-2

Submitted on: 3/16/2025 12:42:05 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Capt. Linda Rickabaugh	Individual	Support	Written Testimony Only

Comments:

Statement in Support of SB1074 SD2

Submitted by: Capt. Linda Rickabaugh, Sea Maui

Aloha Chair and Members of the Legislature,

I am writing in strong support of SB1074 SD2, a bill that is crucial for preserving local jobs, sustaining businesses, and ensuring the stability of Maui’s economy during these challenging times.

With over 30 years of experience operating in Ka’anapali, I have dedicated my career to sharing the beauty of our waters while adhering to every regulation put in place to protect them. Businesses like Sea Maui have worked hard to comply with all permitting and environmental requirements, yet now, because of changing legal interpretations, we face the risk of being shut down. This would not only harm responsible operators like us but also devastate the livelihoods of thousands who rely on the tourism, boating, catering, and hospitality industries.

Maui is already struggling to recover from the economic hardships caused by the fires, and the loss of long-standing businesses would only deepen the crisis. If these closures happen, it’s not just business owners who will suffer—it’s the hardworking employees, local vendors, and families who depend on these jobs to make ends meet. The financial impact would be felt across the island, from small businesses to county and state revenues that rely on a functioning tourism economy.

SB1074 SD2 provides a fair and reasonable path forward. By allowing previously authorized businesses to continue operating while undergoing environmental review, it ensures that responsible companies are not unfairly penalized. This bill upholds environmental oversight while preventing unnecessary economic harm.

Now more than ever, Maui needs stability and support. I urge you to pass SB1074 SD2 to protect jobs, keep our local economy moving, and provide a fair regulatory process for businesses that have long operated in good faith.

Mahalo for your time and consideration.

Capt. Linda Rickabaugh
Sea Maui

SB-1074-SD-2

Submitted on: 3/16/2025 12:45:37 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Capt. Carrie Pouring	Individual	Support	Written Testimony Only

Comments:

Statement in Support of SB1074 SD2

Submitted by: Capt. Carrie Pouring, Sea Maui

Aloha Chair and Members of the Legislature,

I am writing to express my **strong** support for SB1074 SD2, a bill that is critical to protecting local jobs, businesses, and the economic well-being of Maui.

As a captain with Sea Maui, I've spent years working in Ka'anapali's waters, ensuring that our operations not only meet but exceed regulatory and environmental standards. Like many long-standing businesses, we have always operated in compliance with the law. However, recent changes in how environmental regulations are interpreted now put **responsible** operators at risk of being shut down—even after years of following every rule.

If these businesses are forced to close, the consequences will be devastating. Thousands of local jobs in tourism, boating, catering, and hospitality could disappear overnight. Maui's economy is already struggling in the wake of the fires, and additional business closures would only make recovery even more difficult. These operations provide income for families, revenue for small businesses, and contribute significantly to the island's economy. Losing them would be a huge setback for everyone who calls Maui home.

SB1074 SD2 offers a reasonable solution. It allows businesses that have been legally operating to continue while undergoing environmental review instead of forcing immediate shutdowns. This ensures that environmental oversight remains in place while preventing unnecessary job losses and economic hardship.

Now is the time to support Maui's workforce and businesses. I urge you to pass SB1074 SD2 to protect livelihoods, keep our economy strong, and ensure a fair and balanced regulatory process.

Mahalo for your time and consideration.

Capt. Carrie Pouring
Sea Maui

SB-1074-SD-2

Submitted on: 3/16/2025 12:49:43 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Capt. James Nelson	Individual	Support	Written Testimony Only

Comments:

Statement in Support of SB1074 SD2

Submitted by: Capt. James Nelson, Sea Maui

Aloha Chair and Members of the Legislature,

I'm writing to express my support for SB1074 SD2 because it's **critical** for keeping hardworking people employed and businesses running here on Maui.

I've been a captain with Sea Maui for years, and like many other local operators, we've always followed the rules, secured the right permits, and done our part to protect the environment. Now, due to changes in how regulations are being interpreted, businesses like ours could be **shut down**—even though we've been operating responsibly for decades. That's just not right.

If this happens, it won't just affect a few companies—it will ripple through the entire community. **Jobs will disappear.** Boat crews, hospitality workers, catering teams, and countless others who rely on tourism will be left without a paycheck. Maui is still trying to get back on its feet after the fires, and the last thing we need is another hit to our economy.

SB1074 SD2 is a fair solution. It allows long-standing, permitted businesses to continue operating while going through environmental review, rather than being forced to shut down immediately. **This bill doesn't change the need for environmental oversight—it just makes sure that people don't lose their jobs in the process.**

Maui needs stability now more than ever. I urge you to pass SB1074 SD2 to keep businesses open, protect local jobs, and help our community move forward.

Mahalo for your time and consideration.

Capt. James Nelson
Sea Maui

SB-1074-SD-2

Submitted on: 3/16/2025 12:51:52 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Sammy Larrazabal	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am Sammy Larrazabal and I strongly support SB1074.

As a proud member of the westside boating community we need to keep boats running on Maui's westside. The community of Lāhainā has been through enough. Please do not take away our jobs. We believe in conservation by education, the guests leave our boats feeling inspired to care for the ocean and its inhabitants even more. We inspire them to care for the aina, we love west Maui and truly cannot express our support for this bill enough.

This bill strikes a fair balance between protecting Hawaii's natural resources and supporting long-standing and well regulated small businesses.

Please pass SB1074.

Mahalo for considering this testimony.

Warmly,

Sammy Larrazabal

SB-1074-SD-2

Submitted on: 3/16/2025 1:00:06 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jaeven Sumper	Individual	Support	Written Testimony Only

Comments:

I support this because of all the jobs that are on the line. Tourism is one of our main jobs and to strip that away from local families would not be a good look.

SB-1074-SD-2

Submitted on: 3/16/2025 1:05:58 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jamie Sweet	Individual	Support	Written Testimony Only

Comments:

Statement in Support of SB1074 SD2

Submitted by: Jamie Sweet, Reservations Manager, Sea Maui

Aloha Chair and Members of the Legislature,

I am writing to **strongly support** SB1074 SD2.

As the Reservations Manager for Sea Maui, I see firsthand how much our team depends on this work to provide for themselves and their families. For me, this job is everything. As a **single mother**, I rely solely on this income to survive and take care of my children. Losing my job would not only be devastating for me but would **directly impact my ability to provide for my family**.

While I was fortunate not to lose my home in the fires, many of my co-workers weren't as lucky. They lost everything—homes, belongings, their sense of security. The only thing keeping them going is the ability to work and rebuild. If businesses like Sea Maui are forced to shut down because of regulatory uncertainty, it won't just mean a few lost jobs—it will mean another **crisis** for families who are already struggling.

The impact won't stop at our company. If businesses like ours are forced to close, it will have a ripple effect, hurting catering companies, boat crews, hospitality workers, and countless others who rely on tourism to make a living. **Maui is still recovering**, and shutting down businesses now would only make things worse for the entire community.

SB1074 SD2 is a fair and necessary solution. It allows long-standing, legally operating businesses to continue working while going through the environmental review process instead of being shut down immediately. This bill doesn't weaken environmental oversight—it simply prevents unnecessary job losses and economic hardship while businesses follow the process.

Maui's workers and families need stability now more than ever. I urge you to pass SB1074 SD2 to protect local jobs, keep businesses open, and help our community continue to recover.

Mahalo for your time and consideration.

Jamie Sweet
Reservations Manager, Sea Maui

SB-1074-SD-2

Submitted on: 3/16/2025 1:11:14 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Dylan Primrose	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-SD-2

Submitted on: 3/16/2025 1:11:27 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Taylor Rigsby	Individual	Support	Written Testimony Only

Comments:

Statement in Support of SB1074 SD2

Submitted by: Taylor Rigsby, Manager, Sea Maui

Aloha Chair and Members of the Legislature,

I am writing to voice my full support for SB1074 SD2, a bill that is essential to protecting jobs, supporting local businesses, and keeping Maui’s economy from suffering even more during this challenging time.

As a manager at Sea Maui, I’ve seen firsthand how much **effort** goes into running a responsible and compliant operation. We’ve always followed the rules, obtained the necessary permits, and ensured that we operate in a way that **respects both the environment and the community**. Now, because of changes in how regulations are being interpreted, we’re suddenly facing the possibility of shutting down despite doing everything by the book.

For many of us, this isn’t just a job—it’s how we **survive**. I work alongside people who lost everything in the fires. Their homes, their belongings, their sense of security—all gone in an instant. The one thing they’ve been able to hold onto is their job, which allows them to start over and rebuild their lives. If this bill doesn’t pass, they may lose that as well, making an already difficult situation even worse.

This issue extends far beyond just our business. If companies like ours are forced to shut down, the effects will ripple through the entire community, impacting catering companies, tour operators, hotel staff, and countless others who depend on tourism-related jobs. Maui’s economy is still in recovery mode, and forcing businesses to close right now would only set us back even further.

SB1074 SD2 is a fair and reasonable measure that allows businesses with valid permits to keep operating while going through the environmental review process. It does not remove environmental oversight—it simply prevents businesses from being unfairly shut down before they even have the chance to comply with new interpretations of the law.

Maui families and workers **need security**, not more uncertainty. I urge you to pass SB1074 SD2 to keep local businesses running, **protect jobs**, and help our community move forward.

Mahalo for your time and consideration.

Taylor Rigsby
Manager, Sea Maui

SB-1074-SD-2

Submitted on: 3/16/2025 1:15:48 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Zett Elyss Amora	Individual	Oppose	Written Testimony Only

Comments:

Aloha: I urgently request that you oppose this bill for reasons that should be obvious to everybody but especially Hawai'i residents and their **elected officials**, and more importantly anyone who loves and enjoys our most treasured state resource: THE OCEAN.

In these times of such OBVIOUS harm to all natural resources it makes no sense whatsoever that our State Officials would approve the **SELLING OF THREATENED OCEAN CREATURES FOR PROFIT !!!!** Worse yet, if it could be worse, is that much of this profit is made by out-of-state businesses.

In my humble opinion it is impossible to put a price tag on any form of Life on Earth and I urge you to preserve the sanctity of our Natural Resources in Hawai'i and VOTE NO on SB1074 SD2.

I have been a daily swimmer on Kohala and Kona shores for over 20 years and I have only seen the consistent **DECLINE OF FISHLIFE** and other ocean dwellers.

Mahalo for Kokua...Zettelyss Amora

SB-1074-SD-2

Submitted on: 3/16/2025 1:20:09 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Danna Reyes	Individual	Support	Written Testimony Only

Comments:

Statement in Support of SB1074 SD2

Submitted by: Danna Reyes, Operations Manager, Sea Maui

Aloha Chair and Members of the Legislature,

I am writing in strong support of SB1074 SD2 because it helps protect local jobs and businesses that have been operating responsibly for years.

As the Operations Manager at Sea Maui, I see every day how important our business is—not just for our employees, but for the many other companies that depend on tourism. We’ve always followed the rules, maintained our permits, and operated in a way that respects our environment and community. But now, changes in how regulations are interpreted could force us to shut down, even though **we’ve done everything right**.

If that happens, the effects will be felt far beyond our team. Many local businesses, from catering companies to transportation services, rely on operations like ours to bring in customers. If we are forced to close, they lose business too. On top of that, many of my coworkers are still recovering from the devastating wildfires. Their jobs are their only source of stability right now, and losing them would make rebuilding their lives even harder.

SB1074 SD2 is a fair and necessary measure that allows existing businesses to continue operating while they go through the environmental review process. It doesn’t take away oversight—it just ensures that businesses aren’t **unfairly shut down** while they work through the system.

Maui is still healing, and we need to support the businesses and workers who keep our economy going. I urge you to pass SB1074 SD2 to protect jobs, keep businesses running, and give our community the stability it needs to recover.

Mahalo for your time and consideration.

Danna Reyes
Operations Manager, Sea Maui

SB-1074-SD-2

Submitted on: 3/16/2025 1:23:31 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Marie Marcol	Individual	Support	Written Testimony Only

Comments:

Statement in Support of SB1074 SD2

Submitted by: Marie Marcol, Manager, Exclusive Limo Maui

Aloha Chair and Members of the Legislature,

I am writing in support of SB1074 SD2 because it will help protect local businesses, jobs, and the many industries that **rely on tourism to survive**.

As the Manager of Exclusive Limo Maui, I work closely with local tour operators, boat charters, and activity providers who count on reliable transportation to serve their guests. If these businesses are forced to shut down due to changing interpretations of environmental regulations, the impact will spread far beyond them. It will affect companies like mine and many others that depend on a steady flow of visitors to keep people employed and the local economy moving.

Maui is already struggling to recover from the devastation of the wildfires. Many workers lost their homes and belongings, and now they are at risk of losing their jobs too. Shutting down long-standing, permitted businesses would create more hardship for families who are doing their best to rebuild their lives.

SB1074 SD2 provides a fair solution. It allows businesses to continue operating while they go through the environmental review process, instead of forcing them to close immediately. This bill does not weaken environmental protections—it simply ensures that businesses are given a fair chance to comply with the process without putting people out of work.

Now more than ever, Maui’s workers and businesses need stability. I urge you to pass SB1074 SD2 to keep our **economy strong**, protect local jobs, and support the businesses that serve our community.

Mahalo for your time and consideration.

Marie Marcol
Manager, Exclusive Limo Maui

SB-1074-SD-2

Submitted on: 3/16/2025 1:35:44 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

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

Comments:

i support this bill because a lot of locals work and love the job.

SB-1074-SD-2

Submitted on: 3/16/2025 1:38:03 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
adrian ibarra	Individual	Support	Written Testimony Only

Comments:

I support this bill because it helps out the local economy.

SB-1074-SD-2

Submitted on: 3/16/2025 1:49:21 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lisa Bunge	Individual	Oppose	Written Testimony Only

Comments:

This bill would create a loophole for the aquarium trade. Clearly this is a time to protect our reef and the fish that keep it healthy. The aquarium trade does exactly the opposite.

