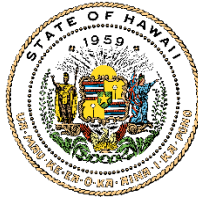


JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



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

P.O. BOX 621  
HONOLULU, HAWAII 96809

Testimony of  
DAWN N. S. CHANG  
Chairperson

Before the House Committee on  
JUDICIARY & HAWAIIAN AFFAIRS

Thursday, February 27, 2025  
2:00 P.M.  
State Capitol, Conference Room 325

In consideration of  
HOUSE BILL 1138, HOUSE DRAFT 1  
RELATING TO OCEAN USER SAFETY

House Bill 1138, House Draft 1 proposes to authorize the Board of Land and Natural Resources to issue emergency rules effective for up to 365 days for the regulation of commercial and recreational use of water sports equipment to promote ocean user safety. **The Department of Land and Natural Resources (Department) supports this measure.**

New ocean recreation technologies are constantly being developed, but the Department has no legal mechanism to expediently regulate these types of equipment if they pose a threat to public safety or natural resources because such regulation may not qualify for emergency rulemaking pursuant to section 91-3(b), Hawaii Revised Statutes. There also has been a rapid expansion of commercial ocean recreation activity within a relatively short period of time, leading to overuse of boating facilities, strain on natural resources, and user conflicts between recreational and commercial ocean users.

The authority provided in this bill would give the Department the ability to quickly and efficiently regulate ocean recreation equipment in state ocean waters, especially new and emerging ocean recreation technologies, in order to ensure public safety, reduce user conflicts, and effectively manage marine natural resources.

Mahalo for the opportunity to testify on this measure.

DAWN N.S. CHANG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT  
RYAN K.P. KANAKA'OLE  
FIRST DEPUTY  
CIARA W.K. KAHAHANE  
DEPUTY DIRECTOR - WATER  
AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES  
ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**HB-1138-HD-1**

Submitted on: 2/25/2025 12:57:14 PM

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

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

Comments:

Aloha Chair, Vice Chair and Committee Members:

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

While the purpose of HB 1138 is to change the standard 120 day rulemaking process and establish a 12 month interim rule, this provision will provide lawmakers with additional rulemaking tools that may limit my cohort's ability to enjoy our sport of hydrofoiling ("new technology") including surf-foiling, wing-foiling, motor assisted and efoiling. I am opposed to this bill, as well as opposed to SB1457. Here are my reasons:

1. There are many different categories of foil driven craft, those that are motorized (foil and foil assist drives), and prone, sup, wing, and windsail powered craft, i.e., motorized hydrofoil craft and non motorized (prone, sup, wing and wind). These two "classes" of craft should not be lumped together, any potential interim one year rulings targeted towards 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 Foiling Safe/Best Practices: detailed info about commercial shipping traffic, cruise ship traffic, and canoe practice/regatta schedules (there are 2 canoe Hales onsite at the harbor, and the harbor is used for regattas). This daily report is in addition to online YouTube videos, guides, and onsite signage promote safety, and separation from other Kahului Harbor stakeholders. By providing this daily information and additional resources, conflicts between stakeholders are kept at a minimum and the lines of communication between parties are open.

3. While sites/beaches throughout the state provide different resources, potential activities, and are enjoyed by different user groups, we have demonstrated here on Maui that "grass roots" efforts work better at resolving conflicts. The DLNR can best assist by providing signage and zone maps for different watercraft at local, contested breaks, limit efoils from swim zones, as opposed to being given additional short term rulemaking authority.

Again, I am in opposition to this bill that authorizes the Board of Land and Natural Resources to issue emergency rules which may be in effect for up to 365 days for the regulation of commercial and recreational use of water sports equipment to promote ocean user safety.

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

Ely Spivack Maui Wingfoiling and Wingsurfing Facebook Page Oppose Remotely Via Zoom



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

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

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

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

NOTICE OF HEARING

DATE: Thursday, February 27, 2025  
TIME: 2:00 p.m.  
PLACE: VIA VIDEOCONFERENCE  
Conference Room 325  
State Capitol  
415 South Beretania Street

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TESTIMONY OF THE OCEAN TOURISM COALITION IN OPPOSITION WITH  
SUGGESTED AMENDMENTS TO HB1138 HD1.

Dear Chair Tarnas, Vice Chair PoePoe, and Members of the Committee:

My name is Denver Coon. I am the president of the Ocean Tourism Coalition ("OTC"). OTC represents hundreds of locally owned ocean tourism businesses statewide, many being family businesses. We believe that HB1138 HD1, as currently drafted, is too broad and could unnecessarily impact traditional and long-established ocean activities.

The most likely source of safety concerns stems from motorized and battery-powered equipment, such as e-foil boards and motorized equipment, which can travel at high speeds and introduce new risks in shared ocean spaces. Traditional, non-motorized equipment like surfboards, paddleboards, and bodyboards has coexisted with other ocean users for generations.

To ensure the bill is appropriately targeted, we respectfully suggest limiting its scope to motorized and battery-powered water sports equipment. This will allow the Department of Land and Natural Resources (DLNR) to quickly regulate emerging high-speed technologies without unnecessarily burdening time-honored ocean recreation activities or commercial operators.

We urge the committee to refine the definition of "water sports equipment" to apply only to self-propelled or motorized devices, ensuring a balanced approach that promotes safety while preserving access to Hawaii's ocean resources. Mahalo for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Denver S. Coon', with a long horizontal line extending to the right.

Denver S. Coon  
President, Ocean Tourism Coalition

**HB-1138-HD-1**

Submitted on: 2/26/2025 7:50:22 AM

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

Submitted By	Organization	Testifier Position	Testify
Zachary LaPrade	Boss Frog's Dive & Surf	Oppose	Remotely Via Zoom

Comments:

**TESTIMONY OF ZACHARY LAPRADE IN OPPOSITION WITH SUGGESTED AMENDMENTS TO HB1138 HD1**

Dear Chairs, Vice Chairs, and Members of the Committee:

My name is Zachary LaPrade. I am submitting testimony in opposition, with suggested amendments, to HB1138 HD1.

