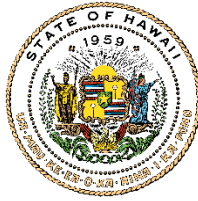


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



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

P.O. BOX 621
HONOLULU, HAWAII 96809

Testimony of
DAWN N. S. CHANG
Chairperson

Before the Senate Committee on
WATER AND LAND

Monday, February 10, 2025
1:00 PM
State Capitol, Conference Room 229

In consideration of
SENATE BILL 1457
RELATING TO OCEAN USER SAFETY

Senate Bill 1457 proposes to authorize the Board of Land and Natural Resources (Board) to issue interim administrative rules to regulate the recreational and commercial use of ocean recreation equipment. **The Department of Land and Natural Resources (Department) strongly supports this administration measure.**

The adaptive management authority provided in this measure would give the Department the ability to more quickly and efficiently regulate ocean recreation equipment in state ocean waters, especially new ocean recreation technologies and changes in the ocean environment, in order to ensure public safety, reduce user conflicts, and effectively manage marine natural resources. There has also been a rapid expansion of commercial activity utilizing new ocean recreation technologies within a relatively short period of time, leading to overuse of boating facilities, strain on natural resources, and user conflicts between recreational and commercial ocean users.

While the Department already has existing adaptive management authority for aquatic resources, forestry and wildlife, and state parks, the Department does not have a legal mechanism to swiftly regulate new types of ocean equipment or activities even if they may pose a threat to public safety or natural resources because such regulation may not qualify for emergency rulemaking as an "imminent peril" pursuant to section 91-3(b), Hawaii Revised Statutes (HRS). Further, emergency rules are only effective for 120 days and cannot be renewed. In the Department's experience, completing administrative rule amendments pursuant to Chapter 91, HRS, takes at least one year, with many rule amendment projects taking 2 years or more.

This measure provides a 2-year interim rule authority, mirroring existing provisions for other resource management areas. Interim rules would allow the Department to address immediate

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

concerns while developing permanent regulations. When permanent rules are adopted, interim rules would be concurrently repealed and replaced. The ability to adopt interim rules would also help to inform the permanent rule proposal by showing the Department what interim regulations have worked in practice and what interim regulations need to be improved or removed.

The Department recognizes that there are concerns about public input and involvement. Interim rules would be subject to the procedures contained in Chapter 92, HRS. The Board will take public testimony and have the final decision on adoption, as well as any revisions to proposed interim rules, in a sunshined public meeting.

Mahalo for the opportunity to testify on this measure.

SB-1457

Submitted on: 2/6/2025 7:43:12 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

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

My name is Ely Spivack and I am the administrator of Maui Wingfoiling and Wingsurfing Facebook Group (2300 members), as well as administrator of the Friends of Kanaha Facebook Group (7,000 members). This testimony concerning proposed SB 1457, "RELATING TO OCEAN USER SAFETY." Here is my personal testimony, I will also participate via Zoom. While the purpose of SB 1457 is to change the standard 120 day rulemaking process and establish a 24 month interim rule, this provision will give lawmakers the ability to call for longer range punitive measures against hydrofoil ("new technology") usage by recreational users. I am opposed to this bill, and was opposed to and testified against HB 1138. Here are my reasons: 1. The state legislature should not discriminate against foil driven craft by having a separate rule apply (proposed 2 year interim rule), while have other users be bound by a 120 day rule. 2. The definition of "New Technology" craft in this bill is extremely vague. There are different categories of foil driven craft, those that are motorized (foil and foil assist drives), and prone, sup, wing, and windsail powered craft, i.e., motorized hydrofoil craft and non motorized (prone, sup, wing and wind). There is no distinction as to which of these two "classes" of craft would be targeted in this bill, rules enacted for motorized foilcraft should not be targeted to non-motorized hydrofoil craft. 3. As administrator of Maui Wingfoiling and Wingsurfing Facebook group. I personally provide daily information to group members regarding Kahului Harbor (Maui) activities: commercial shipping traffic, cruise ship traffic, and canoe practice/regatta schedules (there are 2 canoe Hales onsite at the harbor). This daily report is in addition to online YouTube videos, guides, and onsite signage that promote safety, and separation from other Kahului Harbor stakeholders. By providing this daily information and additional resources, conflicts between stakeholders are kept at a minimum and the lines of communication between parties are open. 4. I am also Secretary of Hosthawaii.org. Host Hawaii is a Statewide Ocean Safety organization whose members include Government and Non-Governmental organizations, as well as commercial and recreational ocean users. While not speaking on this organization's behalf in this testimony, it is important to note that our organization has been at the forefront of de-escalation efforts between hydrofoil users and commercial shipping. Therefore I believe quite strongly that any policing of foil driven water craft can be done from within, I do not believe any further legislative action towards ocean users that are using either motorized or non-motorized foil craft is necessary. We are a model of this here on Maui. Therefore, with reference to the above, I strongly oppose the efforts to specifically target hydrofoil users with a 2 year interim rule. All

needed safety measures have been implemented necessary to prevent injury, and lines of communication among stakeholders is there for mitigation of any future problems. Sincerely, Ely Spivack, 3955 Lepo Street, Maui, Hi. 96708

SB-1457

Submitted on: 2/6/2025 5:41:42 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
robert schmaltz	Testifying for Kihei Hoilday Surf Club, Kihei Hi	Oppose	Written Testimony Only

Comments:

we oppse this bill. restrictiong water sport avtivies is damaging to the state, counties and the people that use the water. please work to find ways to hae all user enjoy the water. NOT RESTRICT USE. Tthis bill is not thought out. respectfully submitted

SB-1457

Submitted on: 2/6/2025 6:01:52 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

TESTIMONY IN OPPOSITION TO SB 1457

Hearing Date: Monday, February 10, 2025

Time: 1:00 PM

Committee: Senate Committee on Water and Land (WTL)

Submitted by: Zachary LaPrade, Owner

Affiliation: Boss Frog's (bossfrogs.com), representing the dive boat and snorkel industry

Chair Lorraine R. Inouye, Vice Chair Brandon J.C. Elefante, and Members of the Committee,

I am submitting this testimony **in opposition to SB 1457**, which proposes granting the **Board of Land and Natural Resources (BLNR)** the authority to issue **interim rules for up to 24 months** without following the standard rulemaking procedures under **HRS Chapter 91** or **HRS Chapter 201M**.

As an employee of **Boss Frog's** and a representative of the **dive boat and snorkel industry in Hawaii**, I am deeply concerned that **this bill is too broad, lacks necessary checks and balances, and could result in unnecessary regulations that negatively impact small businesses and ocean users.**

Key Concerns:

- 1. SB 1457 is Overly Broad and Could Regulate Basic Snorkel Equipment**
 - The bill does not specify **which types of water sports equipment could be regulated**, meaning it could **unintentionally impact common snorkel gear, masks, fins, and other equipment that have been safely used in Hawaii for decades.**
 - Without clear limitations, **BLNR could impose restrictions on snorkel tour operators**, creating **unnecessary economic and operational burdens.**
 - **There is no reason for basic snorkel gear to be subject to broad rulemaking powers**—this equipment is fundamental to Hawaii's ocean tourism industry and has never posed a safety or environmental threat that justifies interim rulemaking.
- 2. Existing Emergency Rulemaking Provisions Already Address Urgent Issues**

- Under **HRS § 91-3(b)**, BLNR already has the power to **implement emergency rules for up to 120 days** if there is an **imminent peril to public health, safety, or natural resources**.
 - **This existing authority ensures that true emergencies can be addressed quickly, while still maintaining accountability** through the requirement of a **clear emergency justification**.
 - **If an issue does not meet the emergency threshold of HRS § 91-3(b), it should go through the proper administrative rulemaking process.**
3. **Lack of Checks and Balances in the Rulemaking Process**
- SB 1457 **circumvents public input, industry consultation, and legislative oversight** by allowing **BLNR to issue interim rules without stakeholder engagement**.
 - Unlike standard rulemaking, **this bill does not require economic impact assessments or public hearings**, meaning businesses could face sudden and arbitrary restrictions **without recourse**.
 - The 24-month interim rule period is excessive and **effectively allows BLNR to impose de facto permanent regulations without due process**.
4. **Interim Rules Should Only Be Used for True Emergency Situations**
- Unlike emergency rules under HRS § 91-3(b), **SB 1457 does not require BLNR to prove that an emergency exists before issuing an interim rule**.
 - This **opens the door to excessive or arbitrary regulations** that may not be justified by immediate safety or environmental concerns.
 - If BLNR needs **greater flexibility**, it should be **required to demonstrate an urgent need before bypassing the normal rulemaking process**.

Recommendations:

Given that **existing statutes already provide emergency rulemaking authority**, I respectfully urge the Committee to **reject SB 1457** in its current form. However, if the bill is to proceed, I recommend the following amendments to ensure **appropriate checks and balances**:

- **Exclude basic snorkel equipment from regulation.** Masks, fins, and snorkels should not be subject to interim rules, as they have been safely used in Hawaii for decades.
- **Limit the Duration of Interim Rules.** Reduce the effective period of interim rules from **24 months to a maximum of 6 months**, with extensions permissible only **upon legislative approval**.
- **Define Clear Criteria for Interim Rulemaking.** Specify that interim rules may only be adopted in situations that pose an **immediate threat to public health, safety, or natural resources**, aligning with the criteria established in **HRS § 91-3(b)**.
- **Ensure Stakeholder Engagement.** Require **BLNR to hold public consultations and stakeholder meetings before adopting any interim rule** to ensure transparency and industry input.

Conclusion:

While I support **efforts to enhance ocean safety and manage new recreational technologies**, **SB 1457 is too broad and grants excessive, unchecked regulatory power that could negatively impact responsible dive boat and snorkel tour operators.**

Basic snorkel equipment **does not pose a safety or environmental threat** and should not be subject to unnecessary restrictions. Regulations should be **based on clear evidence, involve public participation, and be limited to genuine emergency situations.**

For these reasons, I strongly urge the Committee to **reject SB 1457 or amend it to include necessary safeguards**, ensuring a **fair and transparent rulemaking process** that protects both **Hawaii's ocean environment and its vital tourism economy.**

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

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

TESTIMONY

OFFICIAL TESTIMONY in OPPOSITION OF SB1457

Submitted by:

Michael T. Kelley

Owner

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

For nearly 50 years I've owned and operated services and companies based at ocean front resort hotels throughout Maui County. During these decades of operation, we've always provided a multitude of services for our resort partners and their guests. These include yet are not inclusive of snorkeling equipment rental, boogie boards, personal flotation devices and at some location kayaks and stand-up paddle boards. Our kayaks and paddle boards all have the appropriate permits and registration stickers. Snorkeling equipment, boogie boards and inflatable floats are not regulated, registered or controlled by DLNR. As I understand proposed SB1457 it gives broad and unspecified control over and management of watersports equipment which as described would include boogie boards, snorkel gear, inflatable items or every single thing conceivable as outlined as in, on or under used. This is far too broad to ever be practical for control or any reasonable management by DLNR. As written, SB1457 also somewhat precludes all Hawaii visitors from buying and using, renting or using or bringing their own snorkel gear or other "*watersports items*" without being subject to control and oversight by DLNR. Again, this is far too broad, unreasonable as to be monitored and achieved and an area that should not be controlled or measured by DLNR. *I am fully opposed to HB1457.*

Thank you for reading my testimony.