SB-1074-SD-2

Submitted on: 3/16/2025 1:58:21 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kallye pali	Individual	Support	Written Testimony Only

Comments:

I am in fully support of this bill

SB-1074-SD-2

Submitted on: 3/16/2025 1:58:24 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Drake carroll	Individual	Support	Written Testimony Only

Comments:

Aloha my name is Drake, I support this bill! If our jobs get interrupted i need to support my family

SB-1074-SD-2

Submitted on: 3/16/2025 2:06:14 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Stuart Mumm	Individual	Support	Written Testimony Only

Comments:

I am writing to support passage of SB1074.

As small business owners, we have been devastated by the effects of COVID, followed by the Lahaina fire. Our business has lost over 50% of our revenue for the last 1 1/2 years following the fire. We are struggling to survive. This business is our main source of retirement income, and we have poured our retirement savings into it.

While we await the return of tourism to Maui, it is most important to continue to have activities for people to enjoy so that they will continue coming to Maui. If the cruise and activity boats are not allowed to continue to operate in West Maui our recovery will be further delayed and damaged. Please support passage of SB1074.

Thank you,

Stuart and Farzie Mumm

SB-1074-SD-2

Submitted on: 3/16/2025 2:11:21 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lon Wallace	Individual	Oppose	Written Testimony Only

Comments:

Aloha~

I am writing today to unequivocally oppose the proposed SB1074, as its passage would once again open the door for the aquarium gathering business here in our islands prior to or in lieu of an Environmental Review. I am a long-time resident of West Hawaii island, and avid waterman. Through the decades I have personally seen and experienced the grossly imbalanced impact this industry has had on our reef fish, from witnessing the large haul outs at Kawaihae Harbor with their collateral damage, to more importantly the intense diminishing of the various populations out on our reefs. It was and is clearly an unsustainable practice that has negatively impacted the health of the waters and reef and clearly disturbed the ecological balance. Since the temporary ban went into effect around 2017, I and many others who use the waters for recreational, health and spiritual benefit have seen a slow but notable come back, even with the poachers still out there. It is far from back to a fully healthy, balanced state, but the improvement is obvious and a welcome change. We desperately need to keep Hawaii's fish in our waters for the continued health of the reef, and for all those locals and tourists who enjoy and derive benefit on many levels from their presence and corresponding healthy reef; NOT be taken for the relatively very few who want to capitalize on their removal for monetary gains with no regard for the negative impact they generate and short-sighted damage they leave behind.

Mahalo nui loa,

Lon Wallace, PhD.

Kamuela, Hawaii

SB-1074-SD-2

Submitted on: 3/16/2025 2:17:38 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

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.

I am submitting testimony in **strong opposition to SB1074.**

This bill allows a loophole for the **Aquarium Trade**, an extractive marine activity, to gain access to Hawaii's aquatic reef community **without a completed environmental review.**

The Aquarium Trade is in stark contrast to **Marine Tourism** which is non-extractive and has minimal environmental impact. This bill would apply to far more than just marine tour operators, offering a path around environmental review for the Aquarium trade. SB1074 will allow permits to be renewed and collecting activity to continue during the environmental review process, possibly creating a permanent loophole to Hawaii's environmental law.

The Aquarium trade's wild-caught saltwater aquarium fish face high mortality rates, with estimates suggesting that around 80% die before reaching hobbyists, and a significant portion of those that survive die within the first year. This extractive, one-way, **Aquarium trade needs environmental review before permitting.** We need healthy reefs and maintaining a healthy, diverse fish population is essential.

Therefore, I am in strong opposition to SB1074.

Respectfully,

Mathew Belcher
Kamuela HI
March 16, 2025

SB-1074-SD-2

Submitted on: 3/16/2025 2:45:53 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

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

Comments:

SB1074 SD2 can only be acceptable if section 343 (2) is changed from "activity or operation shall not include construction, grading, dredging, or other structural modifications to land, waterways, or marine environments;" to "activity or operation shall not include construction, grading, dredging, or other structural modifications to land, waterways, or marine environments, or extraction or harvesting of any natural resource with the exception of subsistence fishing or subsistence hunting for human consumption;" Without this change, the bill is a giveaway to commercial mining, fishing and other operations that could cause severe environmental harm, and should NOT BE PASSED. It appears that this bill has been introduced at the request of special interests, and these interests should always be identified in the introduction to the bill. I suspect that this bill may have been written to benefit the aquarium collection industry, which is solidly opposed by a majority of the citizens of Hawaii, and which has been unable to write an acceptable EIS, and should not be allowed to reopen in defiance of the courts and BLNR by means of a backdoor vaguely worded bill such as this.

SB-1074-SD-2

Submitted on: 3/16/2025 2:48:17 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

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. 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, 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-SD-2

Submitted on: 3/16/2025 2:56:09 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

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. 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 is essential, as the Civil Court Order may be fatal to many of these businesses.

SB-1074-SD-2

Submitted on: 3/16/2025 3:17:35 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Brandon D. Chu	Individual	Support	In Person

Comments:

Testimony in Strong Support of SB1074 – Relating to Environmental Review

Aloha Chair and Members of the Committee,

My name is Brandon Chu, and I am writing in strong support of SB1074.

I will start by saying I'm in support of protecting Maui's natural resources and conducting an environmental review. This bill allows for this to happen without shutting down local business's who have been lawfully operating with permits for years. SB1074 acknowledges the significant KNOWN impact on our community and provides a fair condition in which to conduct an environmental review. I appreciate the opportunity to share this testimony and support SB1074.

SB-1074-SD-2

Submitted on: 3/16/2025 3:35:42 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

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.

SB-1074-SD-2

Submitted on: 3/16/2025 3:41:26 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

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.

David Kimo Frankel
1638-A Mikahala Way
Honolulu, HI 96816

March 18, 2025

TESTIMONY IN OPPOSITION TO SB 1074

Chairs Lowen and Hashem and members of the House Committee on Energy and Environmental Protection and the House Committee on Water & Land,

I am an attorney focused on the protection of natural and cultural resources. I oppose SB 1074 (as well as HB 661 HD2).

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 would allow BLNR and other agencies to renew permits that may have devastating consequences without considering their impact.

When government agencies 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.

BLNR cannot be relied upon to act in good faith. 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). It found the BLNR's approval of revocable permits as "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).

SB 1074 SD2 is poorly drafted. So too is HB 661 HD2 (limited to fishing, coral collection, operation of thrill craft, boating, and harbor leases), which 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 the National Environmental Policy Act, HRS chapter 343 has always applied to 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-SD-2

Submitted on: 3/16/2025 4:03:13 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Olinda Kelley	Individual	Support	Written Testimony Only

Comments:

Thank you for the privelage of being able to provide comment an testimony for this bill. We've had such a hard time of things here in Lahaina. Our friends, our families and our businesses are all still devastated. There seems no good time to shut down businesses especially those that haave been proving great services and building thousands of lasting memmmories however *NOW* would be the worst possible time! To use a couple of highly overused sayings this is cart before the horse and throwing the baby out with the bath water. Taking businessmen and business women who abided by and followed all rulkkes in and out year after year for decades and incedted many, many tens of thousands of dollars in their business and in some cases life savings and throwing them aside *WHILE* a study is done is just not reasonable, fair or in any way pono. Year after year these businesses in Ka'anapali have operated with the understanding that if the pay the appropriate fees, operate safely and follow all guidelines then there was a reasonable, actually more than reasonable chance they would have permits renewed. Why else would anyone in their sane minds invest so much money, blood, sweat and tears if they knew they had only one year (365 days) to pay for their investments and make a profit to pay the banls for borrow3ed funds and feed their families? They would not! Please allow these assets to our community and strong reputable companies and the many, many individuals and families that they support to ***REMAIN IN BUSINESS while or until even any environmental reviews are completed.***

With respect and honor thank you for approving and voting to pass this bill. ***It is the RIGHT thing to do.***

Olinda Anne Kelley

SB-1074-SD-2

Submitted on: 3/16/2025 4:16:54 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Zack Espino	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

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

SB-1074-SD-2

Submitted on: 3/16/2025 4:17:25 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

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.

My interpretation of SN1074 SD2 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 SV1074 SD2 and support our local families and businesses.

Mahalo for considering this testimony.

Sincerely,

Rick Williamson

SB-1074-SD-2

Submitted on: 3/16/2025 4:24:35 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Anna Leahey	Individual	Support	Written Testimony Only

Comments:

I am Anna Leahey and I strongly support SB1074.

We at Teralani love teaching people about conservation on the island. We have educated thousands of people about the North Pacific humpback whales and our Hawaiian green sea turtles. We strive to do good for our beautiful island of Maui. This job provides a livelihood for hundreds people working on Kaanapali Beach.

This bill strikes a fair balance between protecting Hawaii's natural resources and supporting long-standing and well regulated small businesses

Please pass SB1074

Mahalo for considering this testimony.

Sincerely,

Anna Leahey

SB-1074-SD-2

Submitted on: 3/16/2025 4:25:50 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

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.

My interpretation of SN1074 SD2 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 SV1074 SD2 and support our local families and businesses.

Mahalo for considering this testimony.

Sincerely,

Christine Williamson

SB-1074-SD-2

Submitted on: 3/16/2025 4:32:31 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jaime Campbell	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 Kaaupali 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 Hawai'i'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, my jobs and hundreds of others it supports, and our communities families who depend on it. Mahalo for your consideration on supporting passing this crucial bill.

SB-1074-SD-2

Submitted on: 3/16/2025 4:34:17 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jason Campbell	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 Kaaanapali 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 of hundreds us on the westside it supports, and our communities families who depend on it. Mahalo for your consideration on supporting passing this crucial bill.

TESTIMONY FOR Senate Bill 1074 SD2

TESTIMONY IN SUPPORT of Senate Bill 1074 SD2- 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 SD2.

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.**”

As you can imagine, this has the potential to force 20+ professional operators, with many families, to close their businesses and be out of work!

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 SD2, 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 SD2** 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-SD-2

Submitted on: 3/16/2025 4:43:21 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Vivian S. Toellner	Individual	Oppose	Written Testimony Only

Comments:

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, SD1, 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. Most Sincerely Aloha & Mahalo,

SB-1074-SD-2

Submitted on: 3/16/2025 4:45:49 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ivy Vinayaga	Individual	Support	Written Testimony Only

Comments:

Eliminating Ka'anapali's ocean recreation businesses will devastate not only Maui's economy but the entire State. The impact won't stop with these businesses—it will ripple out to caterers, transportation providers, restaurants, hotels, and many others.

Maui is already on fragile footing, and this decision risks creating a massive unemployment crisis. Hotel guests and tourists will also look elsewhere, further compounding the damage to our reputation as a world-class destination.

SB-1074-SD-2

Submitted on: 3/16/2025 4:55:16 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Rick McConnell	Individual	Support	Written Testimony Only

Comments:

I am very much in favor of SB1074 SD2, even if restricted to those organizations which have permits today.

It is not common for me to submit such testimony, but as a West Maui homeowner, I am very concerned about the potential shutdown of Ka'anapali boating. Before becoming a homeowner, I had been coming to Maui with my family for over four decades. We came in large part because of the beauty of the island as well as its activities and adventure.

We have lost our beloved Lahaina and look forward to its rebuilding. But with that in mind given the loss of restaurants and shops plus all Lahaina Harbor activities, a shutdown of options in Ka'anapali for boating would be another blow to tourism in West Maui, further impacting our economy and people here.

I sincerely ask for your help in turning the tide in West Maui to the positive as we begin to rebuild our community rather than invoke further challenges to our recovery.

Mahalo,

Rick McConnell

SB-1074-SD-2

Submitted on: 3/16/2025 5:59:38 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kamalei Warrington	Individual	Support	Written Testimony Only

Comments:

I am Kamalei Warrington 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

Please pass SB1074

Mahalo for considering this testimony.
Sincerely, Kamalei

SB-1074-SD-2

Submitted on: 3/16/2025 6:02:46 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Judith Cucco	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose SB1074.

SB-1074-SD-2

Submitted on: 3/16/2025 6:36:37 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Wendy Music	Individual	Support	Written Testimony Only

Comments:

Aloha,

Thank your for taking the time to read my testimony.

I fully support SB 1074.

I feel that the Kaanapali boat companies are being unfairly targeted.

We have operated legally for over 30 years. We respect the environment. The Kaanapali boat company's are basically Mom & Pop organizations. The owners live here. They have raised their keiki on Maui. They employee the people of Maui.

We are not talking about big bad coorparate greed. Real people trying to survive and struggling after Covid and after the horrific Lahaina fire.

Our lively hood depends on the proper treatment of our ocean environment. We take serious the responsibly of educating the many guest we host on our charters about the fragility of our reefs.

Don't forget that the vessels operating off of Kaanapali rescue random people that are in trouble. Every boat company has examples.. It's almost a daily thing. Just ask any Captains or crew member.

So many of us on Maui live pay check to pay check. I do. I cannot be unemployed again. Being unemployed means that I will loose my medical insurance once again. And It is impossible to afford COBRA on unemployment. Let alone pay Maui bills.

So many people will be affected if the boat tours are forced to shut down. (please remember that these businesses are People - your neighbors, friends & family)

There should be a compromise. Please do the Environmental Impact Study.. But allow the business that have been operating legally continue to do so. Our lively hood depends on it.

Mahalo for your time,

Wendy

SB-1074-SD-2

Submitted on: 3/16/2025 6:54:00 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Travis Morrin	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Travis Morrin, and I am writing to express my strong support for SB1074.

As the owner of Three’s Bar & Grill, I have had the privilege of serving this community for over 15 years. Throughout that time, we have built more than just a restaurant—we have built a family. Our team, our guests, and our partners have all contributed to making Three’s a staple of Maui, and we take great pride in providing a welcoming space for both locals and visitors.

Like many businesses on Maui, we have faced significant challenges in recent years. The resilience of our community has been remarkable, but we need support to keep moving forward. SB1074 is critical in ensuring that businesses like ours can continue operating without unnecessary delays or closures that would have devastating impacts on our employees, their families, and the local economy.