While the intent to enhance ocean user safety is commendable, HB1138 HD1, as currently drafted, is overly broad and could inadvertently impact longstanding and traditionally safe ocean recreational activities and established commercial ocean tourism businesses, for example snorkel and boogie board rentals.

The primary safety concerns that this measure seeks to address predominantly stem from the recent proliferation of motorized and battery-powered water sports equipment, such as e-foil boards, motorized surfboards, and similar high-speed devices. Traditional, non-motorized ocean activities, including surfing, paddleboarding, bodyboarding, and other manual equipment, have coexisted safely in Hawai'i's shared ocean spaces for generations.

To ensure this legislation effectively targets the appropriate safety risks without imposing unnecessary burdens on traditional ocean users and businesses, I respectfully request the committee amend HB1138 HD1 to explicitly limit its scope to motorized and battery-powered water sports equipment only.

This targeted amendment will allow DLNR to swiftly regulate new and emerging high-speed water technologies, thereby ensuring safety, without negatively impacting Hawai'i's traditional ocean recreation culture and economy.

Thank you for the opportunity to testify.

Respectfully,

Zachary LaPrade



**MAUI**  
CHAMBER OF COMMERCE  
**VOICE OF BUSINESS**

**HEARING BEFORE THE HOUSE COMMITTEE ON WATER & LAND  
HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 411  
Tuesday, February 4, 2025 AT 9:00 A.M.**

To The Honorable Mark J. Hashem, Chair  
The Honorable Rachele F. Lamosao, Vice Chair  
Members of the Committee on Water & Land

**OPPOSE HB1138 HD1 RELATING TO OCEAN USER SAFETY**

The Maui Chamber of Commerce **OPPOSES HB1138 HD1** which Authorizes the Board of Land and Natural Resources (BLNR) to issue emergency rules which may be in effect for up to 365 days for the regulation of commercial and recreational use of water sports equipment to promote ocean user safety.

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 HB1138 HD1** 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.

**HB-1138-HD-1**

Submitted on: 2/26/2025 2:02:49 PM

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

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

Comments:

**Dear Chairs, Vice Chairs, and Members of the Committee,**

My name is Daniel Hazen, and I am the Operations Manager for Holo Holo Charters on Kauai. I am submitting testimony in opposition to HB1138 HD1 as currently drafted.

While I fully support the intent of HB1138 HD1 to ensure the safety of ocean users, I believe the current language of the measure is overly broad and could unintentionally affect long-standing, safe, and traditional ocean recreational activities, as well as well-established commercial ocean tourism businesses.

The safety issues this measure seeks to address primarily arise from the growing use of motorized and battery-powered water sports equipment, such as e-foil boards, motorized surfboards, and other high-speed devices. Traditional, non-motorized ocean activities—such as surfing, paddleboarding, bodyboarding, and other manual equipment—have safely coexisted in Hawai‘i’s shared ocean spaces for generations.

To ensure that this legislation effectively addresses the relevant safety concerns without imposing unnecessary burdens on traditional ocean users and businesses, I respectfully urge the committee to amend HB1138 HD1 to specifically focus on motorized and battery-powered water sports equipment only.

This targeted change would allow the Department of Land and Natural Resources (DLNR) to effectively regulate emerging high-speed water technologies, ensuring safety while preserving Hawai‘i’s traditional ocean recreation culture and economy.

Thank you for the opportunity to submit my testimony.

With Aloha,

Daniel Hazen, Operations Manager, Holo Holo Charters Inc.



**HB-1138-HD-1**

Submitted on: 2/25/2025 12:43:03 PM

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

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

Comments:

Oppose to HB1138

**HB-1138-HD-1**

Submitted on: 2/25/2025 12:43:32 PM

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

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

## Comments:

Please defer this unnecessary bill. The justification is supposedly for ocean safety but there is no data to support the need for implementing rules for a year. Ocean enthusiasts are the most suited for designing self-regulating rules and etiquette for their home breaks. Surfers and SUPers have learned how to co-exist and so will new technologies. It's in everyone's best interest to do so. Government can't tailor laws and rules to each beach and surf break, but users can and will. One-size-fits-all lawmaking and rule making will stifle innovation and will be yet another hit to the already suffering Hawaii economy. Please defer.

**HB-1138-HD-1**

Submitted on: 2/25/2025 1:04:53 PM

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

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

Comments:

I oppose this bill.

**HB-1138-HD-1**

Submitted on: 2/25/2025 1:11:31 PM

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

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

Comments:

Testimony in Opposition to HB 1138 HD1

Submitted by: Randal West, Resident of Kailua, Oahu

Aloha Chair and Members of the Committee,

I am writing to express my strong opposition to House Bill 1138 HD1 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 365 days. 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

**HB-1138-HD-1**

Submitted on: 2/25/2025 2:04:57 PM

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

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

## Comments:

As a watersports enthusiast and Oahu resident, I strongly oppose this bill. No new laws should be created without public input. This bill is trying to give a lot of control power to a small group of individuals and Organization. This just can't happen. I understand the need of safety on our waters and beaches and I strongly believe that we can achieve that True the regular System that we only have in place. Thank you so much. Do not let this bill pass.

**HB-1138-HD-1**

Submitted on: 2/25/2025 2:12:34 PM

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

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

Comments:

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

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

This bill appears to increase the board's power, and reduce public participation.

**Increasing the board's power.** The proposed process calls for a maximum duration of 365 days. The existing emergency rule-making process allows for a maximum duration of 120 days. Why does the board believe they must 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 allowing them to ban water sports equipment without the lengthy legislative process.

**Reducing public participation.** The proposed process does not require a 30-day notice to the public. This gives the board the ability to issue rules 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? Public participation allows the BLNR to gain the experience of subject matter experts and average users alike.