Sincerely,

Michael T. Kelley

808-385-5585

SB-1457

Submitted on: 2/6/2025 9:44:01 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kyla Barker	Testifying for Kanaha Kai Maui	Oppose	Written Testimony Only

Comments:

I am writing to express my strong opposition to Senate Bill 1457 on behalf of Kanaha Kai Maui, a water sports rental business that has proudly served the Kanaha Beach Park community for almost 20 years. This bill, which grants the Board of Land and Natural Resources (BLNR) excessive authority to issue interim rules without proper oversight, poses a significant threat to our business, our customers, and the broader water sports industry.

As a business that relies on the accessibility and enjoyment of Hawaii’s waters, we are deeply concerned about the potential impact of this bill. The broad and vague language of SB 1457 could lead to overly restrictive regulations that stifle not only recreational activities but also the livelihoods of countless individuals and businesses like ours. Water sports are a vital part of Hawaii’s culture and economy, and this bill risks undermining the very industry that supports so many families and visitors.

Of particular concern is the provision allowing the BLNR to implement interim rules for up to 24 months without going through the standard rule-making process. This lack of oversight and transparency is alarming and could result in arbitrary and unfair decisions that disproportionately affect small businesses like ours. Without proper input from stakeholders, these rules could create unnecessary barriers to operation, leading to lost revenue, reduced customer access, and potentially even business closures.

Rather than granting sweeping authority to the BLNR, we urge you to consider a more balanced and collaborative approach. Engaging with the water sports community to develop safety guidelines and regulations that are fair, reasonable, and effective would ensure that both safety concerns and the needs of recreational enthusiasts are addressed. We are more than willing to work with policymakers to find solutions that protect our waters while preserving the vibrant water sports culture that defines Hawaii.

We respectfully request that you reject Senate Bill 1457 and instead pursue a transparent, inclusive process that considers the voices of all stakeholders. Thank you for taking the time to consider our perspective.

Mahalo,

Kyla Barker

Owner

Kanaha Kai Maui

1-808-283-9231

kyla.hsm@gmail.com



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

**HEARING BEFORE THE SENATE COMMITTEE ON WATER AND LAND
HAWAII STATE CAPITOL, SENATE CONFERENCE ROOM 229
Monday, February 10, 2025 AT 1:00 P.M.**

To The Honorable Senator Lorraine R. Inouye, Chair
The Honorable Senator Brandon J.C. Elefante, Vice Chair
Members of the Committee on Water and Land

OPPOSE SB1457 RELATING TO OCEAN USER SAFETY

The Maui Chamber of Commerce **OPPOSES SB1457** which authorizes the Board of Land and Natural Resources to issue interim rules regarding commercial and recreational use of water sports equipment.

The Chamber understands the intent of the bill – to regulate new and rapidly emerging technologies in water recreation equipment – and that we need to protect our ocean resources. We also note that, under HRS 91, rules can be quickly implemented in a matter of weeks if the BLNR puts its complete energy into the issue. Given that, we feel that the proposed language is much too broad and can apply to ANY equipment – not just new inventions.

As we mentioned above, we think that if there is a new type of technology or equipment that may cause concerns about harm to the environment, the BLNR can create new rules and hold public hearings and can get them out in a matter of a few weeks under HRS 91. If the technology causes enough alarm to create new rules without public input, then the BLNR can hold more meetings more frequently in order to expedite the rule making process.

For these reasons we **OPPOSE SB1457** and respectfully ask that it be deferred.

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.

LATE

SB-1457

Submitted on: 2/9/2025 5:43:35 PM
Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
CRISTINA JUTSUM	Testifying for Kailua Windsports Association	Oppose	Written Testimony Only

Comments:

Testimony in Opposition to Hawaii Senate Bill 1457 Relating to Ocean Safety

Submitted by: Cristina Jutsum for Kailua Windsports Association

Hearing Date: February 10, 2025

Sponsor: Senator Ronald Kouchi,

I strongly oppose SB1457 because it is overly generalized, lacks clarity, and grants excessive power to the State of Hawaii Department of Land & Natural Resources and Department of Boating and Recreation to leverage unbridled regulatory authority over an unnecessarily wide range of “water sports equipment”. If approved, SB1457 would allow the State to bypass standard checks and balances, to include public review and input, and do so with an unclear enforcement threshold. SB1457 not only grants the State unreasonable authority over how we can play and interact with our ocean, it is also poses a slippery slope that threatens our rights of democratic process.

Thank you for the opportunity to testify.

Sincerely,

Cristina Jutsum, Vice President

Kailua Windsports Association

Kailua, Hawaii

SB-1457

Submitted on: 2/5/2025 5:34:36 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

Aloha. My name is Alika Ferreira and I oppose SB1457.

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

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

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

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

Reducing public participation. The proposed process does not require a 30-day notice to the public. This gives the board the ability to issue interim rules at a rapid pace, that last

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

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

Mahalo for your time today.

SB-1457

Submitted on: 2/5/2025 10:13:36 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

While I support ocean safety, I strongly oppose SB1457 because it threatens public access, violates constitutional rights, and limits water access for kūpuna and disabled individuals.

SB1457 is an encroachment on public rights

Violates Due Process: SB1457 allows unelected officials to impose restrictive regulations without public oversight.

Unconstitutional: It contradicts Article I, Section 5 of the Hawai‘i Constitution and the 14th Amendment of the U.S. Constitution, both of which protect against arbitrary government action.

Hawaii’s Ocean is Self-Regulating

Hawai‘i’s water community upholds safety through cultural respect and local knowledge.

Surfers, paddlers, and swimmers self-police to ensure responsible recreation.

More laws won’t prevent accidents, ocean users looking out for each other will.

SB1457 Threatens Ocean Access for Kūpuna & the Disabled

New technology like adaptive surfboards, motorized beach wheelchairs, and electric-assist paddle boards/ foil boards allow for safe ocean access and spread ocean users out away from dangerously crowded surf breaks. Innovation is making the ocean safer and keeping the people of Hawaii’s health and well being higher. SB1457’s vague restrictions could unintentionally block these life-changing tools, limiting independence and well-being for those who rely on them.

SB1457 is simply **unnecessary**. It infringes on public rights, ignores self-policing, and threatens access for kūpuna and disabled individuals. Instead of overregulation, let's focus on education and responsible ocean stewardship.

Vote to **defer** SB1457—Protect Public Access & Hawaii Ocean Culture

Mahalo for your time and consideration.

SB-1457

Submitted on: 2/5/2025 8:30:32 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Brad NaPier MD	Individual	Oppose	Written Testimony Only

Comments:

I oppose bill B1457. Please see testimony of Alike Ferreira as I agree with his logic regarding the unnecessary legislation

Brad NaPier MD

SB-1457

Submitted on: 2/5/2025 5:38:52 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

Testimony in Strong Opposition to SB 1457

Submitted by: Carnet Williams, Resident of Honolulu, Oahu

Aloha Chair and Members of the Committee,

I am writing to express my strong opposition to Senate Bill 1457, which would give the Board of Land and Natural Resources (BLNR) the authority to impose interim rules on water sports such as wing foiling and other emerging technologies without public input or oversight for up to two years. While I recognize the importance of having rules to ensure safety and protect the environment, these regulations must be developed through an open and inclusive process. Without public involvement, policies risk being unreasonable, impractical, and out of touch with the communities they affect.

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

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

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

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

Mahalo for considering my testimony.

Sincerely,
Carnet Williams
Honolulu, Oahu

SB-1457

Submitted on: 2/5/2025 6:37:39 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

Aloha Chair and Members of the Committee,

I am writing to express my strong opposition to SB1457, which would give the Board of Land and Natural Resources (BLNR) the authority to impose interim rules on water sports such as wing foiling and other emerging technologies without public input or oversight for up to two years. While I recognize the importance of having rules to ensure safety and protect the environment, these regulations must be developed through an open and inclusive process. Without public involvement, policies risk being unreasonable, impractical, and out of touch with the communities they affect.

I have surfed for over 50 years and continue to surf regularly. The ocean has always been a source of peace and grounding in my I discovered that trying new water sports, like wing foiling, provided a unique form of healing. The focus and presence required in these activities sharpen my mind and help me stay grounded in the present moment. For me, and for many others, the ability to engage in these water sports is not just recreational it's essential for personal well-being and connection to the natural world. SB1457 threatens to disrupt that connection by allowing unchecked regulations that could unnecessarily restrict access to these meaningful activities.

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

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

While I understand the need to address emerging challenges in ocean recreation, I strongly believe that bypassing public input is not the solution. The best outcomes arise from transparent processes that involve the people who live, recreate, and find healing in Hawai'i waters. I urge you to reject SB1457 in its current form and instead advocate for a more balanced approach that values public participation and fair governance.

Mahalo for considering my testimony.

Sincerely,

Kirkwood Young

Kaimuki, Oahu

SB-1457

Submitted on: 2/5/2025 6:56:46 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

Aloha,

I oppose bills SB1475, HB1138 and the efforts to broadly restrict forms of water access without a meaningful cause. It seems bills intended to restrict water activity have been proposed with no documented safety, health, or environmental issues supporting them. Bills like this should be backed by evidence to support a real issue.

As a community that owes its success largely to the ocean, we should be notified well in advance before any Bill is ratified into law and given appropriate rights to oppose. We would like the opportunity to vote or provide testimony, true to democracy.

Mahalo for your time!

SB-1457

Submitted on: 2/5/2025 7:37:36 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

Aloha Chair and Members of the Committee,

As a 42 years old water sports man, resident of Mililani, Oahu, HI, I am writing to express my strong opposition to Senate Bill 1457, which would give the Board of Land and Natural Resources (BLNR) the authority to impose interim rules on water sports and it's emerging technologies without public input or oversight for up to two years. While I recognize the importance of having rules to ensure safety and protect the environment, these regulations must be developed through an open and inclusive process. Without public involvement, policies risk being unreasonable, impractical, and out of touch with the communities they affect.

I have surfed for over 20 years here and continue to surf regularly. The ocean has always been a source of peace and grounding in my life. My community and friends are in the water and the joy of the ocean has introduced me to many new people who are now part of my life. For me, and for many others, the ability to engage in these water sports is not just recreational it's essential for personal well-being and connection to the natural world. SB1457 threatens to disrupt that connection by allowing unchecked regulations that could unnecessarily restrict access to these meaningful activities.

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

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

While I understand the need to address emerging challenges in ocean recreation, I strongly believe that bypassing public input is not the solution. The best outcomes arise from transparent processes that involve the people who live, recreate, and find healing in Hawai'i waters. I urge

you to reject SB1457 in its current form and instead advocate for a more balanced approach that values public participation and fair governance.