In addition to the restaurant, we also operate a catering service for Teralani Sailing Charters, providing tens of thousands of meals to guests each year. This partnership is not only an essential part of our business, but it also strengthens Maui’s tourism industry and keeps our local economy thriving. Our team consists of over 80 hardworking employees—many of whom are family members—who rely on this work to support their loved ones. If businesses like ours are forced to shut down due to lengthy and costly permit challenges, the effects would be devastating.

I care deeply about protecting Hawaii’s environment, and I believe SB1074 strikes a fair and reasonable balance. It allows businesses to continue operating while going through any necessary environmental reviews if permits are contested. Additionally, the narrowing of this bill to apply only to **current** permit holders makes great sense. It ensures that existing businesses—those already operating and contributing to our community—are not unfairly penalized with indefinite shutdowns while still allowing for responsible environmental oversight. I fully support this refined approach and urge the passage of SB1074.

If we are forced to shut down indefinitely while costly studies are conducted, it could mean permanent closure—something that has happened to far too many businesses before us. I urge you to pass SB1074 to protect the hardworking people of Maui who depend on their jobs to support their families. This bill is not just about businesses; it is about the livelihoods of those

who make up our community. Please help us continue to serve Maui, provide for our employees, and keep our island's economy strong.

Mahalo for your time and consideration.

Sincerely,

Travis Morrin

Owner, Three's Bar & Grill

SB-1074-SD-2

Submitted on: 3/16/2025 7:27:51 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kate Gilligan	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Lowen and Chair Hashem, Vice-Chair Perruso and Vice-Chair Lamosao and Members;

Thank you for allowing me to testify regarding SB1074 SD2. I am asking for your **full support** on SB1074 SD2, so Ka'anapali ocean tour businesses can continue to run while going through any environmental reviews. Without this bill, MANY law abiding could be shut down for years, putting jobs and families at risk.

I work on a Ka'anapali vessel, for the past seven years, and I would be devastated if I could no longer continue with my career because of this bill. **PLEASE support** SB1074 SD2.

Thank you for your time, Kate Gilligan.

SB-1074-SD-2

Submitted on: 3/16/2025 7:37:54 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kayla Bush	Individual	Support	Written Testimony Only

Comments:

Aloha,

In regards to SB1074 SD2, I would like to submit my testimony in SUPPORT of this bill. As an employee of a Ka'anapali charter boat for the past few year, I ask of you all to please suport this bill. Hundreds of local jobs are at stake. We all would be happy to continue being stewards of the environment WHILE any EA is ongoing. Please SUPPORT SB1074 SD2 to help my community.

Mahalo, Kayla Bush, West Maui resident.

SB-1074-SD-2

Submitted on: 3/16/2025 7:42:47 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

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

Comments:

Hawaii's near shore health reflects the beauty of our beach sands. Every fish Limu crab coral continues to Hawaii's allure. Now permitting constant pressure by commercial Ventures negatively impact our reef health. STOP ALL nearshore commerce to save our reef beaches and ocean health.

SB-1074-SD-2

Submitted on: 3/16/2025 8:11:16 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
curtis hanthorn	Individual	Support	Written Testimony Only

Comments:

Aloha

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-SD-2

Submitted on: 3/16/2025 8:30:16 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
israel m maka	Individual	Support	Written Testimony Only

Comments:

Please help us by passing bill SB1074.

We lost everything in the fire. We can't stand to lose much more.

SB-1074-SD-2

Submitted on: 3/16/2025 8:35:17 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Anita Sweet	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of SB1074 SD2

Chairperson and Members of the Committees,

Thank you for the opportunity to testify regarding SB1074 SD2. I **strongly urge your full support** for this critical legislation, which will allow Ka'anapali ocean tour businesses to continue operating while undergoing necessary environmental reviews.

Without the passage of SB1074 SD2, many law-abiding businesses could be forced to shut down for an extended period—potentially for years—jeopardizing livelihoods, displacing workers, and creating significant economic hardship for families who rely on this industry. The unintended consequences of inaction would be devastating, not only for those directly employed in the sector but also for the broader community that benefits from the responsible and sustainable tourism these businesses provide.

I have been working for a Ka'anapali vessel for the past ten years, and my career in this field is not just a job—it is a passion and a way of life. The potential closure of these operations would be personally devastating, as it would be for so many others who depend on this industry for their livelihood.

I respectfully urge you to support SB1074 SD2 to ensure that Ka'anapali ocean tour businesses can continue to operate responsibly while fulfilling any required environmental compliance measures.

Thank you for your time and consideration, Anita Sweet, West Maui resident.

Testimony on SB1074 SD2

Aloha Chairs Lowen and Hashem; Vice Chairs Perrusso and Lamosao; and members of the Committee on Energy & Environmental Protection and the Committee of Water and Land

My name is Dave Raney. I **strongly oppose SB1074 SD2**, 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-SD-2

Submitted on: 3/16/2025 9:19:06 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

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

Comments:

Aloha Chair and Members of the Committee,

My name is Kim Moore, and I am a mother of two young children, ages 2 and 4. I am writing today in strong support of SB1074 because, like so many families in West Maui, my husband's job in the boating industry is what keeps our family afloat.

After the wildfires, our community has endured so much loss—our homes, our schools, our sense of security. While our community rebuilds, the last thing we need is another blow to our ability to provide for our families. My husband's job allows us to survive, but if the industry were forced to shut down while waiting for an Environmental Assessment (EA), I don't know how we would make it. Childcare is simply too expensive for me to work right now, so we depend on his income to pay our mortgage, put food on the table, and slowly recover from that awful August day.

This industry is already one of the most highly regulated in the state. The boats, the operations, and even the permits are monitored by both federal and state agencies. SB1074 allows permitted activities to continue while the EA process moves forward, ensuring environmental protection without destroying the very jobs that keep our community going.

West Maui families cannot take another hit. We have endured enough. Please pass this bill to provide the necessary support to the families who depend on this already highly regulated industry.

Mahalo for your time and consideration.

Kim Moore

SB-1074-SD-2

Submitted on: 3/16/2025 9:25:46 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Erin Woo	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

My name is Erin Woo; I am writing today in strong support of SB1074 because our families, friends, and neighbors are still struggling to recover from the devastation of the wildfires. We cannot afford another setback.

So many people in our community rely on the boating industry to provide for their families. These are not just businesses—they are livelihoods. They support our local economy, keep food on the table, and help families stay on Maui instead of being forced to leave due to financial hardship. If permitted operators are forced to pause while waiting for an Environmental Assessment (EA), it will create unnecessary job losses and hardship at a time when our community is already stretched to its limit.

The fact is, this industry is already one of the most highly regulated in the state. There are strict federal and state guidelines in place to ensure responsible operations. SB1074 provides a balanced approach—allowing permitted activities to continue while the EA process moves forward. This ensures that both our environment and our people are protected.

West Maui has been through so much, and we are still working every day to recover. Please pass this bill and give our families the stability they need to rebuild their lives.

Mahalo for your time and consideration.

Erin Woo

SB-1074-SD-2

Submitted on: 3/16/2025 9:41:54 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

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-SD-2

Submitted on: 3/16/2025 9:42:38 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Randy Bartsch	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Lowen, Chair Ichiyama, Vice Chairs, and Members of the Committees,

Thank you for the opportunity to submit testimony in strong support of SB1074 SD2. 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 SD2 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 SD2 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-SD-2

Submitted on: 3/16/2025 9:49:50 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Mario Monroy	Individual	Support	Written Testimony Only

Comments:

I am Mario A. Monroy and I strongly support SB1074.

I hope that I am heard as an individual that is part of a great whole.

Kanapali is a life source to my family and I !

it where we have played , prayed and I'm enjoyed what it is to be a maui resident .

i am charter boat captain and my family relies on me , like King Kamehameha unified the islands of of Hawaii he launched a thousand canoes from the shores of the West ! So to I launch my vessel .

As a captain I have personally have been a part of rescues and searches from the fires to visitors that have been blown out to sea and in need of help. I've been at the right place and the right time to assist and it's becuae I captain my boat from these shores !

Kanapali is a life source to us all , be in case of an emergency and someone needing help or bringing supplies or running evacuations , I have given back to my Hawaii and westside becuae of being a captain in these shores .

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.

Please pass SB1074

Mahalo for considering this testimony.

Sincerely,

Captain Mario Monroy

SB-1074-SD-2

Submitted on: 3/16/2025 10:00:28 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jacob Wiencek	Individual	Support	Written Testimony Only

Comments:

Aloha Committee Members,

This is a very important bill that can provide important regulatory relief. Our overly burdensome permitting process holds up key projects that could be building more sustainable communities and affordable housing. Getting this bill across the finish line will provide real relief for working- and middle-class families, who are struggling to get by in this state.

I *strongly urge* this Committee to **SUPPORT** this bill!

SB-1074-SD-2

Submitted on: 3/16/2025 10:47:09 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tyreece Tadena	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Committee Members,

My name is Tyreece, and I'm writing to express my strong support for SB1074. This bill is really important because it allows businesses with valid permits to keep operating while they go through an environmental review, especially if their permits are being challenged. This helps keep things running smoothly and prevents unnecessary disruptions for businesses that are doing things the right way.

At the same time, SB1074 makes sure we're still protecting our environment, but it also prevents businesses from facing extra burdens with redundant reviews that can be costly and time-consuming. It strikes a good balance between preserving Hawaii's natural resources and supporting businesses that have been a part of our community for years.

I respectfully ask the committee to pass SB1074, as it will help protect both our local businesses and working families.

Thank you for your time and consideration.

SB-1074-SD-2

Submitted on: 3/16/2025 11:29:08 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Geoffroy Chasle	Individual	Support	Written Testimony Only

Comments:

I am Geoffrey Chasle and I strongly support SB1074.

I believe small businesses in Kaanapali should be able to operate while those studies and surveys are done. Those boats have been running charters for over 40 years in great harmony with nature and the community.

This bill strikes a fair balance between protecting Hawaii's natural resources and supporting long-standing and well regulated small businesses

Please pass SB1074

Mahalo for considering this testimony.
Sincerely, Geoffrey Chasle

SB-1074-SD-2

Submitted on: 3/17/2025 3:32:19 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

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

Comments:

Hawai'i's EIS law is a critical tool for the protection of our natural and cultural resources. SB1074 will directly undermine the environmental and cultural review process by letting commercial activities continue even if there are known environmental or cultural impacts.

Please defer this bill.

SB-1074-SD-2

Submitted on: 3/17/2025 4:28:04 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

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 SB1074SD2BILL

Best regards

Norman Windham

SB-1074-SD-2

Submitted on: 3/17/2025 4:55:40 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Alex Vorobieff	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

I am writing in strong support of SB1074SD2, particularly as it applies to Ka'anapali Ocean Recreation Management Area (ORMA) permit operators. As a frequent visitor to Maui and a passionate advocate for responsible tourism, I am deeply concerned about the potential closure of ocean recreation businesses in West Maui due to a recent court ruling.

The Ka'anapali area, still recovering from the devastating wildfires, faces another potential economic blow. The court's decision requiring all ocean recreation, boating, and watersports businesses to cease operations once their current permits expire - pending an environmental assessment - is alarming. This ruling would force 27 professional operations to close, affecting 260 families and countless visitors who cherish these experiences.

These businesses, many of which have operated responsibly for generations, provide essential services to visitors without negatively impacting natural resources. Activities like sunset sails, whale watching tours, surfing lessons, and outrigger canoe rides are integral to the Hawaiian experience and do not involve resource extraction.

SB1074SD2 is crucial as it allows these operators to continue their services during the environmental review process. This continuation is vital for several reasons:

1. It prevents the immediate bankruptcy of long-standing, law-abiding businesses.
2. It maintains employment for hundreds of local residents.
3. It preserves a significant economic driver for the region, estimated at \$60 million in annual revenue¹.
4. It ensures visitors can still enjoy the unique ocean experiences that make Maui special.

The ripple effects of closing these businesses would be devastating. We would see:

- A loss of \$1.8 million in revenue to the Department of Land and Natural Resources.
- A reduction of \$2.83 million in state tax revenue.
- The disappearance of \$9 million in commissions for travel agents and activity operators.
- A significant decrease in restaurant and shop revenue from ocean activity participants.

Moreover, the human impact cannot be overstated. The potential loss of 260 ocean activity and boating-related jobs could lead to family upheavals, school withdrawals, and even force residents to leave Maui.

I urge you to pass SB1074SD2, focusing specifically on its application to Ka'anapali ORMA permit operators. These businesses need full support now as they recover from recent disasters. Let's not punish operators who have followed regulations and contributed positively to Hawaii's economy and culture for decades.

Mahalo for your consideration of this critical issue.

Sincerely,

Alex Vorobieff

SB-1074-SD-2

Submitted on: 3/17/2025 5:31:42 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Madison BenShimon	Individual	Support	Written Testimony Only

Comments:

WE ARE VERY MUCH IN SUPPORT OF PASSING THIS BILL.

I am Madison BenShimon and I strongly **support SB1074.**

SB1074 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-SD-2

Submitted on: 3/17/2025 5:32:43 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael BenShimon	Individual	Support	Written Testimony Only

Comments:

WE ARE VERY MUCH IN SUPPORT OF PASSING THIS BILL.

I am Madison BenShimon and I strongly **support SB1074.**

SB1074 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



March 16, 2025

To: Members of the Hawai'i House & Senate

Submitted Electronically

RE: STRONG OPPOSITION TO ITEM SB1074

Dear MEMBERS:

As the co-founder of Legacy Reef Foundation, a coral preservation and restoration non-profit based in Kona, Hawaii, and working in Costa Rica and the Caribbean. We believe item SB1074 needs to be squashed for the protection of our coral reefs and marine life.

Our contemporaries on other island nations were appalled to see what is happening in West Hawaii, and they have stated that there is no tropical area in the world that has suffered as much as West Hawaii at the hands of the AQ trade. Our coral reefs in Hawaii continues to suffer from the threat of bleaching from temperature spikes, runoff and the loss of our important Herbivores from overfishing and lack of enforcement.

Allowing the aquarium trade to sidestep the environmental impact statement they are required to do is wrong and if passed will surely be challenged in court. Allowing this to pass will harm the people of Hawaii and open the door to further abuse of the system.