**I opposed HB1138.**

Mahalo for your time today.

**HB-1138-HD-1**

Submitted on: 2/25/2025 2:20:31 PM

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

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

Comments:

I Am opposed to HB 1138.

**HB-1138-HD-1**

Submitted on: 2/25/2025 2:26:46 PM

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

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

Comments:

Aloha. My name is Clinton Yap and I oppose HB1138.

I currently reside in Kaneohe on the island of Oahu. I spend as much of my time as I can in the water enjoying various water activities. I board Surf, kitesurf, windsurf, foilsurf, foildrive, efoil among other sports.

This bill appears to increase the board's power, and reduce public participation.

Increasing the board's power. The proposed process calls for a maximum duration of 365 days.

The existing emergency rule-making process allows for a maximum duration of 120 days. My opinion is that Oppose.

Reducing public participation. The proposed process does not require a 30-day notice to the public. This gives the board the ability to issue rules without public awareness until the rule is already in effect. My opinion is that Oppose.

I opposed HB1138.

Mahalo for your time today.



**HB-1138-HD-1**

Submitted on: 2/25/2025 4:14:38 PM

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

Submitted By	Organization	Testifier Position	Testify
Alan Saiki	Individual	Oppose	Written Testimony Only

## Comments:

aloha. my name is Alan Saiki and i oppose HB1138. I currently reside in Kapaa on the island of Kauai.

**HB-1138-HD-1**

Submitted on: 2/25/2025 4:20:51 PM

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

Submitted By	Organization	Testifier Position	Testify
joshua tamaoka	Individual	Oppose	Written Testimony Only

Comments:

Aloha. My name is Joshua Tamaoka and I oppose HB1138.

I currently reside in Wailua on the island of Kaua'i. I spend as much of my time as I can in the water enjoying various water activities.

This bill appears to increase the board's power, and reduce public participation.

Increasing the board's power. The proposed process calls for a maximum duration of 365 days.

The existing emergency rule-making process allows for a maximum duration of 120

Reducing public participation. The proposed process does not require a 30-day notice to the public. This gives the board the ability to issue rules without public awareness until the rule is already in effect. My opinion is that is pilau

I opposed HB1138.

Mahalo for your time today.

**HB-1138-HD-1**

Submitted on: 2/25/2025 4:31:18 PM

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

Submitted By	Organization	Testifier Position	Testify
Kevin Souza	Individual	Oppose	Written Testimony Only

Comments:

Aloha. My name is Kevin Souza and I oppose HB1138.

I currently reside in Kapaa on the island of Kauai. I spend as much of my time as I can in the water enjoying various water activities. This has been a life long endeavor that crosses several different ocean related disciplines. I generally make use of and enjoy all kinds of modes to enjoy what the ocean offers. This includes traditional surfing, bodysurf, bodyboard, sup, and even modern technologies. This proposed bill appears to increase the board's power, and reduce public participation. The proposed process calls for a maximum duration of 365 days.

The existing emergency rule-making process allows for a maximum duration of 120 days. My opinion is that public participation is of utmost importance and has been past practice. The proposed process does not require a 30-day notice to the public. This gives the board the ability to issue rules without public awareness until the rule is already in effect. Due to the above concerns I oppose HB1138.

Mahalo.

Aloha. My name is Peter ricciardi and I oppose HB1138.

I currently reside in lihue on the island of kauai. I spend as much of my time as I can in the water enjoying various water activities, surfing fishing boating, also a former scuba diving boat captain and dive master.

This bill appears to increase the board's power, and reduce public participation.

Increasing the board's power. The proposed process calls for a maximum duration of 365 days. The existing emergency rule-making process allows for a maximum duration of 120 days.

Reducing public participation. The proposed process does not require a 30-day notice to the public. This gives the board the ability to issue rules without public awareness until the rule is already in effect. I oppose HB1138.

Mahalo for your time today.

Peter ricciardi

**HB-1138-HD-1**

Submitted on: 2/25/2025 5:12:35 PM

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

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

## Comments:

Hello my name is Henry panui and I oppose HB 1138. I currently reside in Kapaa on the island of Kauai. I spend as much of my time as I can hydrofoiling. This bill appears to increase The board's power and reduce public participation. Increasing the board's power. The proposed process calls for a maximum duration of 365 days. The existing emergency rule making process allows for a maximum duration of 120 days. My opinion is that it should not be allowed. Reducing public participation the proposed process does not require a 30-day notice to the public. This gives the board The ability to issue rules without the public's awareness until the rule is already in effect. My opinion is that it is not right. I oppose HB1138.

Mahalo for your time,

Henry panui

**HB-1138-HD-1**

Submitted on: 2/25/2025 5:53:09 PM

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

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

## Comments:

TEMPLATE for testimony

Aloha. My name is Scott and I oppose HB1138.

I currently reside in Mililani on the island of Oahu. I spend as much of my time as I can in the water enjoying various water activities. From e-foil surfing, prone foiling, paddling Oc1, surfing, and diving.

This bill appears to increase the board's power, and reduce public participation.

Increasing the board's power. The proposed process calls for a maximum duration of 365 days.

The existing emergency rule-making process allows for a maximum duration of 120 days. My opinion is that this isn't right.

Reducing public participation. The proposed process does not require a 30-day notice to the public. This gives the board the ability to issue rules without public awareness until the rule is already in effect. My opinion is that the people who spend the most time in the water, take care of the ocean and passing a bill that could potentially have adverse affects if the wrong decision are put in place would be detrimental to the future stewards of tge beaches and oceans.

I opposed HB1138.

Mahalo for your time today.

**HB-1138-HD-1**

Submitted on: 2/25/2025 7:43:31 PM

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

Submitted By	Organization	Testifier Position	Testify
justin lopes	Individual	Oppose	Written Testimony Only

## Comments:

TEMPLATE for testimony

Aloha. My name is Justin Lopes and I oppose HB1138.