Mahalo for considering my testimony.

Sincerely,
Fellipe Valadao

SB-1457

Submitted on: 2/5/2025 7:43:43 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Chuck Dembo	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair and Members of the Committee,

I am writing to express my strong opposition to Senate Bill 1457, which would give the Board of Land and Natural Resources (BLNR) the authority to impose interim rules on water sports such as wing foiling and other emerging technologies without public input or oversight for up to two years. While I recognize the importance of having rules to ensure safety and protect the environment, these regulations must be developed through an open and inclusive process. Without public involvement, policies risk being unreasonable, impractical, and out of touch with the communities they affect.

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

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

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

While I understand the need to address emerging challenges in ocean recreation, I strongly believe that bypassing public input is not the solution. The best outcomes arise from transparent processes that involve the people who live, recreate, and find healing in Hawai'i waters. I urge

you to reject HB 1138 in its current form and instead advocate for a more balanced approach that values public participation and fair governance.

Thank You for considering my testimony.

Sincerely,
Chuck Dembo

SB-1457

Submitted on: 2/5/2025 7:59:39 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
James M. Brown	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill because it is too broad and inspecific. It gives DLNR a blank check to regulate whatever they want however they want. There is no definition of what they are to regulate other than the vague description of new technologies.

Every ocean sport was a new technology at one point, and all of us in the ocean have managed to coexist with and manage "new" technologies.

DLNR or whoever instigated this bill should talk with whatever community they are concerned with about whatever new technology they are concerned with, not seek out blanket, undefined rule making powers.

Whatever happened to the proposed rule changes that the tow surf/foil community so thoroughly and thoughtfully proposed to address the wholly inadequate and irrelevant rules about tow foiling?

SB-1457

Submitted on: 2/5/2025 9:02:41 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Thomas Cooper	Individual	Oppose	Written Testimony Only

Comments:

I ride an e-foil and oppose this measure. We need due process for safety issues such as these. There are always individuals with a vested personal interest unduly attempting to influence the rules. If this were to pass we would have no recourse. This is the second time this year that an overwhelmingly unpopular idea has tried to weasel its way in to law. The first attempt failed because there was about 100 to 1 support to keep it as it was. This harms the local businesses and puts my safety at risk and there would be nothing I could do about it. These aren't boats nor thrill craft.

SB-1457

Submitted on: 2/5/2025 9:58:19 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

I oppose SB1457 and HB1138.

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

SB-1457

Submitted on: 2/5/2025 11:00:48 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

Testimony Opposing HB 1457

Submitted by: Conrad Leslie, Resident of Kane’ohe, HI

Aloha Chair and Members of the Committee,

I strongly oppose HB 1457 because it undermines public involvement in decisions that directly affect Hawaii's ocean community. This bill would allow the Board of Land and Natural Resources (BLNR) to impose temporary rules on water sports, including wing foiling, for up to two years without any input from the people who rely on the ocean for recreation, well-being, and livelihood. That is simply unacceptable.

As someone who has spent a lifetime in the water more than 50 years surfing and now embracing new sports like wing foiling, I understand the importance of balancing safety, environmental protection, and access. But shutting the public out of the rulemaking process is the wrong approach. Decisions made without the voices of those directly affected are often misguided, excessive, and difficult to enforce.

For many of us, the ocean is more than a playground. It's where we find peace, where we heal, and where we connect with nature and each other. In my own life, water sports have been essential to managing PTSD and maintaining mental clarity. The ability to engage in these activities shouldnt be threatened by rushed, unchecked regulations that lack community perspective.

I fully support reasonable, well-thought-out policies that protect both people and the environment. But that requires transparency and collaboration, not unilateral decisions made behind closed doors. Effective regulation happens when stakeholders, local surfers, foilers, fishermen, paddlers, and conservationists are included in the process. Excluding them only leads to frustration, noncompliance, and policies that fail to serve their intended purpose.

HB 1457 is a step in the wrong direction. We need solutions that bring people together, not rules imposed without public oversight. I urge you to reject this bill and instead support a regulatory approach that respects both our ocean traditions and emerging water sports.

Mahalo for your time and consideration.

Sincerely,

Conrad Leslie Kane'ohe, HI

SB-1457

Submitted on: 2/6/2025 12:03:21 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

Clinton Yap

I STRONGLY OPPOSE SB1457...

Testimony in Strong Opposition to SB 1457

Submitted by: Clinton Yap

Resident of Honolulu, Oahu

Aloha Chair and Members of the Committee,

I am writing to express my strong opposition to Senate Bill 1457, which would give the Board of Land and Natural Resources (BLNR) the authority to impose interim rules on water sports such as wing foiling and other emerging technologies without public input or oversight for up to two years. While I recognize the importance of having rules to ensure safety and protect the environment, these regulations must be developed through an open and inclusive process. Without public involvement, policies risk being unreasonable, impractical, and out of touch with the communities they affect.

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

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

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

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

Mahalo for considering my testimony.

Sincerely,
Clinton Yap
Honolulu, Oahu

SB-1457

Submitted on: 2/6/2025 2:44:28 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

I oppose HB1138 and SB1457

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

Aloha,

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

Key Concerns with HB1138

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

A Way Forward

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

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

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

With Aloha,

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

SB-1457

Submitted on: 2/6/2025 5:38:53 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

I oppose SB1457 and it also bugs be that this seems to be an end around to get something pushed thru the senate that was recently voted down with a very similar bill SB1138. Again here is my testimony against this bill - for the same reason as being against SB1138.

Aloha

While I understand a need to regulate/manage water sports equipment (especially for business owners and NOT individuals) I'm greatly concerned about the HB1457. The part where a new/interim rule can be made up sort of ad hoc without going thru due process and last for 2 years is very troubling and I'm very much against that level of power to be wielded by anyone, BLNR included.

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

Mahalo

Mark Mitchell

532 Komo Ohia

SB-1457

Submitted on: 2/6/2025 6:56:13 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

While the intent of SB1457 to enhance ocean user safety is commendable, the proposed approach raises concerns regarding authority overreach, economic impact, regulatory redundancy, stakeholder engagement, and potential unintended consequences. A more measured strategy involving comprehensive stakeholder consultation and thorough impact assessments would likely yield more effective and broadly supported outcomes.

SB-1457

Submitted on: 2/6/2025 7:14:48 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

I am writing to express my strong opposition to the proposed legislation that seeks to expand regulations in an area where existing rules are already sufficient. Creating laws for issues that are not a real concern only adds unnecessary bureaucracy instead of addressing the urgent challenges our community faces.

Every day at the beach, I see pressing issues that need immediate attention—our growing unhoused population, increasing amounts of trash, derelict cars left abandoned in public spaces, and the need for better environmental protection. These are real, difficult problems that affect the quality of life for residents and visitors alike. Instead of focusing on redundant regulations, I urge you and other legislators to prioritize solutions for homelessness, waste management, removing derelict vehicles, and preserving our natural resources.

Additionally, I strongly urge you to dedicate funds specifically for beach preservation. Our beaches are essential to our environment, economy, and way of life, yet they continue to suffer from erosion, pollution, and neglect. Investing in their upkeep will ensure they remain clean, safe, and accessible for future generations.

Our community deserves thoughtful, effective leadership that tackles these major concerns. I appreciate your time and consideration and hope you will redirect legislative efforts toward making a meaningful impact where it is truly needed.

SB-1457

Submitted on: 2/6/2025 8:17:33 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

I oppose this bill. It is unconstitutional.

SB-1457

Submitted on: 2/6/2025 8:28:53 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

Dear Members of the Committee,

My name is Paul Lowchareonkul, and I have lived in Kailua for the past three years, though I have been visiting the island and participating in watersports for over 20 years. During this time, I have engaged in various activities, including kite surfing, kayaking, and efoiling. As both a local resident and a long-time visitor, I strongly oppose SB1457 due to its potential to harm the watersports community and the broader recreational culture in Hawaii.

SB1457 would grant the Board of Land and Natural Resources (BLNR) the power to adopt, amend, and repeal interim rules governing commercial and recreational use of watersports equipment, without any public input or review. This is an alarming overreach, especially given the diversity of ocean activities in Hawaii. The bill's provision allowing for emergency rules to last up to two years is particularly troubling. Emergency rules should be in place only for the shortest necessary duration to address immediate concerns—a period of six months would be far more reasonable. This lengthy period of uncertainty will stifle local businesses, especially those that depend on a stable regulatory environment, like rental shops and surf schools. It will also create confusion and frustration for ocean users, including tourists who come to Hawaii specifically for the watersports experience.

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

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

Thank you for your time and consideration.

Sincerely, Paul Lowchareonkul

Kailua, Hawaii

SB-1457

Submitted on: 2/6/2025 8:29:37 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

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

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

In Hawaii, the authority to issue executive orders has historically been reserved for the Governor, who is an elected official who must publicly defend such actions. The Board of Land and Natural Resources (BLNR) in Hawaii is not composed of elected officials.

This Bill aims to accelerate the rule making process by making it exempt from the existing due process as defined by HRS chapter 91 (Administrative procedures). The existing provisions already grants emergency rule making authority to the BLNR for a 4-month duration.

This Bill aims to reduce public transparency, and reduce public participation, deeming that the opinion of 7 board members is representative of the people who enjoy watersports in Hawaii. It extends a rule that has not been through our defined process up to a 2-year span, with no provisions on renewing or declaring a slightly different rule for additional time.

What is the emergency that requires re-writing the rules to give executive power-making to non-elected officials, with no provisions as to duration? Once this precedent is established, what prevents this approach to all of Hawaii’s issues? Are we using the guise of public good to strip away the due process and public participation to give rule-making authority to a few non-elected officials for the entire State? Where does this stop, and what justifies this extreme step in our law-making process?

Rather than eroding our democracy with Bills such as this one, I would encourage our law-makers to strengthen our democracy, make it more efficient, and strive to have fewer layers of

bureaucracy and rules, rather than more. Please vote no on circumventing the democratic process and established procedures.

SB-1457

Submitted on: 2/6/2025 8:33:22 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

Feb. 6, 2025

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

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

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

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

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

Reducing public/community participation. The proposed process does not require a 30-day notice to the public. This gives the board the ability to issue interim rules at a rapid pace, that last an indefinite amount of time, without public awareness until the rule is already in effect. Why

does the board want to keep the community of watersports persons out of the conversation? It is the community's rights to participate in the process. The bill would also be exempt from HRS chapter 201M (Small business regulatory flexibility act). This suggests that the bill will have a negative effect on small businesses in Hawaii. If passed, this bill would allow a 24 month duration of a rule without the requirement for an initial review and annual reviews of the impact on small businesses.

In my opinion, the bill should be opposed. These new sports are in alignment of long standing cultural practices related to recreation and community in the water. Hawaii is celebrated for sharing aloha and the aloha spirit in the water, the community of watermen and women thrive in Hawaii, I do not want to see the government limiting or diminishing

that. We don't need another new rule-making process that this bill represents. Please oppose this bill.