As a 5th generation Hawaiian and waterman, I have watched our local reef fish and the coral they support continue to diminish to the point that our reefs may begin to die off completely in our lifetime. I founded Legacy Reef Foundation to preserve and protect our reefs for my children and grandchildren. It is my life's mission to look after our coral reefs.



As it stands today, even if all the AQ fishing stopped completely today, it may take generations for our coral reefs and the reef marine life to return to historical numbers.

Please don't sell out our children's futures by allowing a few mainland companies to profit off our precious marine life.

Squashing item SB1074 is in the best interest of our struggling coral reefs and our local marine life in the State of Hawaii.

I submit my testimony in strong opposition of item SB1074

Thank you for the opportunity to provide comments on this most important issue,

A handwritten signature in black ink, appearing to read "Bill Coney".

Bill Coney

"Voice of the Coral"

Legacy Reef Foundation
Co-Founder
808.960.1223
bill@legacyreeffoundation.org
www.legacyreeffoundation.org

SB-1074-SD-2

Submitted on: 3/17/2025 5:37:22 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Mark okeefe	Individual	Support	Written Testimony Only

Comments:

SB1074 SD2 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.

SB-1074-SD-2

Submitted on: 3/17/2025 5:43:56 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Brooke Porter	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose SB1074 as it opens the door for industries like the aquarium trade to exploit exemptions bypassing the proper environmental review. Our reefs are already under immense pressure, and allowing extractive activities without thorough assessment would further jeopardize these fragile ecosystems. Please prioritize the health of our reefs and communities by rejecting this bill in its current form.

SB-1074-SD-2

Submitted on: 3/17/2025 5:49:05 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

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

Comments:

I oppose SB1074 because it would set up a permanent loophole to Hawaii's environmental law, as here are no legally required time constraints on preparing or completing environmental studies

SB-1074-SD-2

Submitted on: 3/17/2025 5:49:30 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Susie Davis	Individual	Oppose	Written Testimony Only

Comments:

My name is Susie Davis and I live in Kappau, HI.

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'ohe 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, SD1**.

Sincerely,
Susie Davis

SB-1074-SD-2

Submitted on: 3/17/2025 5:52:31 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

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

Comments:

Testimony in Support of SB1074

Aloha, my name is Ginger Lucy, and I work for Trilogy Excursions and have for over 20 years. I am writing in strong support of SB1074 because Kā‘anapali is essential not only to my livelihood but also to countless others who depend on ocean tourism to remain on Maui.

The devastation of the Lahaina fire left many of us without homes and jobs. For many, working in Kā‘anapali has been one of the few ways to rebuild, support our families, and stay in the community we love. Our boats operate with minimal environmental impact—leaving only bubbles and taking only photos—while providing sustainable jobs and keeping our local economy afloat.

If boat operators are forced to shut down due to prolonged environmental reviews, many of us will lose our ability to work and remain on Maui. Passing SB1074 is crucial to protecting our livelihoods and ensuring the recovery of our community.

Mahalo for your time and consideration.

Ginger Lucy

SB-1074-SD-2

Submitted on: 3/17/2025 6:01:27 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Robert Wo	Individual	Support	Written Testimony Only

Comments:

My name is Robert Wo, and I am an individual who strongly supports SB1074 SD2.

Thank you for your consideration.

SB-1074-SD-2

Submitted on: 3/17/2025 6:02:41 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

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

Comments:

I am very much in support of this bill and support the local small businesses here on Maui.

SB-1074-SD-2

Submitted on: 3/17/2025 6:43:58 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
BRIAN GREGORY HUMENESKY	Individual	Support	Written Testimony Only

Comments:

SB 1074 was introduced to support Ka'anapali operators facing shutdown. Allowing operators to remain open for business while an environmental review is conducted makes sense. If not approved, it would shut them down completely and put business owners and employees in a very tough position. 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 during environmental reviews, we will lose experienced operators and business leaders.

SB-1074-SD-2

Submitted on: 3/17/2025 6:47:21 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Barbara Barry	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I oppose SB 1074 SD2.
Leave the fishes alone.

Mahalo,

SB-1074-SD-2

Submitted on: 3/17/2025 6:55:42 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Liz Lees	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill as written as it sets up a permanent loophole to Hawaii's environmental law because there are no legally required time constraints on preparing or completing environmental studies.

Mahalo for your consideration.

March 18, 2025

Representative Nicole E. Lowen, Chair
Committee of Energy & Environmental Protection
House
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 Lowen and Members of the Committee of Energy & Environmental Protection:

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-SD-2

Submitted on: 3/17/2025 7:04:35 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Patrick Laughlin	Individual	Support	Written Testimony Only

Comments:

I am Patrick Laughlin and I strongly support SB1074.

I am a 17 year Maui resident, very concerned about the environment we live in. A long-time crew & Captain on Kaaanapali beach and a former Lāhainā resident.

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.

Please pass SB1074

Mahalo for considering this testimony.

Sincerely,
Patrick Laughlin

SB-1074-SD-2

Submitted on: 3/17/2025 7:09:24 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Klayton Kubo	Individual	Support	Remotely Via Zoom

Comments:

Strongly Support This Measure

SB-1074-SD-2

Submitted on: 3/17/2025 7:10:12 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

SB-1074-SD-2

Submitted on: 3/17/2025 7:14:24 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

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, my livelihood and my ability to continue to live on Maui and contribute to the local economy.

SB-1074-SD-2

Submitted on: 3/17/2025 7:21:59 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Fereshteh Tali	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am writing to express my strong support for SB1074 SD2 and to urge you to vote in favor of this bill or amend it to apply specifically to Ka’anapali and to current permit holders. As a longtime resident of Maui County and a business owner, I am deeply concerned about the ongoing struggles of our community in the wake of the devastating fires, particularly in Lahaina and Ka’anapali.

Recovery has been painfully slow, and there is little indication that the process will accelerate in the near future. In particular, the hospitality industry, including hotels, resorts, tourism, and related businesses, has seen a significant decline in occupancy and productivity. With the fires still fresh in everyone’s minds, maintaining activities that attract visitors is essential to the recovery of our local economy.

Given the current situation, it is more important than ever that we do everything possible to support tourism and help keep local jobs. Limiting the activities available to visitors would be a setback for the businesses that are still struggling to survive and for the many residents who rely on them for their livelihoods.

I urge you to support SB1074 SD2 or amend it to apply specifically to Ka’anapali, where the need for economic recovery is most urgent. This action would help ensure that our businesses, families, and local entrepreneurs—who are the backbone of our economy—have a chance to recover and thrive.

Thank you for your time and consideration. I hope you will stand with us during this critical time.

Respectfully,
Fereshteh Nikbakhsh Tali

43 Kumu Niu St

Lahaina, HI 96761

SB-1074-SD-2

Submitted on: 3/17/2025 7:24:44 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Shelley M Kekuna	Individual	Support	Written Testimony Only

Comments:

Testimony for SB 1074SD2

Subject: Testimony in Support of SB 1074 SD2– Relating to Environmental Review

Aloha Chair and Members of the Committee,

I am Shelley Kekuna a long-time employee in Kā’anapali. I appreciate this opportunity to give testimony in support of SB 1074, which 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. As someone interested in the long-term environmental health and well-being of Kā’anapali, I have watched environmental protective practices evolve as time goes by. I have witnessed Kā’anapali Beach Resort partners’ ongoing efforts to reduce their carbon footprint through efforts such as distribution of reef safe sunscreen throughout the resort and educating the public on ocean recreation best practices onsite at individual resort properties, as well as at the Hawaii Wildlife Discovery Center, located in Whalers Village.

I am in support of being a good steward of the environment but feel that this can be accomplished without forcing lawfully permitted operators to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies. This will inevitably lead to the closure of local business and the loss of job for many.

The boating industry is an important part of our local economy and impacts the livelihood, both directly and indirectly, of hundreds of local families. In the last five years, these Maui businesses have faced seemingly unsurmountable challenges between COVID and the devastating Lahaina fire. Shutting down boating operations by creating restrictions that prevent them from operating while waiting for an EIS to be completed would cause irreparable harm that would force them out of business. Please do not let this happen.

Please pass SB 1074 SD2 and support our local families and businesses.

Mahalo for considering this testimony.

Sincerely,
Shelley Kekuna

SB-1074-SD-2

Submitted on: 3/17/2025 7:25:14 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Brandon Adamson	Individual	Support	Written Testimony Only

Comments:

I strongly support SB1074, in maintaining the charter boat business in Ka'anapali for personal and state economic reasons. Allow the permittees to continue to operate to provide jobs and tax revenue, while assessing environmental impacts.

SB-1074-SD-2

Submitted on: 3/17/2025 7:30:19 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Janet Mercer	Individual	Oppose	Written Testimony Only

Comments:

This is a huge loophole for the aquarium trade. Please protect our valuable marine life and vote no ton this bill.

SB-1074-SD-2

Submitted on: 3/17/2025 7:37:26 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

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

Comments:

Aloha Hawaii State Senate,

Mahalo for your time.

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 allow permit renewals during this review process

Venus Yi
Local Resident (born & raised)
Lahaina, Hawaii

SB-1074-SD-2

Submitted on: 3/17/2025 7:40:06 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
G. R. Karpowitz	Individual	Support	Written Testimony Only

Comments:

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

I am a West Maui resident and I am an employee of the Maui boating community. I strongly support SB1074 SD2 as it will allow our jobs to continue while any environmental study is being done.

Please pass SB1074 SD2 to help promote and protect our local boating community.

Thank you and Mahalo.

Rich Karpowitz

SB-1074-SD-2

Submitted on: 3/17/2025 7:45:51 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Patricia Richardson	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose SB1074 and urge you to vote against it. Our reefs and reef life need maximum protection. Destructive practices should be outlawed, not legalized.

SB-1074-SD-2

Submitted on: 3/17/2025 7:54:37 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Julia Witte	Individual	Support	Written Testimony Only

Comments:

My name is Julia Witte and I strongly support SB1074.

I work on the boats in Kaanapali, but I worked for 6 years out of Lahaina harbor before the fire. Without Lahaina harbor there are now so few boats doing trips on the west side of Maui, if we lose our permits that means hundreds of us lose jobs and careers that we love. There are very few boat jobs available without Lahaina harbor, if we lose our permits in Kaanapali there will only be a lucky few out of hundreds that will be able to find another job working on boats in Maui. Most of us will have to start over and find a new career.

The ocean activities in Kaanapali also bring in a large revenue to the economy on the west side of Maui, as there are not many activities left to do after the Lahaina fire.

I am in favor of doing the environmental study, I have my degree in biology, I understand the importance of the study. But please do not take away hundreds of jobs in the process.

How do you perform an environmental impact study if you take away that which you believe is causing the impact?

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.

Please pass SB1074

Mahalo for considering this testimony.

Sincerely,
Julia Witte

SB-1074-SD-2

Submitted on: 3/17/2025 7:55:51 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Rick Warshauer	Individual	Oppose	Written Testimony Only

Comments:

Aloha House Chairs and Members,

I vehemently oppose SB1074 SD2. While the bill provides regulatory relief for many tour operators, it also will allow the resumption of the rapacious aquarium industry back onto Hawai'i's beleaguered reefs. This would be an unconscionable disaster. Please kill the bill or amend it to absolutely prevent any resumption of the aquarium trade in any form or scale.

Mahalo,

Rick Warshauer, Volcano

SB-1074-SD-2

Submitted on: 3/17/2025 7:56:07 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Matthew Gurewitsch	Individual	Oppose	Written Testimony Only

Comments:

Aloha!

If passed, this bill would gut the Hawai'i Environmental Policy Act (HEPA) by allowing aquarium collecting to **continue** during any required environmental review. But there is no legally binding timeline for the completion of such review.

Consequently, passage of the bill will spell disaster for our wildlife. To avoid sounding alarmist, advocates often call these activiaquarium collecting "potentially destructive." But we know they **are** destructive! Terribly destructive! Anyone who swims in our nearshore waters--and I have been doing for the 14 years that I have been a permanent resident of Hawaii, every day that conditions permit--sees how our fish stocks are plummeting. They need every protection we can afford them.

The amended version of SB1074 explicitly allows aquarium-collecting permits to be renewed during the environmental review process. How irresponsible is that??? Aquarium collecting devastates our already stressed wildlife. Frankly, the need to ban aquarium collecting is self-evident. If, for political reasons, studies must be made to prove that point--fine. But until those studies are completed. a complete halt to aquarium collecting is an absolute must. Close the loophole!

Mahalo for your attention.

SB-1074-SD-2

Submitted on: 3/17/2025 7:57:47 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Capt Andrew Weight	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of SB1074 SD2

Dear Chairperson and Committee Members,

Thank you for allowing me to submit testimony about SB1074 SD2. I'm here to ask for your support for this bill, which is very important for keeping Ka'anapali ocean tour businesses running while they are working with an environmental review.

I have been a boat Captain for over 15 years here on Maui. Please be aware that we all take our jobs of being ocean stewards very seriously. Please support SB1074 SD2 so these businesses can keep operating responsibly while meeting the necessary environmental standards.

Thank you for your time and consideration, Capt Andrew Weight

SB-1074-SD-2

Submitted on: 3/17/2025 8:03:20 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ryan Christopher	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB1074. This bill is not in line with our values and our stewardship responsibilities to our lands and ocean. We should not create loopholes to bypass environmental reviews.

SB-1074-SD-2

Submitted on: 3/17/2025 8:09:56 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Diane Ware	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair and Committee Members,

SB1074 would allow EIS (environmental and cultural review) to be circumvented by commercial activities that have already been identified by supreme court rulings as requiring EIS review. We need SB1074 to be halted so the work of the EIS can fulfill its function. Our cultural and natural resources deserve it according to PTD in constitution.

Sincerely,

Diane Ware, Volcano

SB-1074-SD-2

Submitted on: 3/17/2025 8:16:13 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

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

Comments:

I want to express my strong support for SB1074.