I currently reside in Hawaii on the island of Kauai. I spend as much of my time as I can in the water enjoying various water activities. Fishing, surfing, diving.

This bill appears to increase the board's power, and reduce public participation.

Increasing the board's power. The proposed process calls for a maximum duration of 365 days.

The existing emergency rule-making process allows for a maximum duration of 120 days. My opinion is that creating rules with out due process. With out any input or say from the public for which the DLNR work for and get paid by our tax dollars.

Reducing public participation. The proposed process does not require a 30-day notice to the public. This gives the board the ability to issue rules without public awareness until the rule is already in effect. My opinion is that this bill is ridiculous, very vague and gives DLNR too much power to create and enforce laws with no input from the public.

I opposed HB1138.

Mahalo for your time today.

**HB-1138-HD-1**

Submitted on: 2/25/2025 9:29:16 PM

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

Submitted By	Organization	Testifier Position	Testify
Rafael Rivera	Individual	Oppose	Written Testimony Only

## Comments:

Aloha Chair and Committee Members,

I am here today to oppose the unfair restrictions and excessive regulations being placed on new water sports, such as e-foiling, in Hawaii. These emerging activities provide safe, sustainable, and economically beneficial opportunities for both residents and visitors. However, they are being met with disproportionate scrutiny compared to other established ocean activities.

Hawaii has always been a place where ocean innovation thrives, from the early Polynesian voyagers to modern-day surf culture. Yet, rather than embracing these advancements, new water sports are being stifled by unnecessary bureaucracy and outdated perspectives. Instead of creating fair and balanced regulations, policymakers are disproportionately targeting these sports, while other activities with similar ocean impacts face far fewer restrictions.

At a time when our state faces pressing issues—rising costs of living, affordable housing shortages, homelessness, and environmental conservation challenges—it is concerning to see so much energy and legislative focus placed on limiting responsible ocean recreation. Resources should be prioritized toward solving these urgent matters rather than restricting a growing industry that provides jobs, supports tourism, and promotes outdoor activity.

Furthermore, many of these new water sports, including e-foiling, have minimal environmental impact, produce no emissions, and operate more quietly than traditional motorized watercraft. Instead of hindering innovation, we should be fostering responsible ocean use and adapting regulations to reflect modern technology, rather than imposing outdated restrictions that unfairly burden small businesses and enthusiasts.

I urge the committee to take a fair and balanced approach to regulating new water sports—one that acknowledges their benefits, considers their minimal impact, and prioritizes Hawaii's greater challenges over excessive regulation of ocean recreation.

Mahalo for your time and consideration.



**HB-1138-HD-1**

Submitted on: 2/26/2025 6:25:17 AM

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

Submitted By	Organization	Testifier Position	Testify
Sam Pae	Individual	Oppose	Written Testimony Only

Comments:

Aloha. My name is Sam Pa'e and I oppose HB1138.

I currently reside in Nanakuli on the island of Oahu. I spend as much of my time as I can in the water enjoying various water activities. This bill appears to increase the board's power, reduce public participation and increasing the board's power. The proposed process calls for a maximum duration of 365 days. The existing emergency rule-making process allows for a maximum duration of 120 days. My opinion is that its not fair and it reduces public participation. The proposed process does not require a 30-day notice to the public. This gives the board the ability to issue rules without public awareness until the rule is already in effect.

I opposed HB1138.

Mahalo for your time today.

**HB-1138-HD-1**

Submitted on: 2/26/2025 6:50:35 AM

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

Submitted By	Organization	Testifier Position	Testify
Chris Hodges	Individual	Oppose	Written Testimony Only

Comments:

My name is Chris Hodges and I oppose HB1138.

I currently reside in Kamuela on the island of Hawaii. There are many of us here on the Big Island (and across the state) that spend a lot of time in the water enjoying various water activities during our free time.

Bill HB1138 appears to increase the board's power, and reduce public participation.

The proposed process calls for a maximum duration of 365 days. The existing emergency rule-making process allows for a maximum duration of 120 days. My opinion is that 365 days is government overreach and 120 days is an ample amount of time to give the board to make decisions.

Reducing public participation. The proposed process does not require a 30-day notice to the public. This gives the board the ability to issue rules without public awareness until the rule is already in effect. My opinion is that the public should be given ample time to submit testimony on these sorts of issues. Seems unreasonable that the board wants to grant themselves 365 days versus the current 120 days while at the same time reducing the notification period for the public.

I oppose HB1138.

Mahalo

**HB-1138-HD-1**

Submitted on: 2/26/2025 7:10:16 AM

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

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

## Comments:

I oppose HB1138. I have surfed, foiled, wing foiled, motor boated, sailed for 65 years in Hawaii and my family has been here fir 5 generations. DLNR should not make temporary rules without public input normally required for rule making. It may be unconstitutional. There are too many competing interests that meed to be heard. There are too many new technologies that the DLNR does not understand and is unable to make rules without normal public comment and hearings.

**HB-1138-HD-1**

Submitted on: 2/26/2025 8:17:06 AM

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

Submitted By	Organization	Testifier Position	Testify
Pua Makani	Individual	Oppose	Written Testimony Only

Comments:

Dear Honorable Members of the Committee,

My name is Pua Makani, and I am a Hawai'i resident living with a disability. Access to the ocean is not just a pastime for me—it is essential for both my physical therapy and mental well-being. I rely on an electric foil board (e-foil) as my primary means of engaging in water sports. However, I am deeply concerned that HB1138's proposed emergency rulemaking powers could unjustly strip away this vital access, disproportionately affecting disabled individuals like myself.

I strongly oppose HB1138 because it grants broad emergency authority to the Board of Land and Natural Resources (BLNR), allowing it to impose temporary bans on water sports equipment for up to a year. While this may be intended to address safety concerns, it could lead to severe and unlawful exclusion of people with disabilities if not carefully constrained.