Mahalo for your time today.

SB-1457

Submitted on: 2/6/2025 8:48:28 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

Opposing Proposal for Hawaii Bill 1138 and SB1457

To: Members of the Hawaii State Legislature

From: William Brown

Subject: Opposition to Hawaii Bill 1138 and SB1457

Dear Members of the Legislature,

We are writing to formally express our opposition to Hawaii Bill 1138 and SB1457. While we understand the intent to address ocean safety, we believe that this bill, as currently written, poses significant risks to individual freedoms, undermines due process, and fails to provide adequate opportunity for public input. These issues are critical and require careful reconsideration before moving forward.

1. Overview of Concerns:

Hawaii Bill 1138 and SB1457, in its current form, includes provisions that would be detrimental to the watersports community, which we believe could result in a significant erosion of personal freedoms. While the intent behind the bill may be to address a legitimate safety and organization issue, the impact it will have on individual rights and the legal protections afforded to all citizens cannot be ignored.

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

- **Restricting Freedom of Speech and Expression:** Bill 1138 and SB1457 includes provisions that allow for the regulation of public input and due process, effectively stifling free speech in public forums. For example, Sections of the bill would give authorities the ability to limit or suppress public protests or community meetings without sufficient justification or due process. This could have a chilling effect on political expression, which is a fundamental right under both the U.S. Constitution and Hawaii’s state constitution.
- **Undermining Due Process Protections:** The bill introduces provisions that would allow BLNR to take actions against individuals or organizations without providing a fair opportunity for those affected to contest the decision. For instance, parts of the bill would allow authorities to impose penalties or sanctions on businesses or individuals accused of opposing the bill without granting them a chance to appeal the decision or present their side in a court of law. This violates the fundamental legal principle that no one should be deprived of their rights or property without a fair trial.
- **Failure to Provide Public Input:** The bill is being fast-tracked through the legislature without providing meaningful opportunities for public comment or stakeholder involvement. Parts of the bill shows that the bill was drafted with minimal public consultation and lacks a public hearing process. Important voices from affected communities, such as recreational water users,

community leaders, local business owners, environmental groups, etc. have not had the opportunity to weigh in on the potential impact of the bill. This lack of transparency and public engagement undermines the democratic process and limits the ability of the public to influence the laws that govern their lives.

2. Restriction of Freedoms:

A key concern with Hawaii Bill 1138 and SB1457 is its potential to restrict fundamental freedoms guaranteed by both the U.S. Constitution and Hawaii's state constitution. Specifically, detail the provisions of the bill that limit freedom, such as limitations on free speech, property rights, or other freedoms. These restrictions could disproportionately affect recreational water users and business owners, undermining their ability to fully participate in society or exercise their rights without fear of penalties, discrimination, or even prosecution etc.

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

3. Lack of Due Process:

Another critical issue with Bill 1138 and SB1457 is its disregard for due process. The bill introduces provisions that would by pass the community input and circumvents due process. For example, this bill would allow BLNR to take actions that could severely impact individuals or organizations without providing an adequate opportunity for them to contest or appeal those actions.

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

4. Failure to Allow Public Input:

Furthermore, Hawaii Bill 1138 and SB1457 fails to provide a meaningful opportunity for public participation and input, a fundamental aspect of the legislative process. Bills that affect the rights and freedoms of the public should undergo comprehensive public hearings, community consultations, and expert testimony to ensure that diverse viewpoints are considered.

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

5. Negative Impact on Recreational Water Users:

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

6. Call for Revision or Withdrawal:

In light of these issues, we respectfully urge you to reconsider or withdraw Hawaii Bill 1138 And SB1457 We believe that any legislative measure must balance the need to address the issue at hand with a respect for individual rights, due process, and public participation. We encourage you to engage in a transparent, inclusive process that allows all stakeholders to have a say in shaping the final legislation.

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

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

Sincerely,

William Brown

Recreational Water user

Wing foiler & Kite surfer

808-707-4028

Williamkbrown1234@gmail.com

SB-1457

Submitted on: 2/6/2025 9:02:53 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

Hello,

Submitting testimony to oppose SB1457 and any other restrictions on eFoils, Foil drives, and wing and kite foils. These have been used safely in the harbor and at the beaches of Maui for years.

Cecily Lough

SB-1457

Submitted on: 2/6/2025 9:23:49 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

I oppose SB1457.

SB1457 is vague, ambiguous and provides overreaching police power to regulating all current and future activities involving "water sports equipment"

SB1457 will harm small business, and job opportunities.

SB1457 will have a negative impact on tourism. Travelers making holiday decisions based upon ocean related activities will chose other global destinations over Hawaii.

SB1457 will reduce County and Stare tax revenues.

Aloha,

SB-1457

Submitted on: 2/6/2025 9:25:04 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

The House committee has recommended deferral. The bill is vague in that it neither defines a problem nor justifies why the rule making process and SBRRB resources should be usurped. Please defer!

SB-1457

Submitted on: 2/6/2025 9:26:12 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Yvonne Simmer	Individual	Support	Written Testimony Only

Comments:

I am in favor of this proposal because I have seen many detrimental accidents and occasions with which wing foiling, foiling and e-foiling have damaged people, wildlife, and overtaken areas traditionally used for surfing. I am myself and not comfortable surfing near any foil boarding because of the level of danger associated with accidents. I know of several injuries ranging from severed arteries, multiple stitches, broken teeth, broken jaw, and other life-threatening injuries. Also note that the Hawaiian green sea turtle is a protected species In Hawaiian islands and has shown injuries similar to those I've seen with humans. As of volunteer with the Hawaii wildlife fund, it is one of the Common injuries sustained by turtles, when the foil mast or blades hit a turtle. Lastly, the foil uses a motor that can be heard underwater from the long distance way, and as a swimmer and snorkel, it feels very disruptive to the underwater sound scape along the coast.

because this new recreational pursuit has increased exponentially on Maui within the last five years, I believe it is a substantial reason to begin registering and monitoring foil board.

SB-1457

Submitted on: 2/6/2025 9:30:55 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Henry McNamara	Individual	Oppose	Written Testimony Only

Comments:

Opposition Statement on SB1457

Aloha. My name is Henry McNamara, and I strongly oppose SB1457.

I am a resident of Maui County and an active member of our ocean community. I spend much of my time in the water and am well aware of advancements in water sports technology. I understand the need for safety and responsible ocean management, but SB1457 proposes a flawed and unnecessary expansion of rule-making authority that undermines public participation, bypasses established laws, and concentrates excessive power within the BLNR.

Concerns with SB1457

1. It Bypasses Existing Laws & Due Process

This bill would exempt the BLNR from HRS Chapter 91 (Administrative Procedures Act), allowing rule-making without following established legal procedures.

Hawaii already has four existing methods for rule-making:

1. Governors executive orders (immediate action for urgent matters)
2. State legislative action (democratically enacted laws)
3. BLNR rule-making (standard regulatory process)
4. BLNR emergency rule-making (existing provisions for urgent situations)

If an issue requires immediate action, the governor's executive order or the existing emergency rule-making process is already available. There is no legitimate reason to weaken regulatory safeguards in favor of an expedited, unchecked process.

It Expands Government Power Without Accountability

The bill would allow the BLNR to create interim rules lasting up to 24 months, far longer than the 120-day limit for emergency rules (which cannot be renewed).

This creates a dangerous precedent where temporary rules could be extended indefinitely, circumventing the democratic process.

If a rule is truly necessary, it should go through proper channels with full transparency and accountability.

3. It Silences Public Input & Harms Small Businesses

The bill removes the 30-day public notice requirement, meaning rules could be implemented without community awareness or participation.

The exemption from HRS Chapter 201M (Small Business Regulatory Flexibility Act) suggests that the bill could have negative economic consequences, particularly for small businesses that rely on access to ocean resources.

The public has a right to be part of the decision-making process. Removing safeguards in the name of efficiency is not responsible governance—it is exclusionary and reckless.

A Broken System Needs Reform, Not More Bureaucracy

The introduction of SB1457 acknowledges that the current regulatory system is inefficient. However, rather than adding yet another layer of rule-making authority, we should focus on fixing the existing process to ensure timely, transparent, and effective governance.

This bill is not about protecting public safety—it is about expanding power while reducing oversight. The people of Hawaii deserve a government that works for them, not around them.

For these reasons, I strongly oppose SB1457 and urge lawmakers to reject this unnecessary and harmful proposal.

Mahalo for your time and consideration.

SB-1457

Submitted on: 2/6/2025 10:09:59 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Clayton Selby	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose SB1457 as this will negatively impact one of the great gifts Hawaii has to offer its residents and visitors: the freedom of the ocean. Maui is renowned for its water and wind community and this bill will introduce the opportunity for restrictions and negatively impact recreation access for this community. Adding new measures that allow lawmakers to have such a lasting impact on water access and recreation not only negatively impacts those who currently enjoy these activities, but generations to come. In addition, this quickly creates a precedent for which further restrictions can be placed.

SB-1457

Submitted on: 2/6/2025 10:33:22 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

From: Paul McDonnell, Kailua HI

Date: February 6, 2025

Subject: **Opposition to SB1457 – Protect Ocean Access and Freedom**

Aloha, Chair and Members of the Committee,

I am writing to express my strong **opposition** to **SB1457**, which seeks to expand regulatory authority over the commercial and recreational use of water sports equipment. While I understand the need for ocean safety, I believe this bill will **overregulate** our waters, making it harder for residents and visitors to enjoy the ocean freely.

Hawaii’s waters are a place of **enjoyment, culture, and recreation**, not a space that should be **dominated by excessive rules and bureaucratic control**. The **Department of Land and Natural Resources (DLNR) already has significant authority** to regulate ocean use, and this bill would **grant even more power** to create restrictive rules **without proper public input**. Interim rules, exempt from **standard rule-making procedures**, could be rushed into place without transparency or adequate community discussion.

Furthermore, the ocean belongs to everyone, and its use should not be **limited by excessive government intervention**. Hawaii’s residents and visitors should have the **freedom to responsibly enjoy** ocean activities without fear of unnecessary penalties or constantly shifting restrictions.

I urge you to **reject SB1457** and instead focus on **promoting education and community-based solutions** rather than adding another layer of regulations that will only burden ocean users. **The ocean is meant to be enjoyed, not micromanaged.**

Mahalo for your time and consideration.

Respectfully,

Paul McDonnell

SB-1457

Submitted on: 2/6/2025 10:45:39 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rob Hagebak	Individual	Oppose	Written Testimony Only

Comments:

Here is the letter I sent: Testimony in Strong Opposition to SB 1457
Submitted by: Carnet Williams, Resident of Honolulu, Oahu

Aloha Chair and Members of the Committee,

I am writing to express my strong opposition to Senate Bill 1457, which would give the Board of Land and Natural Resources (BLNR) the authority to impose interim rules on water sports such as wing foiling and other emerging technologies without public input or oversight for up to two years. While I recognize the importance of having rules to ensure safety and protect the environment, these regulations must be developed through an open and inclusive process. Without public involvement, policies risk being unreasonable, impractical, and out of touch with the communities they affect.