This bill is crucial for maintaining the livelihood of workers like me and ensuring that businesses can continue operating even while their permits are under environmental review. Without it, businesses could be forced to shut down, and that would lead to job losses and financial strain for many families, including mine. SB1074 offers a fair compromise by allowing businesses to stay open and continue providing for their employees while still respecting the need for environmental reviews. It gives us stability, which is something we desperately need in these uncertain times.

By preventing unnecessary and redundant reviews, SB1074 helps businesses avoid costly disruptions, which would be a huge burden on companies that have been following the rules and contributing to our local economy for years. It's a balanced approach that protects Hawaii's natural resources while also supporting businesses that provide essential jobs.

If we were to require businesses to stop operating while waiting for years for environmental studies to be completed, it could lead to closures that might never reopen, and that's not just a financial setback for the companies—it's a personal loss for every worker depending on those jobs to support their families. I've seen it happen before with other industries. If businesses are forced to shut down, they're not coming back.

HB649 talks about raising fees, but what good will that do if these businesses can't operate in the first place? We need to protect the industries that are vital to Hawaii's economy and working families. We can't afford to see more businesses and jobs lost, especially when so many of us rely on them for our livelihoods.

I respectfully urge you to pass SB1074 so that workers like me, and the businesses we depend on, can continue to thrive.

Mahalo for your time and consideration.

SB-1074-SD-2

Submitted on: 3/17/2025 8:20:45 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Mike Kelley	Individual	Support	Remotely Via Zoom

Comments:

TESTIMONY IN FULL SUPPORT OF SB1074 SD2

Chair Lowen, Chair Hashem, Vice Chairs Peruso and Lamosao and committee members, thank you for the opportunity to submit my thoughts, concerns and testimony relating to SB1074 SD2

For the past 48 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 actually call it that, from the recent fires may be the hardest and most protracted of any 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 shut down would be unrecoverable. These businesses, many of which as noted have been valuable and supportive members of our community for decades. The owners 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 assessments. ***Please do not allow this to occur.***

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 Hawaii for that matter.

* Tax base revenues to the State of Hawaii 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 possible become less viable as a business if all of those pre and post ocean activity passengers and participants just vanish

The most tragic impact of not passing SB1074 SD2 will be the human aspect and the impact on individuals, families and long standing business people. The secondary financial and resort impact details above are also staggering and a totally unnecessary by-product. The revisions to SB1074 SD of limiting the scope to just relate to "current" permit holders would 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 SD2 for all of us

Sincerely,

Michael T. Kelley

SB-1074-SD-2

Submitted on: 3/17/2025 8:21:17 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

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

Comments:

I work as a warehouse employee here in Hawaii. I'm writing to strongly support SB1074 because it directly impacts me, my coworkers, and the stability of our community.

This bill is critical for protecting our jobs and ensuring that businesses like the one I work for can continue operating even when their permits are under environmental review. If businesses are forced to shut down while waiting for these reviews to happen, it would cause unnecessary disruptions, putting my job—and the jobs of many others—at risk. SB1074 ensures that businesses can stay open and keep workers employed, which is especially important for people like me who depend on these jobs to support our families.

The bill also prevents redundant reviews that would put unnecessary financial and operational strain on businesses. It strikes a balance between protecting Hawaii's environment and supporting the businesses that are part of our local economy, many of which have been operating for years and have complied with all regulations.

If businesses are forced to cease operations while waiting for permits, it's not just a temporary setback—it could lead to permanent closures, and once they're gone, they're not coming back. If that happens, many workers will lose their jobs, and the economic impact will be felt throughout the community. I've seen how devastating it can be when companies shut down, and it doesn't just hurt the businesses—it hurts families who rely on those jobs to survive.

Additionally, proposals like HB649, which talk about increasing gross receipt fees, don't address the bigger issue—if businesses can't operate, they can't pay those fees. We need to focus on keeping businesses open so they can keep providing jobs, like mine, to the community.

I urge the committee to pass SB1074 to protect jobs, families, and the future of Hawaii's working community.

SB-1074-SD-2

Submitted on: 3/17/2025 8:23:05 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

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

Comments:

I work in boat maintenance here in Hawaii. I'm writing to express my strong support for SB1074, a bill that is crucial to protecting my job, my coworkers, and the livelihood of many in our industry.

This bill is incredibly important because it allows businesses, including the one I work for, to continue operating while their permits undergo environmental review. If businesses in the boat maintenance industry are forced to shut down while waiting for these reviews to be completed, it puts our jobs and the local economy at risk. SB1074 ensures that businesses can remain open and keep their workers employed during this process, which is vital for us.

The bill also helps prevent unnecessary delays and financial burdens that can arise from redundant reviews. Many of the businesses in our industry, like the one I work for, have been following regulations for years and have a long history of compliance. SB1074 offers a fair balance by allowing us to continue our work while still respecting environmental protections.

If businesses like ours are required to stop operating while waiting for permits, it's not just a temporary setback. The cost of maintaining our boats and keeping the business running during this time is enormous. If we can't operate, we face potential closures, and once a business like ours shuts down, it's very unlikely to come back. This means job losses, not just for boat maintenance workers like me, but for everyone in the broader maritime and tourism sectors who rely on these businesses to operate.

Proposals like HB649, which suggest increasing fees, are irrelevant if businesses are forced to cease operations. The focus should be on keeping businesses open and sustainable so they can continue providing jobs and contributing to the local economy. We can't afford to lose these vital industries, especially when so many families, including mine, depend on them for their livelihoods.

I respectfully urge you to pass SB1074 to protect the boat maintenance industry, the workers who rely on it, and the broader Hawaii economy.

SB-1074-SD-2

Submitted on: 3/17/2025 8:26:02 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Uilani Naipo	Individual	Oppose	Written Testimony Only

Comments:

Please defer SB1074 as it works against Hawai'i's environmental review processes that give protection for our cultural and natural resources. We must protect our marine ecosystems. SB1074 would allow for commercial activities to continue even if there are known environmental or cultural impacts.

SB-1074-SD-2

Submitted on: 3/17/2025 8:26:42 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Mrs. Kerri Smith	Individual	Support	Written Testimony Only

Comments:

Monday, March 17th, 2025

Chairperson, Vice-Chair, and Committee Members,

I'm here to ask for your support for this bill, SB1074 SD2 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, many responsible businesses could be forced to shut down for many years, placing jobs and our entire community at risk.

Please **support SB1074 SD2** 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-SD-2

Submitted on: 3/17/2025 8:27:20 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Mike Nakachi	Moana Ohana	Oppose	Remotely Via Zoom

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_2, 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 HOLD SB1074_2, Bad Bill not needed at all.

Mahalo nui loa, Mike Nakachi

SB-1074-SD-2

Submitted on: 3/17/2025 8:29:32 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Charlene HAZLEWOOD	Individual	Support	Written Testimony Only

Comments:

I support the testimony submitted by 'Ilioulaokalani Coalition opposing SB1074 & HB 661.

Sincerely,

Charlene Hazlewood

SB-1074-SD-2

Submitted on: 3/17/2025 8:31:24 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jonnie Torres	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

I am Jonnie Torres, Director of Sales & Marketing of Sheraton Maui Resort & Spa and Maui native; am writing in strong support of SB1074 SD2. This bill is crucial for the recovery and sustainability of Ka’anapali boating and ocean recreation.

Impact of Fires on Our Community

The devastating fires have left Maui, particularly Lahaina and Ka’anapali, in a critical state. Recovery has been slow, and the lack of progress is deeply concerning for residents, employees, and businesses alike. The tourism industry, which is the backbone of our local economy, has been severely affected. Without ocean activities, tourists may choose other destinations, further hindering our recovery efforts. We have already seen a significant loss of local residents working in our industry, and we anticipate more losses if visitor recovery continues to be delayed.

Importance of Ocean Activities

Ocean recreation is vital for attracting tourists to Ka’anapali. Activities such as boating, snorkeling, and watersports not only enhance the visitor experience but also support numerous local businesses. The recent decision by Judge Cahill to halt all ocean recreation businesses until an environmental assessment is conducted threatens to exacerbate our struggles. This decision means that once current permits expire, businesses will remain closed, further delaying our recovery.

Support for SB1074 SD2

SB1074 SD2 provides a lifeline for operators by allowing them to continue their services during the environmental review process. This continuation is essential for maintaining business operations and supporting our community. The bill ensures that services can proceed as usual unless reviews indicate otherwise. Narrowing the bill to apply specifically to Ka’anapali ORMA permit operators, as intended, would be fully acceptable and beneficial.

Conclusion

I urge you to vote for and pass SB1074 SD2 for the sake of our communities, families, business investments, and small entrepreneurs who are the backbone of our economy. Your support is crucial for our recovery and future sustainability.

Thank you for your time and consideration.

Mahalo,

Jonnie Torres

Director of Sales & Marketing

Sheraton Maui Resort & Spa

SB-1074-SD-2

Submitted on: 3/17/2025 8:34:06 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Laura K. Legge	Individual	Oppose	Written Testimony Only

Comments:

This legislation is too broad and will have ill effects in other situations. This is not the solution.

SB-1074-SD-2

Submitted on: 3/17/2025 8:36:55 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Gavin Ingraham	Individual	Support	Written Testimony Only

Comments:

I am Gavin Ingraham and I strongly support SB1074.

I have worked on boats the entire time I've lived on Maui and feel it is very crucial to bringing people to the west side. Offering activities on land and sea offers more desire to visit the west side bring better financial wellbeing to all who live here.

This bill strikes a fair balance between protecting Hawaii's natural resources and supporting long-standing and well regulated small businesses

Please pass SB1074

Mahalo for considering this testimony.

Sincerely, Gavin Ingraham

SB-1074-SD-2

Submitted on: 3/17/2025 8:39:32 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Russell Lewis	Individual	Support	Written Testimony Only

Comments:

Aloha,

I have been working on Maui charter boats for the past 9 years. If this bill does not pass, it could result in significant job losses for my community. Maui has already been through enough these past few years, please do not make it worse. I urge you to support SB1074 SD2, a crucial measure to ensure Ka'anapali ocean tour businesses remain operational while conducting essential environmental reviews. This industry is vital for our community's livelihood and economy!

Thank you all for your assistance,

Russell Lewis

SB-1074-SD-2

Submitted on: 3/17/2025 8:42:17 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Briana Carlton	Individual	Support	Written Testimony Only

Comments:

I am Briana Carlton and I strongly support SB1074.

I've worked on boats on Maui for about two years now, and feel that taking away the boating industry after the lahaina fires is just another thing that's gonna hurt the already affected economy, as well as not entice people to stay on the west side

This bill strikes a fair balance between protecting Hawaii's natural resources and supporting long-standing and well regulated small businesses

Please pass SB1074

Mahalo for considering this testimony.

Sincerely, Briana carlton

Aloha Kakou,

Earlier in the year, two bills related to fisheries were heard by the legislature and both were deferred. The bills were:

SB22 §343- Fisheries; exemption. Actions involving the operation and management of all fisheries in the State shall be exempt from the requirements of this chapter.

and

HB123 §343-Fisheries; exemption. Actions involving the operation and management of all fisheries in the State shall be exempt from the requirements of this chapter.”

On February 27, 2025, the DLNR convinced the House JHA Committee to adopt their recommendations to add five statutes to HB661 HD. The statutes added to HB661 HD1 are §187A, §188, §189, §190, and §200 resulting in HB661 HD2. Here is a small sampling of excerpts from each statute:

§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.

§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

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

§200-39 Kaneohe Bay commercial ocean use activities.

The DLNR mission statement is 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 of the people of Hawaii nei, and its visitors, in partnership with others from the public and private sectors.”

Exempting activities that impact our environment from environmental considerations does not match the DLNR’s mission.

Please defer SB1074 as it is nothing but a pardon for past DLNR failures to conduct environmental reviews prior to issuing permits, and a blessing from this legislature to continue doing so in the future.

Mahalo!

Isaac "Paka" Harp

SB-1074-SD-2

Submitted on: 3/17/2025 8:44:14 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ravi Bugga	Individual	Support	Written Testimony Only

Comments:

I support allowing existing operators to continue pending the environmental review.

SB-1074-SD-2

Submitted on: 3/17/2025 8:45:33 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
James Reynolds	Individual	Support	Written Testimony Only

Comments:

Aloha,

I have lived on Maui for 4 years. I love my job. I work as a mate on a tour boat that operates on kaanapali beach. I fully support this bill. To me, it is the only answer to both problems.

Shutting down all operations on Kaanapali beach will have a rippling effect that will impact the entire island. Hundreds of jobs will immediately be lost. Without the activities on Kaanapali beach the tourism industry on all of the west side will crumble.

This bill provides the solution to provide the environmental assessment without massive harm to the already fragile tourism industry on maui.

I implore you to join me in supporting this bill. Thank you for your time and consideration.

SB-1074-SD-2

Submitted on: 3/17/2025 8:47:35 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Sara Molloy	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.

Mahalo

SB-1074-SD-2

Submitted on: 3/17/2025 8:47:47 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Meredith Lins	Individual	Support	Written Testimony Only

Comments:

Aloha Chairperson, Vice-Chair, and Committee Members,

My name is Meredith Lins, and I truly love working on both a Ka'anapali charter boat and a local photography company. I spend my days with our island visitors and showing them what it means to be good stewards of the beautiful island of Maui and our ocean.

Please support SB1074 SD2, so we can all keep moving forward with our jobs while at the same time support our local environment.

I strongly support this bill. Meredith Lins, West Maui resident.

SB-1074-SD-2

Submitted on: 3/17/2025 8:49:11 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kayla Kahiau	Individual	Support	Written Testimony Only

Comments:

Aloha no.

I appreciate the opportunity to submit testimony regarding SB1074. As someone who works in the ocean tourism industry, I see the importance of balancing environmental conservation with the community that depend on our coastal waters. Hawaii's marine life is important to me and any effort to study it should be approached with thoughtfulness.

Our ocean resources are important, not just for the environment but also for the regular people working in these environments. It's important that decisions regarding SB1074 take into account the perspectives of those who interact with these waters daily as well those who want to participate in the survey taking, ensuring a well-rounded approach that reflects both ecological responsibility and economic sustainability.

Mahalo for your time and consideration.