**1. The Risk of Unlawful Exclusion**

If e-foils or similar adaptive equipment are restricted or banned under HB1138, it would create serious barriers for those of us who depend on them:

- No Reasonable Alternative – Unlike able-bodied surfers who can switch to traditional boards, many disabled individuals have no other viable option.
- Violation of Federal and State Laws – Title II of the Americans with Disabilities Act (ADA) and Hawai'i Revised Statutes (HRS) §368-1.5 prohibit public entities from enacting policies that exclude people with disabilities from accessing public programs and spaces. If emergency rulemaking results in a blanket ban without accommodations, it would be in direct conflict with these laws.

**2. Conflict with Disability Rights Protections**

HB1138's emergency rules would still be subject to legal obligations under:

- Title II of the ADA – State agencies like DLNR cannot enact rules that categorically exclude people with disabilities from accessing public spaces or services.
- HRS §368-1.5 – Hawai'i law mandates that state programs must provide equal access and prevent discrimination against disabled individuals.

- HRS Chapter 489 – Many ocean recreation businesses, including surf schools and rental shops, are public accommodations. A broad ban on e-foils would force these businesses to turn away disabled customers, violating state laws protecting equal access.

### 3. The Human Impact on People Like Me

For individuals with disabilities, the ocean is more than recreation—it is a lifeline:

- Physical Health – E-foils allow me to engage in safe, low-impact exercise that traditional boards do not.
- Mental Well-being – The ocean is integral to my emotional and psychological health. Barriers to access can lead to stress, isolation, and exclusion from an essential part of Hawai‘i’s culture.

A one-size-fits-all ban under HB1138 would take away the only means I have to experience the ocean, while able-bodied individuals could continue their activities with alternative equipment.

### 4. Potential Legal Consequences

If this bill leads to the unjust restriction of ocean access for disabled individuals, legal action may follow, including:

- Civil Rights Complaints – Violations of ADA Title II or HRS §368-1.5 could result in legal challenges, including injunctive relief, damages, and attorney fees.
- Public Accommodations Claims – Under HRS Chapter 489, both the state and affected businesses could face liability for denying access to individuals with disabilities.

Hawai‘i has long upheld the principles of inclusion and equal access—HB1138 must not become a step backward.

### 5. Request for Amendments or Rejection

To ensure fair and lawful policymaking, I respectfully urge the Committee to:

1. Amend HB1138 to require disability accommodations in any emergency rule affecting ocean recreation.
2. Ensure Public Engagement by including voices from the disability community before implementing restrictive measures.
3. Affirm Compliance with ADA and HRS 368-1.5, making it clear that emergency rules cannot override civil rights protections.

### Conclusion

The ocean belongs to all of us, and any regulation affecting ocean access must be crafted with fairness and inclusivity in mind. HB1138, as written, threatens the rights of disabled individuals

and risks legal conflicts with both federal and state law. I urge the Committee to uphold Hawai‘i’s values of equity and accessibility by rejecting or amending this bill.

Thank you for your time and consideration. I appreciate your dedication to ensuring that Hawai‘i remains a place where everyone—regardless of ability—can enjoy its natural beauty.

Respectfully,  
Pua Makani

**HB-1138-HD-1**

Submitted on: 2/26/2025 8:27:33 AM

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

Submitted By	Organization	Testifier Position	Testify
Adam Finn	Individual	Oppose	Written Testimony Only

## Comments:

Aloha. My name is Adam Finn, I oppose HB1138.

I currently reside in Lihue on the island of Kauai. I spend as much of my time as I can in the water enjoying various water activities. Tow foiling, Kite foiling, Fishing, Sup Foiling, Surfing, and Foildriving

This bill appears to increase the board's power, and reduce public participation.

Increasing the board's power. The proposed process calls for a maximum duration of 365 days.

The existing emergency rule-making process allows for a maximum duration of 120 days. My opinion is that the last thing the public needs is more government oversight.

The proposed process does not require a 30-day notice to the public. This gives the board the ability to issue rules without public awareness until the rule is already in effect.

I strongly opposed HB1138.

Mahalo for your time today.

**HB-1138-HD-1**

Submitted on: 2/26/2025 8:54:02 AM

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

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

## Comments:

Aloha Chair, Vice Chair, and members of the committee. My name is Richard Spork and I oppose HB1138.

I currently reside in haiku on the island of Maui. I spend as much of my time as I can in the water enjoying various water activities. As a resident of 30 years I have windsurfed, surfed, surfski paddled, kite sailed and In the last 8 years foiled. (Kite, wing, prone and foil assist). The ocean is how I wash away the stress of life and enjoy interacting with the Maui community.

This bill appears to increase the board's power, and reduce public participation.

Increasing the board's power. The proposed process calls for a maximum duration of 365 days. The existing emergency rule-making process allows for a maximum duration of 120 days. My opinion is that this bill attempts to strongly Reduce public participation. The proposed process does not require a 30-day notice to the public. This gives the board the ability to issue rules without public awareness until the rule is already in effect. My opinion is that this is very dangerous indeed where people with no experience in the ocean and with no interaction with the community are trying to implement bad chnages.

I opposed HB1138.

Mahalo for your time today.



**HB-1138-HD-1**

Submitted on: 2/26/2025 8:55:38 AM

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

Submitted By	Organization	Testifier Position	Testify
Sandra Finn	Individual	Oppose	Written Testimony Only

Comments:

Aloha, my name is Sandra Finn and I oppose SB1138.

I currently reside in Lihue on the island of Kauai. I spend as much time as I can in the water enjoying various water activities such as kiteboarding, surfing and foil driving. This is my recreation and keeps me active and connected to other like minded individuals.