I have been engaged in water activities for over 24 years and continue to engage regularly. The ocean has always been a source of peace and grounding in my life. My community and friends are in the water and the joy of the ocean has introduced me to many new people who are now part of my life. For me, and for many others, the ability to engage in these water sports is not just recreational it's essential for personal well-being and connection to the natural world. HB 1138 threatens to disrupt that connection by allowing unchecked regulations that could unnecessarily restrict access to these meaningful activities.

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

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

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

Mahalo for considering my testimony.

Sincerely,
Dr Rob Hagebak

SB-1457

Submitted on: 2/6/2025 11:24:20 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

Statement Opposing HB1138 (Ocean User Safety Bill)

While the intention of HB1138 to ensure public safety and protect marine resources is commendable, this legislation raises significant concerns regarding due process, regulatory overreach, and potential negative impacts on ocean recreation and the local economy.

Key Concerns:

1. Lack of Public Input:

The provision allowing the Board of Land and Natural Resources (BLNR) to adopt interim rules without going through the standard rulemaking process undermines transparency and public engagement. The typical rulemaking process, though time-consuming, ensures that stakeholders including recreational users, businesses, and environmental groups have a voice in shaping rules and regulations.

2. Potential for Over-Regulation:

Granting BLNR unchecked authority to regulate water sports equipment and establish safety zones risks creating overly restrictive measures that could stifle innovation, limit recreational opportunities, and disproportionately affect small businesses in the water sports industry.

3. Economic Impact:

Stricter regulations and penalties could deter tourism-related water activities, negatively impacting local businesses that depend on ocean recreation. The bill fails to address how these rules will balance safety with the economic vitality of Hawaii's coastal communities.

4. Enforcement Challenges:

While the bill would allow stricter enforcement of water craft, it does not adequately address how enforcement will be funded or managed. Without sufficient resources, these regulations may prove ineffective or create unnecessary friction between users and authorities.

5. Ambiguity Around "New Water Sports Technologies"

The definition of a new water sports technologies is vague, leaving room for arbitrary decision-making. Innovation in water recreation should be encouraged, not stifled by unclear regulations.

Conclusion:

HB1138, while well-intentioned, grants excessive regulatory authority without sufficient checks and balances. A more collaborative and transparent approach, involving stakeholders and adhering to due process, is essential to achieve the bills objectives without unintended consequences. We urge lawmakers to revise this legislation to prioritize both public safety and the interests of ocean users and coastal businesses.

SB-1457

Submitted on: 2/6/2025 11:28:52 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shachar Jeffrey Argov	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose.

SB-1457

Submitted on: 2/6/2025 11:29:50 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

Testimony in Opposition to SB 1457

Submitted by: Randal West, Resident of Kailua, Oahu

Aloha Chair and Members of the Committee,

I am writing to express my strong opposition to Senate Bill 1457, which would give the Board of Land and Natural Resources (BLNR) the authority to impose interim rules on water sports such as wing foiling and other emerging technologies without public input or oversight for up to two years. While I recognize the importance of having rules to ensure safety and protect the environment, these regulations must be developed through an open and inclusive process. Without public involvement, policies risk being unreasonable, impractical, and out of touch with the communities they affect.

Mahalo for considering my testimony.

Sincerely,

Randal West

SB-1457

Submitted on: 2/6/2025 11:39:54 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

Dear Chair and Members of the Committee,

I strongly oppose S.B. No. 1457, which seeks to authorize the Board of Land and Natural Resources to adopt interim rules regarding the commercial and recreational use of water sports equipment.

My opposition is based on the following concerns:

Excessive Authority

The proposed bill grants the Board unprecedented power to implement rules without proper public input or legislative oversight. This bypasses established democratic processes and could lead to arbitrary decision-making.

Lack of Public Participation

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

Economic Impact

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

Insufficient Evidence

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

Vague Implementation Criteria

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

Extended Duration of Interim Rules

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

In conclusion, while the intent to enhance ocean user safety and resource management is commendable, S.B. No. 1457 presents significant risks to democratic processes, economic stability, and public trust. I urge the committee to reject this bill and instead focus on improving existing regulatory frameworks through established legislative procedures that ensure proper public input and oversight.

Thank you for your consideration.

Respectfully submitted,
Oren Root

SB-1457

Submitted on: 2/6/2025 11:40:18 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christopher F Lancaster	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill because it is too broad and inspecific. It gives DLNR a blank check to regulate whatever they want however they want. There is no definition of what they are to regulate other than the vague description of new technologies.

Every ocean sport was a new technology at one point, and all of us in the ocean have managed to coexist with and manage "new" technologies.

DLNR or whoever instigated this bill should talk with whatever community they are concerned with about whatever new technology they are concerned with, not seek out blanket, undefined rule making powers.

Whatever happened to the proposed rule changes that the tow surf/foil community so thoroughly and thoughtfully proposed to address the wholly inadequate and irrelevant rules about tow foiling?

SB-1457

Submitted on: 2/6/2025 12:08:38 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marcelo Silva	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

I am writing to strongly oppose Senate Bill 1457, which would grant the Board of Land and Natural Resources (BLNR) the power to implement interim rules on water sports—such as wing foiling and other evolving activities—without public input or oversight for up to two years. While I understand the need for regulations to promote safety and environmental protection, such rules must be created through a transparent and inclusive process. Excluding the public from these decisions risks producing policies that are impractical, unreasonable, and disconnected from the communities they impact.

As a lifelong surfer with over 25 years of experience, the ocean has been a constant source of peace and grounding for me. It is where I find community, where I connect with friends, and where I have built relationships that have enriched my life. For many of us, engaging in water sports is not merely a pastime—it is essential to our well-being and our relationship with the natural world. Senate Bill 1457 threatens to undermine that connection by allowing unchecked regulations that could arbitrarily limit access to these vital activities.

I urge you to reject this bill and instead support a process that prioritizes community input and thoughtful policymaking.

Mahalo for your time and consideration.

SB-1457

Submitted on: 2/6/2025 1:00:25 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gareth Rees	Individual	Oppose	Written Testimony Only

Comments:

I am writing to express my strong opposition to SB1457. As a passionate kitesurfer and steward of our coastal environment, I deeply cherish Hawaii's beaches and ocean. These public spaces are not just places of recreation but vital parts of our cultural and environmental heritage.

The people of Hawaii deserve a voice in decisions that impact our access to and enjoyment of these lands and waters. SB1457 threatens to undermine community input, potentially prioritizing private or commercial interests over the well-being of local residents and the natural environment.

I take great pride in not only enjoying the ocean through kitesurfing but also in actively caring for our beaches—picking up trash, promoting safety for all beachgoers, and respecting marine life. Many in our community share this dedication, ensuring that our coastline remains a place of beauty, recreation, and environmental stewardship.

Restricting public access or altering land use without meaningful community engagement is not in the best interest of the people of Hawaii. I urge you to reject SB1457 and prioritize policies that protect public access, preserve our natural resources, and respect the voices of those who cherish and care for our beaches.

Mahalo for your time and consideration.

Sincerely,
Gareth Rees

SB-1457

Submitted on: 2/6/2025 1:26:49 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kristin Walker	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB 1457. I am a recreational Wingfoiler primarily using Kahului Harbor to enjoy Wingfoiling. There are many restrictions that wingfoilers already abide by in order to enjoy this space. For example, exiting or not passing the buoy nearest the beach when ship activity is entering or exiting the harbor mouth. In addition, wingfoilers are aware that we don't foil around paddlers during practices and events. We actually are not in the water at all when these events occur. We are a passionate group in abiding by the rules and sharing with others that may not know the rules. We don't need additional restrictions in practicing a sport that many of us are very passionate about!

SB-1457

Submitted on: 2/6/2025 1:33:47 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
adrian scotte	Individual	Oppose	Written Testimony Only

Comments:

“Strongly oppose the amendment that eliminates public feedback before adoption:

"... interim rules, ...shall be exempt from chapter 91 and chapter 201M. Any interim rule adopted pursuant to this section shall be effective for no more than twenty-four months after the date of the adoption."

This eliminates public feedback before adoption. “

SB-1457

Submitted on: 2/6/2025 1:54:00 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Todd Bradley	Individual	Oppose	Written Testimony Only

Comments:

I firmly oppose this bill because it is excessively broad and vague. It grants the Department of Land and Natural Resources (DLNR) a blank check to regulate whatever they please, without any accountability. There are no clear definitions of what they intend to regulate, aside from a nebulous reference to new technologies. Every ocean sport once represented a new technology, and we have all successfully coexisted with and adapted to these advancements. DLNR, or whoever is behind this bill, must engage directly with the affected community regarding any new technology instead of seeking unfettered, undefined rule-making authority. Bureaucrats should not be crafting rules and laws for sports they know nothing about and do not participate in. Mahalo, Todd Bradley, Hawaiian Waterman 60yrs

SB-1457

Submitted on: 2/6/2025 1:56:53 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

Just like HB1138, I am strongly opposing it. No rules should be changed or created without the involved parts participating on it.

Thanks

Raimar Bylaardt II

SB-1457

Submitted on: 2/6/2025 2:07:37 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Josh Seymour	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill which can overreach to punish whole user groups for the actions of one individual acting badly.

pleasee enforce current boating rules more effectively before creating new laws.

SB-1457

Submitted on: 2/6/2025 2:32:10 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carolyn Burris	Individual	Oppose	Written Testimony Only

Comments:

I, Carolyn Burris, a Honolulu resident, oppose this bill. I believe if BLNR/DLNR is able to implement interim rules (valid for 24 months) without going through the standard rulemaking process, it completely bypasses due process and public participation.

Having the public participate would help educate lawmakers on the realities of how the majority of efoilers operate safely and conscientiously.

Thank you.

SB-1457

Submitted on: 2/6/2025 2:37:19 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

Bill SB1457 is a terrible idea. It gives the BLNR regulatory authority without community involvement in an issue that they have little expertise. They are likely to regulate water sports equipment based on biases and a few individual complaints without taking into consideration consequences such as economic impact. Here on Maui, we have developed rules over many years that create a balance for water usage, e.g. no wind water sports on the north shore before 11am. The community has a lot more expertise around water safety than the BLNR. Finally, would the government give such power to a regulatory body if this was about land vehicle innovation. Of course not.

SB-1457

Submitted on: 2/6/2025 2:42:06 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

I oppose this bill.

SB-1457

Submitted on: 2/6/2025 3:14:03 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

Dear Senator Kouchi,

I am writing to express my strong opposition to SB 1457, which seeks to grant the Board of Land and Natural Resources (BLNR) the authority to issue interim rules regarding the commercial and recreational use of water sports equipment. While I understand the intent to enhance ocean user safety, this bill raises significant concerns regarding its lack of engagement with the very individuals it aims to regulate-the daily ocean users.