SB-1074-SD-2

Submitted on: 3/17/2025 8:49:18 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

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.

Christopher White

SB-1074-SD-2

Submitted on: 3/17/2025 8:51:59 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Aggy Kusunoki	Individual	Oppose	Written Testimony Only

Comments:

Chair of the Committee

SB 1074 SD2

Aloha mai,

I am Aggy Kusunoki. I am writing to support the testimony submitted by ‘Īlio‘ulaokalani Coalition opposing SB 1074 & HB 661.

Aloha,

Aggy Kusunoki

SB-1074-SD-2

Submitted on: 3/17/2025 8:52:08 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Bianca Isaki	Individual	Oppose	Remotely Via Zoom

Comments:

Please do not pass this bill. The entire point of environmental review is to make sure decisions are informed about potential impacts before they happen and not years afterwards, as could occur under these amendments.

Yours,

Bianca

SB-1074-SD-2

Submitted on: 3/17/2025 8:52:39 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

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-SD-2

Submitted on: 3/17/2025 8:53:17 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Maki Morinoue	Individual	Oppose	Written Testimony Only

Comments:

Aloha and mahalo for this opportunity,

Please defer SB1074.

Hawai'i's Environmental Impact Statement law is a critical tool for the protection of our natural and cultural resources. SB1074 will directly undermine the environmental and cultural review process by letting commercial activities continue even if there are known environmental or cultural impacts.

Mahalo

Maki Morinoue

Holualoa, Hawai'i Island

SB-1074-SD-2

Submitted on: 3/17/2025 8:53:25 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

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.

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 of 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 SD1 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-SD-2

Submitted on: 3/17/2025 8:58:09 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Marcia Kemble	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB1074 SD2.

SB-1074-SD-2

Submitted on: 3/17/2025 9:00:30 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Erin Pinto	Individual	Oppose	Written Testimony Only

Comments:

Please strongly oppose SB1074. It will have a devastating effect on the Hawaii Environmental Policy Act at a time when environmentally destructive actions are already plentiful.

SB-1074-SD-2

Submitted on: 3/17/2025 9:00:47 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Sherri Thal	Individual	Oppose	Written Testimony Only

Comments:

This is a bad bill!! I strongly oppose permitting being renewed during the environmental review process, which sets up a permanent loophole to Hawaii's environmental law because there are no legally required time constraints on preparing or completing environmental studies.

NO, NO!!

Mahalo,

Sherri Thal, Keaau, HI

SB-1074-SD-2

Submitted on: 3/17/2025 9:01:04 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lucinda K Aina Lau	Individual	Support	Written Testimony Only

Comments:

I support the testimony submitted by Ilioulaokalani Coalition opposing SB 1074 and HB 661

Thank yku

SB-1074-SD-2

Submitted on: 3/17/2025 9:02:40 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kai Nishiki	Individual	Oppose	Remotely Via Zoom

Comments:

Nā Pāpa‘i Wāwae ‘Ula‘ula submits this testimony in **strong opposition to SB 1074**.

In addition to voicing our strong opposition to SB 1074, we would like to take the opportunity to provide this Committee with additional information and context regarding the lawsuit involving the commercial boating operations in Kā‘anapali and the tentative agreement we have reached, which renders this drastic bill completely unnecessary.

We filed suit against DLNR asking it to consider the environmental impacts of the increased commercial activity in Kā‘anapali because of concerns for public safety in the ocean, as well as public access and parking, discharge of wastewater into our nearshore environment, among other things. The court ordered DLNR to halt issuing and renewing commercial permits off Kā‘anapali until DLNR could complete an environmental assessment, or determine the permits are exempt from review.

Following the Court’s decision, Nā Pāpa‘i immediately reached out to DLNR to propose an interim solution that implemented common sense permit conditions and actions that would allow commercial activity to continue while environmental assessments were ongoing. We received no response from DLNR.

DLNR’s inaction unnecessarily escalated this situation and has pitted West Maui community members and families against each other. Thankfully, community leaders took matters into their own hands and contacted the boaters directly to work out a solution, long before this bill was introduced. The commercial boating community was extremely receptive, and we have since been in talks with boating industry leaders.

The parties have reached a tentative agreement that would allow boating activities to continue, with protections in place that address the community’s concerns, including ocean safety and public access. Sadly, instead of engaging with the parties to reach a solution in this case, DLNR has dragged its feet on this agreement, and is now begging the state legislature for a blank check that would further enable their on-going mismanagement, while also systemically dismantling environmental protections with no recourse. This bill would give DLNR free reign to continue to rubberstamp a variety of destructive activities far beyond boating with no accountability to the community, the courts, or this legislative body. If DLNR were interested in actually helping the parties reach a consensus, we would be there already, but DLNR, and their attorney, Miranda Steed, have been nothing but an obstacle in this process.

We urge you to vote NO on SB 1074. Having this bill pending while we are trying to finalize our settlement is only driving a further wedge between the parties and our community, and it is not conducive to finding workable solutions that benefit everyone. The urgency to pass SB1074 is manufactured. This bill is drastic, divisive, and unnecessary. Please reject SB1074.

Please do not hesitate to reach out if you have any questions or if I can be a further resource for you.

Mahalo,

Kai Nishiki

SB-1074-SD-2

Submitted on: 3/17/2025 9:07:51 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nicholas W Kuhns	Individual	Support	Remotely Via Zoom

Comments:

Aloha Chair and Members of the Committee,

I, Nicholas Kuhns am in *support of SB 1074 SD1*

Upon writing this today Maui and Lahaina / Ka’anapali remain 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. 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. This is untenable and would immediately bankrupt and force 27 professional operations to close. Again, this is beyond thinkable and puts 260 families out onto the street! In fact, it seems like those of us in the boating and ocean recreation industry have been unreasonably caught up as “*collateral damage*” with other ongoing conservation and environmental related challenges elsewhere. The Ka’anapali ORMA permit holders and ocean recreation operators provide a service and experience without the taking, harvesting, gathering or any potential negative impact to natural resources. Simply hosting a guest on a sunset or whale watch sail or offering a surfing lesson or even outrigger canoe ride is vastly different than other challenges the State may have. This Bill was created and submitted to recognize and help the Ka’anapali operators with pending full closure and aid those operators as they attempt to yet again recover from disaster. Please do not punish longstanding, professional operators that in many cases have been safely and respectfully operating in Ka’anapali for nearly two generations.

My interpretation of SB 1074 SD1 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.

If long standing permit holders that have operated within all guidelines and followed all regulations are put into a position whereby, they need to fully cease all activities of their business during environmental reviews then we will lose strong, dependable operators and punish them for following and abiding by all State mandated guidelines. Once they close history shows, and practical understanding reflects *that they are not coming back!* We should not lose valuable Hawaii jobs and reputable community businesses in this manner.

Beyond the immediate impact to our valuable Ka'anapali and West Maui visitors and our employees and business many, many support operators and businesses will be crushed. Please consider:

- *Estimated \$60M in annual revenues generated by all Ka'anapali ORMA permit operators goes away*
- *3% of \$60M in revenue now goes to DLNR or \$1.8 M to their budget, that goes away. NOTE: A Bill is now also being proposing a bill in legislature to raise this to 5%. Whether 5% or 3 % if no revenue no %*
- *\$1.00 per passenger to DAR (program just started in 2024) that would be \$750K-\$1M, that all goes away*
- *4.172% sales tax on \$60M or \$2.83M in state tax revenue, that all goes away*
- *\$9M (estimated) in commissions paid to travel agents, concierge, and activity desk operators on \$60M, that all goes away**
- *All pre and post revenue to restaurants and shops in the Ka'anapali area by tens of thousands of annual boating and ocean recreation participants, that all goes away**
- *More than 225,000 meals prepared by local restaurants or caterers for use on all boating operation, that all goes away-and the jobs of those people preparing them!*
- *Mechanics, fuel providers, maintenance personnel, transportation, ice deliveries, Uber drivers and countless others impacted with massive drop in needs and then loss of need for those jobs. That all goes away*
- *\$500K or more in beverage purchase and delivery of those items. This all goes away*
- *With a tremendous reduction of activities, experience and things to do in Ka'anapali / West Maui literally thousands of vacationers and tourist may choose elsewhere and then they go away.*

There are multiple points of further impact and collateral damage to other industries, jobs, livelihood, and commerce. These are important, however the human impact, as noted above remains a direct loss of 260 ocean activity and boating related jobs, family upheaval, removal from schools, inability to afford staying on Maui and families then moving to the mainland. This all would be unacceptably tragic.

I'm asking you to please vote for and *pass SB 1074 SD1* 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,

Nicholas Kuhns

SB-1074-SD-2

Submitted on: 3/17/2025 9:22:20 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Calley O'Neill	Individual	Oppose	Written Testimony Only

Comments:

Dear Legislators.

My family and Ohana and I are shocked that HB 1074 past the Senate. We vigorously oppose this bill and any and all legislation that we can of protection of our ocean and our reefs. I am sure that you are all well aware that the health of the reefs is the health of the ocean. I am sure you're aware that the health of the ocean and our health are one our destiny and the oceans destiny are one. This is basic scientific ecology this bill must not pass you are responsible to us, and you are responsible to protect life in Hawaii and especially on the reef. We fully will be watching each and every one of you to know that you stopped HB 1074.

Sincerely, Calley, O'Neill, and Ohana

SB-1074-SD-2

Submitted on: 3/17/2025 9:24:23 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Rocky Barnett	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.

Mahalo,

Rocky Barnett

orionmaui@gmail.com

SB-1074-SD-2

Submitted on: 3/17/2025 9:36:42 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Anne Allison	Individual	Oppose	Written Testimony Only

Comments:

Please oppose SB 1074. This is one of the dangerous bills. It would entirely gut the Hawai'i Environmental Policy Act (HEPA) by allowing potentially destructive activities to **continue** during any required environmental review.

Most politicians say they think protecting the unique Hawaii environment is a good idea. Yet, very little of the state budget <1% is allotted for a very important job. How can you help destroy the reefs? Do not any of you go in the ocean and enjoy water activities???? Do you have children or grandchildren that you would like to see enjoy the Hawaii experience? As a snorkeler I have seen the decline of fish and healthy reefs in the last 8 years!!!! Please help protect our precious resources! Who is doing the lobbying and who is getting paid for these votes???

TESTIMONY IN SUPPORT OF SB1074

Hearing Date: March 18, 2025

To: Chair, Vice Chair, and Members of the Committee on Judiciary (JDC)

Aloha,

I am submitting this testimony in strong support of SB1074, a critical bill that ensures Hawaii's small, locally owned maritime businesses can continue operating while environmental reviews are conducted.

Hawaii's marine economy is vital to our state's financial health and local families. According to <https://coast.noaa.gov/data/digitalcoast/pdf/marine-economy-pacific.pdf>, in 2021, it supported 97,478 jobs across 4,868 businesses and contributed \$9.2 billion to the GDP. If SB1074 does not pass, businesses could be forced to halt operations during environmental reviews. This will lead to widespread job losses, a drop in tax revenue which will fuel funding cuts to public services, schools, and infrastructure. Many of these businesses are family-run, and their forced closure would devastate the ability of those employed in the industry to pay rent, buy groceries, and support their families.

Hawaii has long been a leader in sustainable tourism, and local maritime operators are deeply invested in preserving the health of our oceans. Their success depends on environmental stewardship. The intent of SB1074 is not to bypass environmental safeguards but to ensure that the review process is fair and does not unfairly penalize businesses that have followed all permitting regulations. This bill is a lifeline for hardworking families and a shield against unfair, destabilizing uncertainty.

Opponents of this bill claim that allowing businesses to continue operating while awaiting environmental review weakens environmental protections. This is simply not the case. SB1074 does not allow unregulated or harmful activities to take place. Instead, it ensures that businesses that have already been legally permitted and operating in compliance with regulations are not arbitrarily forced to shut down due to procedural delays. The alternative, forcing closures before a final determination is made, is an extreme and unnecessary measure that harms small businesses without any guaranteed environmental benefit.

I respectfully urge you to pass SB1074 to keep Hawaii's maritime industry strong, protect local jobs, and sustain our tourism-dependent economy while maintaining responsible environmental oversight.

Mahalo for your time and consideration.

Respectfully,

Jaye Moreau
(808) 335-6833

SB-1074-SD-2

Submitted on: 3/17/2025 10:02:02 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Katherine Fryer	Individual	Oppose	Written Testimony Only

Comments:

I strongly **OPPOSE SB1074 SD2**, which continues to needlessly undermine our environmental review law and the public trust resources, cultural practices, public health, recreational activities, economic opportunities, and other public interests this law serves to protect.

By allowing commercial activities - which may include the unlimited extraction and corporate exploitation of public trust resources - to be permitted and continued indefinitely, while environmental review compliance is pending, this measure undermines the very purpose of the Hawai'i Environmental Protection Act. Environmental review processes ensure that agency decisionmakers consider the environmental consequences of certain activities before those activities are allowed to commence, using input from the public, cultural practitioners, experts, and sister agencies. With this bill, commercial activities may be repeatedly approved and continued for a year or longer - potentially indefinitely - without the planning and transparency provided by environmental review, causing significant accumulating harm to our environment and associated public interests.

With regards to the concerns raised by Ka'anapali commercial ocean tour operators, the DLNR has several options to provide them with relief, without undermining a foundation of our environmental protection policies. This includes accepting a settlement offer that would resolve litigation over public access and water pollution concerns in Ka'anapali, and/or by applying its existing environmental review exemption list to the issuance of commercial ocean use permits in Ka'anapali, with permit conditions to minimize any potential environmental impacts. Please urge the DLNR to pursue these much more timely solutions to the situation in Ka'anapali, rather than pass this misguided measure.

SB-1074-SD-2

Submitted on: 3/17/2025 10:07:49 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Sarah Biggs	Individual	Oppose	Written Testimony Only

Comments:

This measure does not honor the Hawai'i Environmental Protection Act.