This bill appears to increase the Board's power and reduce public participation. Increasing the Board's power. The proposed process calls for a maximum duration of 365 days. The existing emergency rule-making process allows for a maximum duration of 120 day's. My opinion is that the proposed 365 day's is unreasonable especially without any public participation! The proposed process does not require a 30-day Notice To The Public. This gives the Board the ability to issue rules without public awareness until the rule is already in effect. My opinion is that this feels unethical and Not In The Best Interest Of The Public.

I OPPOSE HB1138.

Thank you for your time.

**HB-1138-HD-1**

Submitted on: 2/26/2025 9:10:31 AM

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

Submitted By	Organization	Testifier Position	Testify
Guy Finn	Individual	Oppose	Written Testimony Only

## Comments:

Aloha, my name is Guy Finn and I oppose SB1138.

I currently reside in Lihue on the island of Kauai. I spend as much time as I can in the water enjoying various activities such as kiteboarding, surfing and foil driving. This is my recreation and keeps me active and connected to other like minded individuals. This Bill appears to increase the Boards power and reduce public participation. The proposed process calls for a maximum duration of 365 days. The existing emergency rule making process allows for a maximum duration of 120 days. My opinion is that the proposed 365 days is unreasonable especially without public participation! The proposed process does not require a 30-day Notice To The Public. This gives the Board the ability to issue rules without public awareness until the rule is already in effect. My opinion is that this feels unethical and Not In The Best Interest Of The Public.

I OPPOSE SB1138.

Thank you for your time.

**HB-1138-HD-1**

Submitted on: 2/26/2025 9:10:38 AM

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

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

Comments:

Aloha. My name is Mark Smith and I oppose HB1138.

I currently reside in Puhi on the island of Kaua'i. I spend as much of my time as I can in the water enjoying various water activities. Surfing, fishing and foiling.

This bill appears to increase the board's power, and reduce public participation.

Increasing the board's power. The proposed process calls for a maximum duration of 365 days. The existing emergency rule-making process allows for a maximum duration of 120 days. My opinion is that we the public can moderate ourselves. We don't need law enforcement who know nothing about water sports etiquette controlling how we already run things and have been running things for years. We can regulate ourselves.

Reducing public participation. The proposed process does not require a 30-day notice to the public. This gives the board the ability to issue rules without public awareness until the rule is already in effect. I do not support this.

I opposed HB1138.

Mahalo for your time today.

**HB-1138-HD-1**

Submitted on: 2/26/2025 9:12:13 AM

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

Submitted By	Organization	Testifier Position	Testify
Sarah Thompson	Individual	Oppose	Written Testimony Only

Comments:

Dear Honorable Members of the Committee,

My name is Sarah Thompson, a resident of Hawai‘i and a person with a disability who relies on an electric foil board (e-foil) to enjoy Hawaii’s ocean waters. I am writing to express my strong opposition to the emergency rulemaking powers proposed in HB1138, specifically because they threaten to unjustly restrict my access to recreational activities in a manner that violates both federal and state disability laws.

1. HB1138’s Emergency Provisions and Disability Discrimination As currently written, HB1138 would grant the Board of Land and Natural Resources (BLNR) the authority to impose sweeping, interim bans or restrictions on ocean recreation activities and equipment for up to 365 days. I am deeply concerned that these emergency provisions could categorically prohibit or severely limit the use of electric foil boards without any reasonable accommodation for individuals with disabilities.

Americans with Disabilities Act (ADA), Title II Under Title II of the ADA, no qualified individual with a disability shall be excluded from participation in or denied the benefits of services, programs, or activities of a public entity. The Department of Land and Natural Resources' (DLNR) regulation of ocean recreation is a state-run program or activity. Banning my only feasible means of accessing the ocean—my e-foil—would effectively deny me the opportunity to participate in water sports that everyone else can still enjoy by other means. A blanket ban or severe restriction, with no allowance for disabled users, clearly conflicts with the ADA’s requirement of providing reasonable modifications.

Hawaii Revised Statutes (HRS) §368-1.5 This state law mirrors the ADA and prohibits disability-based discrimination in any program or activity conducted by, or receiving financial assistance from, the State. DLNR and BLNR, as state agencies, must administer rules and regulations in a manner that does not exclude or disadvantage persons with disabilities. If HB1138 is used to enact an interim rule forbidding electric foil boards outright, without reasonable alternatives or exemptions, it would violate HRS §368-1.5.

HRS Chapter 489 (Public Accommodations) Additionally, many ocean recreation areas are effectively “places of public accommodation,” and any commercial services or rentals there are subject to Hawaii’s anti-discrimination law. If a broad ban is placed on e-foils, surf schools and

rental providers could be forced to deny services to disabled individuals who rely on these devices for safe and meaningful participation in ocean sports, again violating state law.

2. Harm to Disabled Individuals I have physical limitations that make traditional surfing or paddling painful, risky, or altogether impossible. My electric foil board is essential to my quality of life, both physically and emotionally:

- Physical Well-being: Regular ocean activity helps me maintain strength and manage chronic pain. If e-foils are restricted with no accommodation, I lose one of my primary avenues for low-impact exercise and therapy.
- Emotional & Mental Health: Being in the water brings me immense joy and a sense of independence. Denying me equal access to the ocean—one of Hawai‘i’s most treasured resources—would take a severe emotional toll. In a state so famous for its surf and water sports, shutting out individuals with disabilities is fundamentally unjust.

3. Legal Liabilities and Potential Damages Should HB1138 be used to impose an emergency ban or restriction that fails to accommodate people like me, I will have no choice but to seek legal remedies to protect my civil rights. This may include:

- Filing an ADA Title II Complaint with the U.S. Department of Justice.
- Pursuing a state-level discrimination complaint under HRS §368-1.5, which could lead to injunctive relief, damages, and attorneys’ fees.
- Asserting claims under HRS Chapter 489 for denial of access to a place of public accommodation, also exposing the State or commercial operators to liability for damages.

Please note that these are not empty threats—Hawai‘i has a history of successful disability rights enforcement in recreational contexts (e.g., beach access settlements and Department of Justice oversight). Excluding disabled individuals from ocean-related recreation is a clear violation of established civil rights precedent.