Ocean activities are an integral part of our island culture and economy, and those who engage in water sports daily-whether recreationally or professionally-”have the most firsthand experience in understanding the dynamics of safety, accessibility, and potential conflicts. Granting BLNR unilateral authority to impose regulations without meaningful input from the ocean community is both arbitrary and ineffective. Decision-making should not rest solely in the hands of an entity that does not actively participate in these activities.

Instead, I urge you to prioritize a more inclusive approach by directly involving water sports enthusiasts, professional athletes, surf schools, fishermen, tour operators, and other stakeholders in discussions before implementing any new rules. A collaborative effort will lead to fairer, more practical solutions that ensure safety without unnecessarily restricting access to the ocean.

I strongly encourage the legislature to amend this bill to require extensive community consultation, public forums, and working groups consisting of those who use the ocean daily. Without this, SB 1457 risks creating unnecessary conflicts between regulators and water users, rather than fostering a cooperative approach to ocean safety.

Thank you for considering my perspective. I urge you to reject SB 1457 in its current form and instead support an inclusive, community-driven process that respects the knowledge and experience of those who rely on the ocean daily.

SB-1457

Submitted on: 2/6/2025 3:55:54 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jeffrey Henderson	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

I am writing to express my strong opposition to Senate Bill 1457, which grants the Board of Land and Natural Resources (BLNR) excessive authority to issue interim rules without proper oversight.

As a concerned citizen and water sports enthusiast/resident of Hawaii], I believe this bill poses a significant threat to the recreational activities and livelihoods of many individuals in our community. The bill's broad language and lack of specificity could lead to overly restrictive regulations that stifle innovation and recreation.

Furthermore, I am troubled by the bill's provision allowing the BLNR to implement interim rules for up to 24 months without going through the standard rule making process. This lack of oversight and transparency is alarming, and I fear it could lead to arbitrary and unfair decision-making.

Rather than granting sweeping authority to the BLNR, I urge you to consider alternative solutions that balance safety concerns with the needs of recreational enthusiasts. This could include working with the water sports community to develop safety guidelines and regulations that are fair, reasonable, and effective.

I respectfully request that you reject Senate Bill 1457 and instead pursue a more collaborative and transparent approach to addressing safety concerns in our state's waters.

Mahalo for considering my testimony.

Sincerely,

Jeffrey Henderson

SB-1457

Submitted on: 2/6/2025 4:50:57 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Suzi Bowen	Individual	Oppose	Written Testimony Only

Comments:

Testimony in Strong Opposition to SB 1457

Submitted by: Susan Bowen, Resident of Kailua, Oahu

Aloha Chair and Members of the Committee,

I am writing to express my strong opposition to Senate Bill 1457, which would give the Board of Land and Natural Resources (BLNR) the authority to impose interim rules on water sports such as foiling and other emerging technologies without public input or oversight for up to two years.

I recognize the importance of rules to ensure safety and protect the environment. However, these regulations must be developed through an open and inclusive process with public involvement to create reasonable policies in touch with the communities they affect.

I am a water sports enthusiast who has progressively utilized the ocean for over 55 years for swimming, snorkeling, scuba, kayaking, canoe padding, jet skiing, boating, sailing, body surfing, Stand Up Paddling, kiteboarding and foiling. I respectfully continue to use Hawai'i waters regularly for these activities. The ocean has always been a source of peace and distress tolerance in my life.

Ocean sports serve as a unique form of healthy coping mechanism for me. The mindfulness required in these activities helps to create new neural networks, provides focus and increased resilience. The ability to engage in these water sports is essential for my personal well-being and connection to nature. SB 1457 threatens to disrupt that connection by allowing unchecked regulations that could unnecessarily restrict access to these meaningful and healthy activities.

I fully support thoughtful, well-crafted rules that ensure safety and environmental stewardship while respecting the democratic process currently in place. Regulations must be created with public input to appropriately reflect the realities and needs of the people who use and care for Hawai'i waters. Decisions made behind closed doors, without engaging those directly affected, undermine trust in the process and can lead to widespread noncompliance. Reasonable rules created with proper due diligence are more likely to encourage residents to remain responsible and law-abiding.

New water sports can coexist with traditional ocean activities. I support working together through open dialogue and community engagement to develop thoughtful, balanced regulations that protect both public safety and access to the ocean. Collaborative policy making ensures that rules make sense, are practical to implement, and are more likely to be respected and followed by the community.

I understand the need to address emerging challenges in ocean recreation and I strongly believe that encouraging public input in the transparent rule creation process involving the people who live, recreate, and find healing in Hawai'i waters. I urge you to reject SB 1457 in its current form and instead advocate for a more balanced approach that values public participation and fair governance.

Mahalo for considering my testimony.

Sincerely,

Susan Bowen
Kailua, Oahu

SB-1457

Submitted on: 2/6/2025 5:10:43 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

To Whom It May Concern,

I'm extremely concerned about SB1138 and SB1457.

In SB1457, it says that "All rules shall be adopted in accordance with chapter 91; provided that the board shall **have the power to issue interim rules, which shall be exempt from chapter 91 and chapter 201M ... effective for no more than twenty-four months.**"

Chapter 91 is what guarantees public input (specifically [§91-3](#)) about rules. This bill would take that away. Any "interim rule" could have a dramatic effect on those who recreate in our ocean, for up to **two years**.

I swim, snorkel, wing foil, surf, and SUP. I appreciate the concern over safety but pushing through a rule by bypassing the appropriate process outlined in Chapter 91 is outrageous and will undermine the public's faith in our legislative process.

Thank you,

Christine

SB-1457

Submitted on: 2/6/2025 5:24:29 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

I am Miles Nakamura, a Wingfoiling enthusiast. These are my comments regarding SB1457:

1. This bill is the same as now deferred HB1138. Both are vague and suggest that the DNLR should have a board that regulates watersports and make safety and usage regulations.

2. As I see the DNLR - It is an organization that creates and enforces the laws which govern harbors, boat ramps, shipping lanes, fishing regs, boating rules, licenses and usage fees, etc. These law tend to be fixed, in that one either complies, or does not.

3. Hawai'i, C&C Honolulu, Kauai, and Maui counties all have Ocean Safety Departments. Ocean Safety's job is to assess ocean conditions which vary hour to hour, apply local knowledge of the various watersports areas, apply knowledge of the various watersport activities, and use common sense in determining which "rules" are relevant to the present situation. Ocean Safety relies on the expert judgement of their Life Guards, and not adherence to fixed rules.

4. Judgement and common sense cannot be regulated and bound by rules. In my opinion, it is best to give more support and enforcement authority to Ocean Safety, the best qualified organization to "govern" watersports.

SB-1457

Submitted on: 2/6/2025 6:16:14 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Whitney Johnson	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill.

SB-1457

Submitted on: 2/6/2025 6:25:03 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

I submitted a testimony last week opposing the regulations on watersports being proposed by this bill.

I am submitting the objection again.

I strongly oppose this bill

SB-1457

Submitted on: 2/6/2025 6:38:42 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Molly Forstall	Individual	Oppose	Written Testimony Only

Comments:

I hereby submit this statement in opposition to Senate Bill 1457 and House Bill 1138.

I oppose these bills on the grounds that they confer upon the Board of Land and Natural Resources the authority to promulgate interim rules without adhering to the full, established rule-making procedures mandated by law. The broad and unchecked regulatory authority granted by these bills could result in rules that infringe on fundamental rights, without the requisite oversight or procedural safeguards to ensure fairness and accountability. The ability to bypass the standard rule-making process would allow the Board to avoid transparency, limit public participation, and reduce the opportunity for meaningful stakeholder engagement on issues that significantly affect the people of Hawaii. The bills contain no justification to support of such a drastic change to the rules. Please vote NO.

SB-1457

Submitted on: 2/6/2025 8:54:17 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Linda Lovell	Individual	Oppose	Written Testimony Only

Comments:

I, Linda Lovell, of Maui, Hawaii strongly oppose Bill SB1457.

SB-1457

Submitted on: 2/6/2025 9:27:22 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
brett gobar	Individual	Oppose	Written Testimony Only

Comments:

no agency should be allowed to implement rules for 2 years without the proper public discussion and agency and lawmaker interaction with public . seems DLNR should be focused on rapidly implemting NO FISH/ NO TAKE zones throughout Hawaii to revive FISHERIES POPULATIONS. Shore fishing need not be in rare wind sports beaches , such as Kanaha, Maui and Kailua, Oahu; fishing can thrive on most beaches; many are not suited for wind sports.

Comprehensive rules, can encourage the commerce around E. Hydrofoiling businesses, uses and safety, that will be a win - win for environment, public safety, shipping and sports people.

Mahalo ! Brett Gobar, B.S. WATER RESOURCE MGT, PAIA, MAUI

SB-1457

Submitted on: 2/6/2025 10:24:19 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

Aloha. This bill gives unprecedented power without representation or adequate opportunities for citizen input to BLNR on regulations governing recreational use of the ocean. There are stop gap measures available for emergency dangerous activities already. For non-emergency situations, residents and all stakeholders should be given the opportunity to provide input and/or educate OUR government organizations. From what we all heard during the discussion of the House Bill, it seems that the BLNR employee was trying to address an unknown/undocumented number of "complaints" calls from beachgoers, without any coherent explanation or documentation of why or for what reasons BLNR needs this unilateral ability to make new regulations lasting 2 years. I strongly oppose this bill.

SB-1457

Submitted on: 2/7/2025 8:14:22 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Matt Kurle	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill

SB-1457

Submitted on: 2/7/2025 8:17:00 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

Please do not advance this bill. It is not necessary. DLNR already has all the authority it needs to regulate new water toys. This bill can stymie the ability of Hawaiian water users from developing new sports. It is unreasonable to enable the adoption of rules without transparency or public input.

SB-1457

Submitted on: 2/7/2025 9:18:29 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

DLNR should be focused on enforcing current rules & regulations.

This bill is vague & should not pass.

SB-1457

Submitted on: 2/7/2025 10:38:38 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dirk Koeppenkastrop	Testifying for IL Gelato Hawaii	Oppose	Written Testimony Only

Comments:

Testimony in Opposition to SB1457

Submitted by: **Dirk Koeppenkastrop, Ph.D., Owner, IL Gelato Hawai'i**

Hearing Date: **February 10, 2025 1 PM**

Committee: **WTL**

Chair: Lorraine R. Inouye

Vice Chair: Brandon J.C. Elefante

Committee Members: Stanley Chang, Angus L.K. McKelvey, Samantha DeCorte

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

My name is **Dirk Koeppenkastrop**, and I am the **owner of IL Gelato Hawai'i**, a business that has proudly served the community for many years. I came to Hawai'i in the eighties for windsurfing and made it my home. With time we have seen Hawaiian watersports to develop and Hawai'i has always been on the forefront of any new watersport development and emerging watersport technology. Windsurfing was established and promoted in the eighties by famous 24th time World Champion **Robbie Naish** from Kailua and since Hawai'i became a world renown destiny not only for surfing and windsurfing, but also for kite surfing, Stand Up paddle, kite foiling and recently also for prone foiling, wing foiling, SUP foiling and efoiling. I am a graduate from the University of Hawai'i and received my Ph.D in chemistry and believe in data based evidence. I am inspired by the ocean and as it allows me to relax and recover and to stay in contact with my dreams. I try to be in the ocean every day doing my watersports. I advanced from windsurfing, to kitesurfing, to wing foiling and also efoiling. I am enjoying new recreational watersports technology and promote a safe use thereof.