SB-1074-SD-2

Submitted on: 3/17/2025 10:32:07 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

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

Comments:

Aloha Chairs Lowen and Hashem, Vice Chairs Perruso and Lamosao, and members of the committees,

My name is William Reese Liggett and I strongly **OPPOSE SB1074 SD2**, which continues to needlessly undermine our environmental review law and the public trust resources, cultural practices, public health, recreational activities, economic opportunities, and other public interests this law serves to protect.

By allowing commercial activities - which may include the unlimited extraction and corporate exploitation of public trust resources - to be permitted and continued indefinitely, while environmental review compliance is pending, this measure undermines the very purpose of the Hawai'i Environmental Protection Act. Environmental review processes, such as environmental assessments and impact statements, ensure that agency decisionmakers consider the environmental consequences of certain activities before those activities are allowed to commence, using input from the public, cultural practitioners, experts, and sister agencies. With this bill, commercial activities may be repeatedly approved and continued for a year or longer - potentially indefinitely - without the prudent planning and transparency provided by environmental review, leading to significant, accumulating, and needless harms to our environment and associated public interests.

With regards to the concerns raised by Ka'anapali commercial ocean tour operators, the DLNR has several options to provide them with relief, without attacking a foundation of our environmental protection policies. This includes accepting a settlement offer that would resolve litigation over public access and water pollution concerns in Ka'anapali, and/or by applying its existing environmental review exemption list to the issuance of commercial ocean use permits in Ka'anapali, with permit conditions to minimize any potential environmental impacts. Please urge the DLNR to pursue these much more timely solutions to the situation in Ka'anapali, rather than pass this misguided measure.

Please **HOLD SB1074 SD2**.

Sincerely,
William
Reese Liggett

SB-1074-SD-2

Submitted on: 3/17/2025 10:35:12 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Dale Evans	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chairs Lowen and Hashem, Vice Chairs Perruso and Lamosao, and members of the committees,

My name is (Mr.) Dale Evans, and I oppose this bill. We have ONLY ONE environment, and I object to measures that could weaken protection of it. At the County level, much effort had to be expended to stop the destruction and development of Sherwood Forest in Waimanalo by the city, and the failure of government to follow appropriate environmental review resulted in the County ultimately losing in court. We who care to preserve our environment from the damage that weakened regulations can do beg to be spared from having to fight the State when harm might occur as a result of this bill. Please do not advance it.

SB-1074-SD-2

Submitted on: 3/17/2025 10:58:06 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lory Ono	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chairs Lowen and Hashem, Vice Chairs Perruso and Lamosao, and members of the committees,

My name is Lory Ono, and I strongly **OPPOSE SB1074 SD2**, which continues to needlessly undermine our environmental review law and the public trust resources, cultural practices, public health, recreational activities, economic opportunities, and other public interests this law serves to protect.

By allowing commercial activities - which may include the unlimited extraction and corporate exploitation of public trust resources - to be permitted and continued indefinitely, while environmental review compliance is pending, this measure undermines the very purpose of the Hawai'i Environmental Protection Act. Environmental review processes, such as environmental assessments and impact statements, ensure that agency decisionmakers consider the environmental consequences of certain activities before those activities are allowed to commence, using input from the public, cultural practitioners, experts, and sister agencies. With this bill, commercial activities may be repeatedly approved and continued for a year or longer - potentially indefinitely - without the prudent planning and transparency provided by environmental review, leading to significant, accumulating, and needless harms to our environment and associated public interests.

With regards to the concerns raised by Ka'anapali commercial ocean tour operators, the DLNR has several options to provide them with relief, without attacking a foundation of our environmental protection policies. This includes accepting a settlement offer that would resolve litigation over public access and water pollution concerns in Ka'anapali, and/or by applying its existing environmental review exemption list to the issuance of commercial ocean use permits in Ka'anapali, with permit conditions to minimize any potential environmental impacts. Please urge the DLNR to pursue these much more timely solutions to the situation in Ka'anapali, rather than pass this misguided measure.

Please **HOLD SB1074 SD2**.

Sincerely,

Lory ono

SB-1074-SD-2

Submitted on: 3/17/2025 11:10:19 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lorna Holmes	Individual	Oppose	Written Testimony Only

Comments:

My name is Lorna Holmes and I strongly **OPPOSE SB1074 SD2**. It undermines our environmental review law, and the public interests this law protects.

With this bill, commercial activities may be repeatedly approved and continued, potentially indefinitely, without the necessary planning and transparency of environmental review. This means unaddressed harms to our environment and associated public interests can continue unchecked.

With regards to the concerns raised by Ka‘anapali commercial ocean tour operators, the DLNR already has several options to provide them with relief. Fairness to them does not require us to give up our environmental protection policies. Please urge the DLNR to pursue available solutions to the situation in Ka‘anapali, rather than pass this misguided measure.

Mahalo for your attention,

Dr. Lorna Holmes

SB-1074-SD-2

Submitted on: 3/17/2025 12:40:52 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kaleiheana-a-Pohaku Stormcrow	Individual	Oppose	Written Testimony Only

Comments:

My name is Kaleiheana Stormcrow and I strongly **OPPOSE SB1074 SD2**, which continues to needlessly undermine our environmental review law and the public trust resources, cultural practices, public health, recreational activities, economic opportunities, and other public interests this law serves to protect.

This measure undermines the very purpose of the Hawai‘i Environmental Protection Act by allowing commercial activities—which may include the unlimited extraction and corporate exploitation of public trust resources—to be permitted and continued indefinitely, while environmental review compliance is pending. Environmental review processes, such as environmental assessments and impact statements, ensure that agency decisionmakers consider the environmental consequences of certain activities before those activities are allowed to commence, using input from the public, cultural practitioners, experts, and sister agencies. With this bill, commercial activities may be repeatedly approved and continued for a year or longer - potentially indefinitely - without the prudent planning and transparency provided by environmental review, leading to significant, accumulating, and needless harms to our environment and associated public interests.

With regards to the concerns raised by Ka‘anapali commercial ocean tour operators, the DLNR has several options to provide them with relief, without attacking a foundation of our environmental protection policies. This includes accepting a settlement offer that would resolve litigation over public access and water pollution concerns in Ka‘anapali, and/or by applying its existing environmental review exemption list to the issuance of commercial ocean use permits in Ka‘anapali, with permit conditions to minimize any potential environmental impacts. Please urge the DLNR to pursue these much more timely solutions to the situation in Ka‘anapali, rather than pass this misguided measure.

Please **HOLD SB1074 SD2**.

Sincerely,
Kaleiheana Stormcrow

SB-1074-SD-2

Submitted on: 3/17/2025 12:47:45 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Alexandra Grutter	Individual	Oppose	Written Testimony Only

Comments:

The reef needs all the protection we can give it, especially with all the increasing pressures from land runoff, pollution, warming temperatures, and overfishing island wide. Even protections at a small scale can have spillover effects to much greater areas. A reef in it's best condition is much more valuable for the entire community, than it is when overharvested by a few. Please pass this bill.

SB-1074-SD-2

Submitted on: 3/17/2025 12:57:31 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Janice Palma-Glennie	Individual	Oppose	Written Testimony Only

Comments:

aloha,

I've fought the over use and abuse of commercial activities in West Hawai`i public parks and other spaces for over 30 years. that use has restricted the public from enjoying the space and resources they kokua wiht their tax dollars. meanwhile, i've watched movie-maker jet skis thrash around illegally and without thought in areas off-limits due to conservation protections; or iv'e seen our leaders allow them to do it. i've seen illegal structures built on beaches by movie companies without any permitting. I've been the victim of wedding photographers telling me to move out of a photo shoot they're doing on the public foreshore.

SB1074 SD2 would allow commercial activities approved without environmental review to nonetheless continue for a year or longer, while environmental review compliance is pending - and while significant and potentially irreparable harms to our environment accumulate over time. This is a bad bill and should be stopped NOW by members of the House Energy & Environmental Protection and Water & Land Committees.

mahalo for using your integrity to kill this bill.

sincerely,

janice palma=-glennie

kailua-kona

SB-1074-SD-2

Submitted on: 3/17/2025 1:08:47 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Sharde Freitas	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chairs Lowen and Hashem, Vice Chairs Perruso and Lamosao, and members of the committees,

My name is Sharde Freitas and I strongly **OPPOSE SB1074 SD2**, which continues to needlessly undermine our environmental review law and the public trust resources, cultural practices, public health, recreational activities, economic opportunities, and other public interests this law serves to protect.

By allowing commercial activities - which may include the unlimited extraction and corporate exploitation of public trust resources - to be permitted and continued indefinitely, while environmental review compliance is pending, this measure undermines the very purpose of the Hawai'i Environmental Protection Act. Environmental review processes, such as environmental assessments and impact statements, ensure that agency decisionmakers consider the environmental consequences of certain activities before those activities are allowed to commence, using input from the public, cultural practitioners, experts, and sister agencies. With this bill, commercial activities may be repeatedly approved and continued for a year or longer - potentially indefinitely - without the prudent planning and transparency provided by environmental review, leading to significant, accumulating, and needless harms to our environment and associated public interests.

With regards to the concerns raised by Ka'anapali commercial ocean tour operators, the DLNR has several options to provide them with relief, without attacking a foundation of our environmental protection policies. This includes accepting a settlement offer that would resolve litigation over public access and water pollution concerns in Ka'anapali, and/or by applying its existing environmental review exemption list to the issuance of commercial ocean use permits in Ka'anapali, with permit conditions to minimize any potential environmental impacts. Please urge the DLNR to pursue these much more timely solutions to the situation in Ka'anapali, rather than pass this misguided measure.

Please **HOLD SB1074 SD2**.

SB-1074-SD-2

Submitted on: 3/17/2025 1:36:46 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Glenn Choy	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill. Thank you

SB-1074-SD-2

Submitted on: 3/17/2025 1:42:17 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

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

Comments:

This bill is an excuse to gut laws that protect our ocean ecosystems in Hawaii. The DLNR has tried to accommodate the collectors of aquarium fish in spite of the fact that the ecosystems are very fragile. Hawaii needs stricter laws to protect our Ocean. We need more offshore Park Rangers to accommodate the need for policing of our resources. We need to invest in more studies to determine which species, such as the yellow tang, are critical, both the numbers and importance to the health of the corals. I therefore oppose this bill.

SB-1074-SD-2

Submitted on: 3/17/2025 2:29:35 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Caroline Barbeau	Individual	Oppose	Written Testimony Only

Comments:

I opposed this bill.

SB-1074-SD-2

Submitted on: 3/17/2025 3:20:10 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Shay Chan Hodges	Individual	Oppose	Written Testimony Only

Comments:

I strongly **OPPOSE SB1074 SD2**, which continues to needlessly undermine our environmental review law and the public trust resources, cultural practices, public health, recreational activities, economic opportunities, and other public interests this law serves to protect.

By allowing commercial activities - which may include the unlimited extraction and corporate exploitation of public trust resources - to be permitted and continued indefinitely, while environmental review compliance is pending, this measure undermines the very purpose of the Hawai'i Environmental Protection Act. Environmental review processes, such as environmental assessments and impact statements, ensure that agency decisionmakers consider the environmental consequences of certain activities before those activities are allowed to commence, using input from the public, cultural practitioners, experts, and sister agencies. With this bill, commercial activities may be repeatedly approved and continued for a year or longer - potentially indefinitely - without the prudent planning and transparency provided by environmental review, leading to significant, accumulating, and needless harms to our environment and associated public interests.

With regards to the concerns raised by Ka'anapali commercial ocean tour operators, the DLNR has several options to provide them with relief, without attacking a foundation of our environmental protection policies. This includes accepting a settlement offer that would resolve litigation over public access and water pollution concerns in Ka'anapali, and/or by applying its existing environmental review exemption list to the issuance of commercial ocean use permits in Ka'anapali, with permit conditions to minimize any potential environmental impacts. Please urge the DLNR to pursue these much more timely solutions to the situation in Ka'anapali, rather than pass this misguided measure.

Please **HOLD SB1074 SD2**.

SB-1074-SD-2

Submitted on: 3/17/2025 3:21:31 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Leonard Nakoa III	Individual	Oppose	Remotely Via Zoom

Comments:

There is to much unsafe actions by commercial activities. I seen it first hand

Testimony of Lanny Sinkin

Re: SB 1074 and SD 2

March 15, 2025

Dear Chair Lowen, Chair Hashem, Vice Chair Perruso, Vice Chair Lamosao, and Committee Members,

I **strongly oppose** SB 1074 and SD2 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 them.

I live on the Island of Hawai'i where protection of the environment is both a *kuleana* and a necessity. My legal practice has often included environmental cases. There are numerous laws, rules, and statutes that put in place administrative processes meant to achieve protection for the Natural World.

The most important is the Hawaiian Environmental Policy Act (HEPA). One of the most important provisions of that law is the requirement that an agency identify any potential adverse environmental impacts of a proposed action before making a final decision. The purpose of that rule is to ensure that adverse environmental impacts are not overlooked.

There are those who consider this requirement too burdensome. They seek to remove the requirement and allow projects to begin implementation before the environmental work is complete. There is currently a campaign underway at the federal level to remove this requirement for federal projects. Ever since his inauguration, Trump has systematically been dismantling our governmental system. One goal of this destruction is the repeal of federal laws protecting the natural environment. A specific target of this campaign are the legal requirements for environmental review prior to an agency making a final decision on a proposal. (National Environmental Policy Act).

The same requirement is found in state law. Hawai'i Environmental Policy Act (HEPA).

Unfortunately, the State Legislature is being asked to amend the state law by removing the current requirement for taking a "hard look" at potential adverse environmental impacts before a state agency proceeds with a decision. The amendments would allow an agency to proceed with a project whose review is not complete.

The rationale for requiring the environmental analysis prior to decision-making has not changed. To the contrary, the need to consider potential adverse impacts is more necessary than ever. Climate Chaos is disrupting the natural environment and threatening the collapse of civilization. The State should be responding comprehensively and effectively, not blowing holes in existing protections.

There is also the likely pressure to complete a project once begun. The longer a project is under way, the greater the financial losses if the project is cancelled or the permit is denied.

An example of that pressure is found in the litigation around the Dakota Access Pipeline (DAPL).