4. Request to the Committee I respectfully urge the Judiciary & Hawaiian Affairs Committee to amend or reject any provisions in HB1138 that would allow BLNR to impose immediate, broad restrictions on adaptive water sports equipment without explicit disability accommodations. If emergency safety concerns exist, the Legislature must ensure the final language requires DLNR to incorporate:

- Reasonable Modifications for Disabled Users: Any interim rule should include an explicit allowance or permit process for individuals who rely on specialized equipment for mobility or recreation.
- Public Input and Transparency: Even under emergency rulemaking, disabled residents and their advocates should have a meaningful opportunity to be heard and to propose safe, workable alternatives.
- Compliance with State & Federal Disability Law: The bill’s text should clarify that nothing in the emergency authority may override or conflict with HRS §368-1.5, HRS Chapter 489, or the ADA.

Conclusion Denying disabled individuals access to the ocean violates both the spirit of Aloha and the letter of the law. HB1138, as currently structured, poses a real threat to our rights if used to enact sweeping bans on essential adaptive equipment. I strongly oppose this measure unless it is revised to safeguard disability accommodations.

Thank you for considering my testimony. I am available to discuss reasonable solutions that enhance public safety without stripping away the hard-won civil rights of Hawai'i's disabled community. I sincerely hope the JHA Committee will recognize the serious legal and human consequences of unchecked emergency rulemaking power.

Respectfully submitted,  
Sarah Thompson

**HB-1138-HD-1**

Submitted on: 2/26/2025 9:16:48 AM

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

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

Comments:

Dear Members,

My name is Mike Rodriguez, and as a Hawai‘i resident living with a disability, I depend on an electric foil board (e-foil) for ocean access—both for recreation and as a form of therapy. I am writing to express my strong opposition to the emergency rulemaking powers proposed under HB1138, which could unjustly limit or prohibit my only viable means of engaging in water sports. As currently written, this bill conflicts with both federal and state disability rights laws.

**Concerns Regarding HB1138****1. Unintended Exclusion of People with Disabilities**

The emergency authority outlined in HB1138 would allow the Board of Land and Natural Resources (BLNR) to impose temporary bans or restrictions on water sports equipment for up to a year. While the intent may be to address safety concerns, these broad powers create a serious risk of:

- Exclusion: If e-foils or other adaptive equipment are restricted without consideration for disability accommodations, individuals like me could be completely cut off from ocean access.
- Unfair Burden: Unlike able-bodied individuals who can use alternative equipment, many of us with disabilities have no other practical options.

The Americans with Disabilities Act (ADA) Title II requires state programs to provide equal access, and Hawai‘i law (HRS §368-1.5) similarly prohibits government agencies from discrimination. Any broad restriction that lacks accommodations would be in direct violation of these protections.

**1. Potential Legal Violations**

- ADA Title II: Government agencies cannot implement policies that exclude people with disabilities from public programs or activities. A ban on e-foils would effectively deny me access to the ocean, a benefit that others can still enjoy through alternative means.
- Hawai‘i State Law (HRS §368-1.5 & HRS Chapter 489): Any restrictive rule under HB1138 must comply with state laws prohibiting disability-based discrimination. Additionally, surf schools and rental shops operating as public

accommodations could be forced to turn away disabled customers, violating state protections.

## 2. Personal Impact on Disabled Individuals

For me and many others, ocean access is not just about recreation—it is essential for our health and well-being:

- Physical Therapy: Traditional surfboards are not an option due to my condition, but e-foils provide a low-impact way to strengthen my body and maintain balance.
- Mental Health Benefits: The ocean is a source of emotional healing. Unnecessary barriers to access would create immense psychological stress and isolation.

## 3. Legal Consequences of Overreach

If HB1138 leads to emergency rules that infringe on my rights, I would have no choice but to explore legal remedies, which could include:

- Filing a civil rights complaint under ADA Title II or HRS §368-1.5.
- Public accommodations claims under HRS Chapter 489 if businesses are forced to refuse service to disabled individuals.

Hawai‘i has a strong legal foundation supporting inclusive access to public spaces. Restricting that access for disabled residents could lead to costly legal disputes while setting a harmful precedent.

## Request for Amendments or Rejection

I respectfully urge the Committee on Judiciary & Hawaiian Affairs to:

- Amend HB1138 to explicitly require disability accommodations in any temporary rules affecting ocean recreation.
- Ensure public input from individuals with disabilities before implementing any restrictions.
- Confirm compliance with ADA and HRS §368-1.5, ensuring that emergency rules do not override disability rights.

## Conclusion

Hawai‘i has always championed the values of inclusion and equal opportunity. HB1138, if left unchecked, threatens the rights of disabled individuals who depend on the ocean for their well-being. I ask that you uphold the principles of fairness and accessibility by safeguarding our ability to participate in ocean activities.

Thank you for your time and consideration. I appreciate your dedication to ensuring that all residents, regardless of ability, have equal access to Hawai‘i’s waters.

Respectfully,  
Mike Rodriguez



**HB-1138-HD-1**

Submitted on: 2/26/2025 9:24:01 AM

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

Submitted By	Organization	Testifier Position	Testify
Noah Mahelona	Individual	Oppose	Written Testimony Only

Comments:

Dear Honorable Members of the Committee,

My name is Noah Mahelona, a Hawai‘i resident living with a disability. I rely on an electric foil board (e-foil) to access the ocean for both recreation and therapy. I am writing to express my strong opposition to the emergency rulemaking powers proposed under HB1138, which could be used to unjustly restrict my only viable means of engaging in water sports. I firmly believe that this bill, as written, violates both federal and Hawai‘i disability rights laws.