My wife and I had a vision to bring gelato to Hawai'i and our business has now seven locations all over the island of Oahu. We employ more than 100 people and all our jobs depend on tourism. **I strongly oppose SB1457, as it presents significant concerns regarding government overreach, economic harm, and the lack of due process in rulemaking.**

As a business owner, I understand the importance of regulations that promote public safety and environmental protection. However, **SB1457** grants the **Board of Land and Natural Resources (BLNR) unchecked authority** to issue interim rules without going through the established public review process. This not only bypasses the essential voices of businesses and residents but also **sets a dangerous precedent** for rulemaking without accountability and without requiring clear, evidence-based justification for its actions.

While I recognize the importance of ensuring public safety in our ocean waters, **any attempt to establish emergency rules must be supported by concrete proof and statistical evidence demonstrating an actual danger that requires regulation.** Simple complaints to the DLNR or neighbors to be concerned about new ocean recreation technology should not serve as the basis for banning certain ocean activities or restricting recreational and commercial ocean users. **Regulations must be justified and driven by data, not by subjective concerns or isolated incidents.**

Additionally, the **broad and vague language** of this bill could lead to **unintended economic consequences.** Hawai'i's economy is deeply intertwined with tourism and recreation, and any unnecessary restrictions on ocean activities could deter visitors, negatively impacting local businesses like mine. Tourism drives foot traffic to many small businesses, including restaurants, retail shops, and food establishments like IL Gelato Hawai'i. A decline in ocean-related activities could ripple across the economy, affecting **jobs, revenue, and the livelihood of local families.**

Furthermore, Hawai'i **already has emergency rulemaking provisions** under HRS § 91-3(b), which allow for swift action in cases of imminent danger. Expanding BLNR's authority for a **24-month interim rule with possibility to renew, without clear checks and balances** is excessive and unnecessary.

I urge the Committee to **reject SB1457** or, at the very least, amend it to include proper public consultation, defined regulatory scope, and transparent oversight and to require **comprehensive data collection, statistical analysis, and public transparency** before any emergency rule is enacted. **Regulations should be based on objective safety concerns, not hearsay or isolated complaints and limited in time.**

Thoughtful, data-driven policies should be developed with input from all stakeholders, rather than rushed regulations that create uncertainty and potential harm to Hawai'i's economy and communities.

Mahalo for your time and consideration.

Sincerely,
Dirk Koepfenkastrof, Ph.D.
Owner, IL Gelato Hawai'i

SB-1457

Submitted on: 2/7/2025 12:13:17 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shepherd Nelson	Individual	Oppose	Written Testimony Only

Comments:

Opposition Statement to Hawaii House Bill 1138

Introduction:

I am writing to express my strong opposition to House Bill 1138, “Relating to Ocean User Safety.” While the bill aims to enhance safety in ocean activities, it raises significant concerns regarding its constitutionality, vagueness, and the potential for governmental overreach into areas that may not require additional legislation.

Unconstitutionality:

The bill grants the BLNR the authority to issue interim rules without clearly defined limits or oversight. This delegation of legislative power to an administrative body may violate the non-delegation doctrine, which mandates that essential legislative functions cannot be transferred to executive agencies without clear guidelines. Such an arrangement could undermine the system of checks and balances enshrined in our constitution.

Vagueness:

HB 1138 lacks specific definitions and parameters concerning the “commercial and recreational use of water sports equipment.” The absence of clear criteria may lead to arbitrary enforcement and confusion among stakeholders. Laws must be drafted with sufficient clarity to inform individuals of the conduct that is prohibited or required, ensuring that citizens can conform their behavior accordingly.

Government Overreach:

The bill empowers the BLNR to regulate activities that are already subject to existing safety protocols and industry standards. Introducing additional interim rules may result in redundant regulations, placing unnecessary burdens on businesses and individuals engaged in water sports. This overregulation could stifle economic activity and infringe upon personal freedoms without demonstrable benefits to public safety.

Conclusion:

In light of these concerns, I urge lawmakers to reconsider HB 1138. It is imperative to ensure that any legislation aimed at promoting safety does not compromise constitutional principles, lacks clarity, or result in unwarranted governmental intrusion. Alternative approaches, such as enhancing existing safety programs and promoting public education on ocean safety, should be explored to achieve the desired outcomes without the drawbacks associated with this bill.

Thank you for considering my perspective on this critical issue.

Sincerely,

Shepherd Nelson

Shep.nelson@gmail.com

SB-1457

Submitted on: 2/7/2025 12:14:27 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Blake Lefkoe	Individual	Oppose	Written Testimony Only

Comments:

Testimony in Strong Opposition to SB 1457

Submitted by: Blake Lefkoe, Resident of Honolulu, Oahu

Aloha Chair and Members of the Committee,

I am submitting this testimony in strong opposition to SB 1457, which would grant the Board of Land and Natural Resources (BLNR) the authority to enact interim rules on water sports—such as wing foiling and other emerging activities—without public input or oversight for up to two years. While I understand the need for regulations that promote safety and environmental responsibility, such policies should never be created behind closed doors. Excluding public involvement increases the risk of unnecessary, impractical, and unfair restrictions that fail to consider the needs of those who rely on the ocean for recreation, connection, and well-being.

For me and countless others, being in the ocean is not just a hobby—it’s a way of life. The water provides a space for healing, personal growth, and community, and these activities are essential to our physical and mental well-being. If regulations are imposed without the voices of the people who actually engage in these sports, the result could be arbitrary restrictions that limit access to the very experiences that define Hawai‘i’s culture and lifestyle.

I fully support reasonable, well-crafted policies that ensure safety while preserving public access to the ocean. However, rules created without community input are far less likely to reflect the realities of those who are most affected by them. A lack of transparency in the decision-making process not only weakens trust but can also lead to rules that are difficult to enforce and widely disregarded.

Rather than allowing unilateral decision-making, a collaborative approach is needed—one that brings together ocean users, safety experts, environmental advocates, and policymakers. By working together, we can create balanced, practical regulations that protect both the public and the ocean while ensuring that responsible access remains available to all.

I strongly urge you to reject SB 1457 as it stands and instead support an approach that prioritizes transparency, public participation, and fairness. The ocean belongs to all of us, and decisions about its use should reflect the voices of the people who cherish and respect it every day.

Mahalo for your time and consideration.

Sincerely,
Blake Lefkoe

SB-1457

Submitted on: 2/7/2025 5:09:48 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

I oppose SB1457. DLNR should not have arbitrary authority to affect so many ocean users like myself without hearing and rule making procedure. There are competing interests that need to be heard before. 2 year rule.. 120 days is sufficient to safeguard ocean safety.

SB-1457

Submitted on: 2/7/2025 5:27:20 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

Written Testimony IN OPPOSITION to SB1457.

I am oppoed to this bill because it is overbroad and vague. The definition of "sports equipment" would result in regulating any device that is taken into the water for human use including floaties, boogeyboards, and even inflatable arm bands for small children.

Here is the proposed definition:

"Water sports equipment" means any equipment, contrivance, frame, or other device that one or more persons may wear, or lie, sit, or stand upon or in, that is primarily for use in or on the water for pleasure, recreation, or sports, and that shall not be used primarily for transportation."

As written, this bill would have absurd results. Imagine regulating inflatable arm bands for little kids. It's just preposterous.

I would like to add that the bill's language is not properly written. It is grammatically incorrect and makes no sense:

The rules shall include but not be limited to the creation of safe zones for free divers and swimmers [~~and~~], stricter enforcement of boating regulations around swim zone buoys[-], and the commercial and recreational use of water sports equipment.

No verb precedes *"and the commercial and recreational use of water sports equipment"*.

Whoever drafted this bill should state who and what they are really targeting. What is the motive behind the bill and why are you trying to cover it up with a totally overbroad definition of water sports equipment?

I believe any court of law would strike down this bill (if passed) as vague and overbroad.

Sincerley,

Teresa Tico, Attorney, PO Box 220, Hanalei, HI 96714

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

SB 1457

RELATING TO OCEAN USER SAFETY

February 10, 2025, at 1:00 p.m.
State Capitol, Conference Room # 229

Submitted by Fabio Bylaardt

Dear Chair Inouye, Vice Chair Elefante, and Members of the Committees,

My name is Fabio Bylaardt, and I am testifying in opposition to SB 1457, which would grant the Board of Land and Natural Resources (BLNR) the authority to adopt interim rules for water sports without public input.

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

- **Overreach of Authority** – SB 1457 gives BLNR the power to create and enforce rules without transparency or community involvement. This undermines democratic processes and removes the public's right to voice concerns over regulations affecting their access to Hawaii's waters.
- **Negative Impact on Local Businesses & Tourism** – The unpredictable and unilateral creation of new rules could severely impact Hawaii's thriving water sports industry. Many businesses rely on clear, stable regulations to operate, and sudden changes could lead to financial hardships and job losses.
- **Public Access & Recreational Rights** – Hawaii's coastal waters are a public resource. This bill could lead to restrictions that unfairly limit residents and visitors from enjoying recreational activities, such as surfing, foiling, paddling, and other water sports.
- **Lack of Environmental Safeguards** – While SB 1457 gives BLNR the power to regulate water sports equipment, it does not include clear guidelines for ensuring sustainable management of Hawaii's marine ecosystems.
- **Risk of Inequity** – Without a public review process, rulemaking could disproportionately affect certain ocean users, favoring commercial interests or specific activities while sidelining others.

A more balanced approach is necessary. One that prioritizes both safety and environmental conservation while ensuring public participation in decision-making. I urge the committee to reject SB 1457 in its current form and instead consider solutions that include input from all stakeholders.

Thank you for the opportunity to provide testimony.

SB-1457

Submitted on: 2/7/2025 9:52:09 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

We the citizens of Hawaii would like more dialogue and understanding of the issues and having more input rather than politicians having the power to take more of our freedoms to enjoy the ocean away.

SB-1457

Submitted on: 2/8/2025 11:18:59 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Thomas Winkler	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill as it would allow DLNR to issue interim rules for water sports equipment. This is absolutely unacceptable.

SB-1457

Submitted on: 2/8/2025 5:26:40 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jenny Yagodich	Individual	Support	Written Testimony Only

Comments:

In SUPPORT of SB1457 to authorize the Board of Land and Natural Resources to issue interim rules regarding commercial and recreational use of water sports equipment.