I served as legal counsel for members of the Standing Rock tribe facing charges based on their acts of opposition to DAPL. The tribe argued that the pipeline failed to perform the environmental work required. The judge ruled that that the Army Corps of Engineers environmental work was inadequate. Normally that ruling would mean that the DAPL proponents could not proceed until an adequate EIS was prepared.

Despite the tribes succeeding in their challenge, the judge allowed the pipeline to begin carrying oil while the environmental work was being done.

The Army Corp has still not completed the EIS eight years later. Millions of gallons of oil have passed through the pipeline. Not requiring completion of the EIS prior to allowing the oil to flow removed any incentive for the Army Corp to complete the environmental analyses that the court ordered. Because the flowing oil poses a threat to the water supply for millions of people, each passing day is a potential disaster.

Removing the requirement for completion prior to decision-making opened the door for such scenarios.

The State of Hawai'i should not adopt a process that makes environmental harm more likely. The fact that the fascists, who have seized the federal government, are adopting such a process should be a message to the State Legislature not to further weaken protections for the environment.

SB-1074-SD-2

Submitted on: 3/17/2025 5:09:50 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Bo Breda	Individual	Oppose	Written Testimony Only

Comments:

My name is Bo Breda and I strongly **OPPOSE SB1074 SD2**, which continues to needlessly undermine our environmental review law and the public trust resources, cultural practices, public health, recreational activities, economic opportunities, and other public interests this law serves to protect.

By allowing commercial activities - which may include the unlimited extraction and corporate exploitation of public trust resources - to be permitted and continued indefinitely, while environmental review compliance is pending, this measure undermines the very purpose of the Hawai'i Environmental Protection Act. Environmental review processes, such as environmental assessments and impact statements, ensure that agency decisionmakers consider the environmental consequences of certain activities before those activities are allowed to commence, using input from the public, cultural practitioners, experts, and sister agencies. With this bill, commercial activities may be repeatedly approved and continued for a year or longer - potentially indefinitely - without the prudent planning and transparency provided by environmental review, leading to significant, accumulating, and needless harms to our environment and associated public interests.

With regards to the concerns raised by Ka'anapali commercial ocean tour operators, the DLNR has several options to provide them with relief, without attacking a foundation of our environmental protection policies. This includes accepting a settlement offer that would resolve litigation over public access and water pollution concerns in Ka'anapali, and/or by applying its existing environmental review exemption list to the issuance of commercial ocean use permits in Ka'anapali, with permit conditions to minimize any potential environmental impacts. Please urge the DLNR to pursue these much more timely solutions to the situation in Ka'anapali, rather than pass this misguided measure.

Please **HOLD SB1074 SD2**.

Sincerely,
Bo Breda

SB-1074-SD-2

Submitted on: 3/17/2025 5:18:44 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Peter Wilson	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chairs Lowen and Hashem, Vice Chairs Perruso and Lamosao, and members of the committees,

My name is Peter Wilson and I strongly **OPPOSE SB1074 SD2**, which continues to needlessly undermine our environmental review law and the public trust resources, cultural practices, public health, recreational activities, economic opportunities, and other public interests this law serves to protect.

By allowing commercial activities - which may include the unlimited extraction and corporate exploitation of public trust resources - to be permitted and continued indefinitely, while environmental review compliance is pending, this measure undermines the very purpose of the Hawai'i Environmental Protection Act. Environmental review processes, such as environmental assessments and impact statements, ensure that agency decisionmakers consider the environmental consequences of certain activities before those activities are allowed to commence, using input from the public, cultural practitioners, experts, and sister agencies. With this bill, commercial activities may be repeatedly approved and continued for a year or longer - potentially indefinitely - without the prudent planning and transparency provided by environmental review, leading to significant, accumulating, and needless harms to our environment and associated public interests.

With regards to the concerns raised by Ka'anapali commercial ocean tour operators, the DLNR has several options to provide them with relief, without attacking a foundation of our environmental protection policies. This includes accepting a settlement offer that would resolve litigation over public access and water pollution concerns in Ka'anapali, and/or by applying its existing environmental review exemption list to the issuance of commercial ocean use permits in Ka'anapali, with permit conditions to minimize any potential environmental impacts. Please urge the DLNR to pursue these much more timely solutions to the situation in Ka'anapali, rather than pass this misguided measure.

Please **HOLD SB1074 SD2**.

Sincerely,

Peter Wilson

SB-1074-SD-2

Submitted on: 3/17/2025 5:54:16 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Beppie Shapiro	Individual	Oppose	Written Testimony Only

Comments:

With an environment under continuous risk from human activities and climate change, we must protect our current environmental review process. This bill would weaken it.

SB-1074-SD-2

Submitted on: 3/17/2025 5:55:50 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Benton Kealii Pang, Ph.D.	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Lowen, Chair Hashem, Vice Chair Perruso, Vice Chair Lamosao, and Members of the Committees,

I write in strong *opposition* to SB1074 SD2, which seeks to circumvent Hawai‘i’s environmental review process and undermine decades of established safeguards designed to protect our islands’ natural and cultural resources.

This bill would allow government agencies to issue and indefinitely renew permits for the commercial exploitation of public trust resources—including large-scale stream diversions, groundwater withdrawals, and other extractive activities—without undergoing environmental review or considering public input. Such actions threaten to cause significant, cumulative harm to our environment, cultural traditions, and community well-being.

For over 40 years, the Hawai‘i Environmental Protection Act (HEPA) has ensured that critical decision-making processes include transparency, public engagement, and environmental accountability. SB1074 SD2 would gut these safeguards, removing the very mechanisms that help us balance economic interests with responsible stewardship. Without environmental review, we risk repeating past injustices, such as the long-standing diversions of East Maui streams that deprived communities of their water for decades.

Rather than dismantling environmental oversight, I urge you to explore alternative solutions, such as the settlement offer that could resolve the litigation used to justify this bill or the application of existing categorical exemptions under HEPA.

Hawai‘i’s environment is not limitless. It is our collective kuleana to protect it for future generations. Please **HOLD** SB1074 SD2 and uphold the integrity of our environmental laws.

Mahalo for your time and consideration.

Sincerely,
Benton Kealii Pang, Ph.D.

SB-1074-SD-2

Submitted on: 3/17/2025 6:18:25 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Madison Owens	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Lowen, Chair Hashem, Vice Chair Perruso, Vice Chair Lamosao, and Members of the Committees,

Please OPPOSE this unnecessary and misguided measure that circumvents one of our fundamental environmental protection laws.

Under SB1074 SD2, government decisionmakers could issue and continually renew permits for the unlimited commercial extraction of public trust resources, the continuous diversion of streams, or other profit-driven, exploitative activities, without any consideration of the environmental consequences of their decisions - or of the input of cultural practitioners or members of the public, or feasible ways to mitigate any harms. This would fly in the face of the very purpose of our environmental review law, the Hawai'i Environmental Protection Act, which for 40 years has served to ensure thoughtful planning, transparency, and decisionmaking before certain actions impacting our islands are allowed to occur.

Significant, irreparable, and needless harms to our environment, cultural practices, public health, and more could accumulate for years or decades - as we have seen with the East Maui stream diversions - if this bill is passed.

Please encourage the Department of Land and Natural Resources to instead explore the settlement offer that would resolve the litigation being used to justify this bill, or to apply its existing categorical exemptions to do the same - without eroding one of our islands' bedrock environmental protections.

*Therefore, I urge you to please **HOLD** SB1074 SD2.*

Sincerely,

Madison Owens

SB-1074-SD-2

Submitted on: 3/17/2025 6:27:31 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Sherry Pollack	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose SB1074SD2, 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-SD-2

Submitted on: 3/17/2025 6:45:42 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Aree Worawongwasu	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Lowen, Chair Hashem, Vice Chair Perruso, Vice Chair Lamosao, and Members of the Committees,

Please OPPOSE this unnecessary and misguided measure that circumvents one of our fundamental environmental protection laws.

Under SB1074 SD2, government decisionmakers could issue and continually renew permits for the unlimited commercial extraction of public trust resources, the continuous diversion of streams, or other profit-driven, exploitative activities, without any consideration of the environmental consequences of their decisions - or of the input of cultural practitioners or members of the public, or feasible ways to mitigate any harms. This would fly in the face of the very purpose of our environmental review law, the Hawai'i Environmental Protection Act, which for 40 years has served to ensure thoughtful planning, transparency, and decisionmaking before certain actions impacting our islands are allowed to occur.

Significant, irreparable, and needless harms to our environment, cultural practices, public health, and more could accumulate for years or decades - as we have seen with the East Maui stream diversions - if this bill is passed.

Please encourage the Department of Land and Natural Resources to instead explore the settlement offer that would resolve the litigation being used to justify this bill, or to apply its existing categorical exemptions to do the same - without eroding one of our islands' bedrock environmental protections.

Therefore, I urge you to please HOLD SB1074 SD2.

Sincerely,

Aree Worawongwasu, PhD student, University of Hawai'i at Mānoa.

SB-1074-SD-2

Submitted on: 3/17/2025 7:14:52 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Patrice Choy	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE SB1074 SD2.

Please HOLD Sb1074 SD2.

Thank you.

SB-1074-SD-2

Submitted on: 3/17/2025 7:25:38 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nathan Leo Braulick	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chairs Lowen and Hashem, Vice Chairs Perruso and Lamosao, and members of the committees,

My name is Nathan Leo Braulick and I strongly **OPPOSE SB1074 SD2**, which continues to needlessly undermine our environmental review law and the public trust resources, cultural practices, public health, recreational activities, economic opportunities, and other public interests this law serves to protect.

By allowing commercial activities - which may include the unlimited extraction and corporate exploitation of public trust resources - to be permitted and continued indefinitely, while environmental review compliance is pending, this measure undermines the very purpose of the Hawai'i Environmental Protection Act. Environmental review processes, such as environmental assessments and impact statements, ensure that agency decisionmakers consider the environmental consequences of certain activities before those activities are allowed to commence, using input from the public, cultural practitioners, experts, and sister agencies. With this bill, commercial activities may be repeatedly approved and continued for a year or longer - potentially indefinitely - without the prudent planning and transparency provided by environmental review, leading to significant, accumulating, and needless harms to our environment and associated public interests.

With regards to the concerns raised by Ka'anapali commercial ocean tour operators, the DLNR has several options to provide them with relief, without attacking a foundation of our environmental protection policies. This includes accepting a settlement offer that would resolve litigation over public access and water pollution concerns in Ka'anapali, and/or by applying its existing environmental review exemption list to the issuance of commercial ocean use permits in Ka'anapali, with permit conditions to minimize any potential environmental impacts. Please urge the DLNR to pursue these much more timely solutions to the situation in Ka'anapali, rather than pass this misguided measure.

Please **HOLD SB1074 SD2**.

Sincerely,
Nathan Leo Braulick

SB-1074-SD-2

Submitted on: 3/17/2025 7:39:44 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Monica Morris	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Lowen, Chair Hashem, Vice Chair Perruso, Vice Chair Lamosao, and Members of the Committees,

Please OPPOSE this measure that circumvents one of our fundamental environmental protection laws.

Under SB1074 SD2, government decisionmakers could issue and continually renew permits for the unlimited commercial extraction of public trust resources, the continuous diversion of streams, or other profit-driven, exploitative activities, without any consideration of the environmental consequences of their decisions - or of the input of cultural practitioners or members of the public, or feasible ways to mitigate any harms. This would fly in the face of the very purpose of our environmental review law, the Hawai'i Environmental Protection Act, which for 40 years has served to ensure thoughtful planning, transparency, and decisionmaking before certain actions impacting our islands are allowed to occur.

Significant, irreparable, and needless harms to our environment, cultural practices, public health, and more could accumulate for years or decades if this bill is passed.

*Therefore, I urge you to please **HOLD** SB1074 SD2.*

Sincerely, Monica Morris

SB-1074-SD-2

Submitted on: 3/17/2025 8:46:37 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
John L Reppun	Individual	Oppose	Written Testimony Only

Comments:

Subject: SB1072 SD2

Aloha Chair Lowen, Chair Hashem, Vice chair Perruso, Vice Chair Lamosao, Committee Members:

I strongly urge your respective committees to hold the subject bill which, if allowed to pass, would undermine critical environmental protections and law that should be upheld for our fragile and limited public trust and unique cultural resources.

John L. Reppun, lifetime community planning advocate, resident of N. Ko'olaupoko, O'ahu

SB-1074-SD-2

Submitted on: 3/17/2025 10:09:18 PM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Karen Shishido	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Lowen, Chair Hashem, Vice Chair Perruso, Vice Chair Lamosao, and Members of the Committees,

Please OPPOSE this unnecessary and misguided measure that circumvents one of our fundamental environmental protection laws.

Under SB1074 SD2, government decisionmakers could issue and continually renew permits for the unlimited commercial extraction of public trust resources, the continuous diversion of streams, or other profit-driven, exploitative activities, without any consideration of the environmental consequences of their decisions - or of the input of cultural practitioners or members of the public, or feasible ways to mitigate any harms. This would fly in the face of the very purpose of our environmental review law, the Hawai‘i Environmental Protection Act, which for 40 years has served to ensure thoughtful planning, transparency, and decisionmaking before certain actions impacting our islands are allowed to occur.

Significant, irreparable, and needless harms to our environment, cultural practices, public health, and more could accumulate for years or decades - as we have seen with the East Maui stream diversions - if this bill is passed.

Please encourage the Department of Land and Natural Resources to instead explore the settlement offer that would resolve the litigation being used to justify this bill, or to apply its existing categorical exemptions to do the same - without eroding one of our islands' bedrock environmental protections.

Therefore, I urge you to please **HOLD** SB1074 SD2.

Mahalo for your consideration.

Sincerely,

Karen Shishido

SB-1074-SD-2

Submitted on: 3/18/2025 7:06:08 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jerry Ilo	Individual	Support	Written Testimony Only

Comments:

Support

SB-1074-SD-2

Submitted on: 3/18/2025 9:39:46 AM

Testimony for EEP on 3/18/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Florian Goldhammer	Individual	Support	Written Testimony Only

Comments:

I support SB1074 SD2