SB-1457

Submitted on: 2/8/2025 7:58:29 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jacob Clarno	Individual	Oppose	Written Testimony Only

Comments:

“Strongly oppose the amendment that eliminates public feedback before adoption”

Maui County has nevert been specatcular in regards to managing beaches. There has been a slow decay of public access freedoms and resource management that has made Maui County less remarkable. Laziness! Put a gate up, that will fix it! Laziness! This island thinks you suck. A world class playground handed over to homeless and end-of-era beurocracy. Lazy!!!! Rarely we seen any commitment to reinforce whats unique to this island.

SB-1457

Submitted on: 2/8/2025 8:34:03 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bruce A St Germain	Individual	Oppose	Written Testimony Only

Comments:

02-02-2025

To whom this may concern.

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

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

Thank you very much for reading this.

Bruce St Germain

SB-1457

Submitted on: 2/9/2025 2:13:53 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

SB1457

RELATING TO OCEAN USER SAFETY

Submitted by Jonathan Hullsiek

My name is Jonathan Hullsiek, and I am testifying in opposition to SB1457, which would grant the Board of Land and Natural Resources (BLNR) the authority to adopt interim rules for water sports without public input.

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

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

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

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

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

A more balanced approach is necessary. One that prioritizes both safety and environmental conservation while ensuring public participation in decision-making. I urge the committee to reject SB1457 in its current form and instead consider solutions that include input from all stakeholders.

Thank you for the opportunity to provide testimony.

SB-1457

Submitted on: 2/9/2025 4:37:45 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lailai Aubert	Individual	Oppose	Written Testimony Only

Comments:

Strongly oppose the amendment that eliminates public feedback before adoption. "interim rules,... shall be exempt from chapter 91 and chapter 201M. Any interim rule adopted pursuant to this section shall be effective for no more than 24 months after the date of the adoption." Opposition to both bills.

SB-1457

Submitted on: 2/9/2025 4:40:18 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

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

Hawai'i State Capitol, Room 325

415 South Beretania Street

Honolulu, HI 96813

Subject: Strong Opposition to Senate Bill SB1457 Relating to Ocean User Safety

Dear Chair and Members of the Committee,

I am writing to express my firm opposition to Bill SB1457, which seeks to make substantial changes to water use policy in Hawai'i. It threatens to undermine longstanding protections for users of Hawai'i's ocean resources and diminish public participation in key decisions on these matters going forward. Bill SB1457 would diminish the role of the public and community stakeholders in critical ocean use decisions. It is unnecessary, overly broad, and opens the door for restrictions and discriminatory enforcement against efoils and those who rely on assistive innovations. Instead of restricting technology that helps distribute users across the ocean more evenly, lawmakers should support policies that ensure ocean safety without excluding vulnerable populations. I urge the rejection of SB1457 in favor of inclusive and well-regulated ocean recreation policies that the public (who will be most affected) has a say in future lawmaking. In conclusion, Bill SB1457 represents a step backward for Hawai'i's ocean use policies.

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

Sincerely,

Stephen C Kohn

757 Kapulena Loop

Honolulu, HI 96825

Sck808@gmail.com

808-277-7873

SB-1457

Submitted on: 2/9/2025 9:03:52 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Derek Foglesong	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill because it is too broad and inspecific. It gives DLNR a blank check to regulate whatever they want however they want. There is no definition of what they are to regulate other than the vague description of new technologies.

Every ocean sport was a new technology at one point, and all of us in the ocean have managed to coexist with and manage "new" technologies.

DLNR or whoever instigated this bill should talk with whatever community they are concerned with about whatever new technology they are concerned with, not seek out blanket, undefined rule making powers.

Whatever happened to the proposed rule changes that the tow surf/foil community so thoroughly and thoughtfully proposed to address the wholly inadequate and irrelevant rules about tow foiling?

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SB-1457

Submitted on: 2/9/2025 10:13:29 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Pat Wiley	Individual	Oppose	Written Testimony Only

Comments:

I have been e-foiling on Maui for the past 5 years. E-foiling is very low impact on the environment and is a great way for people of any age to enjoy getting out on the water. I strongly oppose SB1457. Please do not pass this bill.

Thank You

Pat Wiley

LATE

SB-1457

Submitted on: 2/9/2025 1:02:01 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kate Thompson	Individual	Oppose	In Person

Comments:

Dear Senators of the WTL Committee Chair Inouye and Vice Chair Elefante and Members:

As a long-time boater with a recreational boater moored in a State Small Boat Harbor, I am disappointed to see this 'recycled bill' back on the table. Similar bills were stopped last year due to intense opposition from the boating and watercraft public.

The Board of Land and Natural Resources: is made up of 'good people' but they are unpaid volunteers, and they are not elected. The BLNR meetings are held every two weeks and take the entire day. The BLNR members receive a 400-page document right before each meeting (members have 24 hours or less to read it). They do not have time to deeply into contract details or rule creation.

Giving BLNR the right to make decisions on 'Watercraft rules' that last 24 months, seems to way for DOBOR to avoid the 'Administrative rule-making' process, that requires public meetings and input.

Please 'HOLD' this measure.

Mahalo for reading my testimony.

Kate Thompson

Hawaii recreational sailor

808-383-3334

LATE

SB-1457

Submitted on: 2/9/2025 5:29:45 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Samuel Olson	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

I am writing to express my strong opposition to Senate Bill 1457, which would give the Board of Land and Natural Resources (BLNR) the authority to impose interim rules on water sports such as foiling and other emerging technologies without public input or oversight for up to two years.

I recognize the importance of rules to ensure safety and protect the environment. However, these regulations must be developed through an open and inclusive process with public involvement to create reasonable policies in touch with the communities they affect.

I am a water sports enthusiast who has progressively utilized the ocean during my 4 years living here for swimming, snorkeling, kayaking, canoe padding, sailing, surfing, Stand Up Paddling, kiteboarding and foiling. I continue to use Hawai'i waters regularly for these activities. The ocean has always been a source of peace and distress tolerance in my life.

Ocean sports serve as a unique form of healthy coping mechanism for me. The mindfulness required in these activities helps to create new neural networks, provides focus and increased resilience. The ability to engage in these water sports is essential for my personal well-being and connection to nature. SB 1457 threatens to disrupt that connection by allowing unchecked regulations that could unnecessarily restrict access to these meaningful and healthy activities.

I fully support thoughtful, well-crafted rules that ensure safety and environmental stewardship. Regulations must be created with public input to appropriately reflect the realities and needs of the people who use and care for Hawai'i waters. Decisions made behind closed doors, without engaging those directly affected, undermine trust in the process and can lead to widespread noncompliance. Reasonable rules created with proper due diligence are more likely to encourage residents to remain responsible and law-abiding.

New water sports can coexist with traditional ocean activities. I support working together through open dialogue and community engagement to develop thoughtful, balanced regulations that protect both public safety and access to the ocean. Collaborative policy making ensures that rules make sense, are practical to implement, and are more likely to be respected and followed by the community.

I understand the need to address emerging challenges in ocean recreation and I strongly believe that encouraging public input in the transparent rule creation process involving the people who live, recreate, and find healing in Hawai'i waters. I urge you to reject SB 1457 in its current form and instead advocate for a more balanced approach that values public participation and fair governance.

Mahalo for considering my testimony.

Sincerely,

Samuel Olson

Kailua, Oahu

LATE

SB-1457

Submitted on: 2/9/2025 5:31:47 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

Aloha All,

I am Robby Miyashiro and I am against SB1457 as it is vague and not clear to its regulations and would inappropriately restrict ocean usage upon users of many disciplines.

Thank you,

Robby

LATE

SB-1457

Submitted on: 2/9/2025 8:48:28 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

Aloha,

I oppose SB 1457. I do not believe any watersports or water recreation should be regulated in our shorelines or oceans.

Mahalo, Primo Bailon

LATE

SB-1457

Submitted on: 2/10/2025 6:19:36 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

stupid obfuscating system , stick it out!! 1. register , confirm the email addy, return to link and 2. enter "sb1457" submit , 3. look for a continue button (avoid being discouraged!), 4. you'll be shown a screen to toggle approve or reject , tick reject ... 5. scroll down to open text area and past the suggested oppose language above ..

namely

I Strongly oppose the amendment that eliminates public feedback before adoption:

interim rules, ...shall be exempt from chapter 91 and chapter 201M. Any interim rule adopted pursuant to this section shall be effective for no more than twenty-four months after the date of the adoption.

This eliminates public feedback before adoption.

LATE

SB-1457

Submitted on: 2/10/2025 7:50:02 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

Hawaii State Legislature

Subject: Strong Opposition to Bill H.B.1457 – Relating to Ocean User Safety

Honorable Members of the Hawaii State Legislature,

I am writing to express my firm opposition to Bill H.B.1457, which seeks to make substantial changes to water use policy in Hawai'i. It threatens to undermine longstanding protections for users of Hawai'i's ocean resources and diminish public participation in key decisions on these matters going forward. Bill H.B.1457 would diminish the role of the public and community stakeholders in critical ocean use decisions. It is unnecessary, overly broad, and opens the door for restrictions and discriminatory enforcement against various ocean craft and those who rely on assistive innovations. Instead of restricting technology that helps distribute users across the ocean more evenly, lawmakers should support policies that ensure ocean safety without excluding vulnerable populations. I urge the rejection of H.B.1457 in favor of inclusive and well-regulated ocean recreation policies that the public (who will be most affected) has a say in future lawmaking. In conclusion, Bill H.B. 1457 represents a step backward for Hawai'i's ocean use policies.

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

Sincerely,

David DiPilato

LATE

SB-1457

Submitted on: 2/10/2025 9:16:08 AM
Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tammy Tootell	Individual	Oppose	Written Testimony Only

Comments:

On behalf of myself and the kitesurfing, winging and wind surfing community that I am a part of, I would strongly oppose this Bill for the mental health well being and social well being of our community. Many of our Kupuna rely on this sport to keep their mind and body healthy and active. Taking away this opportunity for all of us would be a devastating loss.

LATE

SB-1457

Submitted on: 2/10/2025 9:20:54 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Linda L Jenks	Individual	Oppose	Written Testimony Only

Comments:

I am testifying in opposition to SB1457, which would grant the Board of Land and Natural Resources (BLNR) the authority to adopt interim rules for water sports without public input.

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

Overreach of Authority – SB1457 gives BLNR the power to create and enforce rules without transparency or community involvement. This undermines democratic processes and removes the public's right to voice concerns over regulations affecting their access to Hawaii's waters.
Negative Impact on Local Businesses & Tourism – The unpredictable and unilateral creation of new rules could severely impact Hawaii's thriving water sports industry. Many businesses rely on clear, stable regulations to operate, and sudden changes could lead to financial hardships and job losses.

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

Lack of Environmental Safeguards – While SB1457 gives BLNR the power to regulate water sports equipment, it does not include clear guidelines for ensuring sustainable management of Hawaii's marine ecosystems.

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

A more balanced approach is necessary. One that prioritizes both safety and environmental conservation while ensuring public participation in decision-making. I urge the committee to reject SB1457 in its current form and instead consider solutions that include input from all stakeholders.

Thank you for the opportunity to provide testimony.