**1. Risk of Unlawful Exclusion Under HB1138**

The emergency authority granted by HB1138 would allow the Board of Land and Natural Resources (BLNR) to impose interim restrictions or outright bans on water sports equipment for up to a year. While the bill is intended to address safety concerns, such broad powers create serious risks, including:

- **Exclusion of People with Disabilities:** If e-foils or similar adaptive equipment are prohibited without exception, individuals with disabilities lose meaningful access to ocean-based recreation.
- **Disproportionate Burden:** Able-bodied surfers can transition to traditional boards, but those of us with disabilities may have no viable alternative.

Since DLNR is a public entity, any blanket ban or restriction that lacks reasonable accommodations would violate Title II of the Americans with Disabilities Act (ADA), which requires state programs to provide equal opportunity for individuals with disabilities. Additionally, Hawai‘i law (HRS §368-1.5) prohibits state agencies from implementing discriminatory policies in their programs or services.

**2. Conflict with Federal and State Disability Laws**

- **Americans with Disabilities Act, Title II:** Government agencies, including DLNR, cannot enforce policies that categorically exclude individuals with disabilities from public programs or activities. Banning e-foils would deny me a benefit that others can still enjoy through alternative means (e.g., standard surfboards).
- **HRS §368-1.5:** Hawai‘i law explicitly prohibits state agencies from discriminating based on disability, even under temporary emergency rules.

- HRS Chapter 489: Many surf schools and rental shops operate as public accommodations. A broad e-foil ban would prevent these businesses from serving individuals with disabilities, violating Hawai‘i’s laws against discrimination in public accommodations.

### **3. Personal Impact on Individuals with Disabilities**

For me, the ocean is more than just a place for recreation—it is essential for both my physical and mental well-being:

- Physical Therapy & Exercise: Traditional surfboards are not an option for me. E-foils provide a low-impact way to maintain strength and balance.
- Emotional Well-Being: Access to Hawai‘i’s waters significantly enhances my mental health. Unjustified restrictions on ocean activities can lead to stress, anxiety, and exclusion from the very lifestyle that defines our islands.

If HB1138’s emergency authority is used to impose a broad ban, I would effectively lose my ability to participate in an activity that others can continue through different means.

### **4. Potential Legal Ramifications**

If an emergency rule under HB1138 violates my rights, I may be forced to seek legal remedies, such as:

- Filing a Civil Rights Complaint under ADA Title II or HRS §368-1.5, which could result in legal action, injunctive relief, and financial damages.
- Pursuing Public Accommodations Claims under HRS Chapter 489, potentially holding the State and affected commercial operators liable if they are forced to deny service to disabled individuals.

Hawai‘i has a strong legal precedent supporting inclusive access to public spaces and recreation. Restricting these rights could lead to costly legal disputes and, more importantly, serious harm to those affected.

### **5. Request for Amendments or Rejection**

I respectfully urge the Committee on Judiciary & Hawaiian Affairs to:

1. Amend HB1138 to explicitly require disability accommodations in any emergency rule concerning ocean recreation.
2. Ensure Public Engagement by allowing individuals with disabilities and advocates to provide input before any restrictions are enacted.
3. Affirm Compliance with the ADA and HRS 368-1.5 to ensure that emergency rules do not override the fundamental right to equal access.

### **Conclusion**

Hawai‘i’s commitment to inclusion, along with its legal obligations under federal and state law, must guide our approach to ocean recreation policies. If not carefully constrained, HB1138 threatens the civil rights of disabled residents. I urge you to uphold equal opportunity and ensure that any legislation protects the right of all individuals—including those with disabilities—to enjoy Hawai‘i’s waters.

Thank you for your time and consideration. I appreciate your dedication to fairness and look forward to a solution that maintains both safety and accessibility.

Respectfully,  
Noah Mahelona

**HB-1138-HD-1**

Submitted on: 2/26/2025 9:32:16 AM

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

Submitted By	Organization	Testifier Position	Testify
Jessica Lee	Individual	Oppose	Written Testimony Only

Comments:

Dear Elle Cochran,

My name is Jessica Lee, and as a Hawai‘i resident with a disability, I rely on an electric foil board (e-foil) to access and enjoy the ocean. I am reaching out to express my strong opposition to the emergency rulemaking provisions outlined in HB1138, which pose a significant threat to disability rights by potentially restricting access to essential adaptive recreation equipment.

**Concerns Over HB1138’s Emergency Provisions**

The bill, as written, would grant the Board of Land and Natural Resources (BLNR) broad authority to impose temporary bans or restrictions on ocean recreation activities and equipment for up to a year. My primary concern is that such measures could disproportionately affect individuals like myself who depend on e-foils, without providing any reasonable accommodations as required under state and federal disability laws.

**Legal Violations & Disability Discrimination**

- Americans with Disabilities Act (ADA), Title II: The Department of Land and Natural Resources (DLNR) oversees ocean recreation as a public program. Preventing individuals with disabilities from using necessary adaptive equipment would violate the ADA’s protections against discrimination.
- Hawaii Revised Statutes (HRS) §368-1.5: This law prohibits disability-based exclusion in state programs. If HB1138 is used to restrict e-foils without accommodation for disabled individuals, it would directly conflict with this legal mandate.
- HRS Chapter 489 (Public Accommodations): Many ocean recreation areas serve as public accommodations. A broad ban on e-foils would not only prevent independent disabled users from accessing the water but also force surf schools and rental providers to deny services, further violating state law.

**Impact on Disabled Individuals**

For individuals like me, e-foils are not just recreational equipment; they are a means of maintaining health, well-being, and independence.

- **Physical Health:** Accessing the ocean with my e-foil is one of the few low-impact activities that help manage my chronic pain and maintain mobility. Removing this access would negatively affect my quality of life.
- **Emotional & Mental Health:** The ocean provides a sense of freedom and well-being. Arbitrary restrictions that exclude disabled individuals from Hawaii's waters would be both unfair and harmful.

## **Potential Legal Consequences**

Should HB1138 enable a ban or restriction on e-foils without clear disability accommodations, I—and others in similar situations—may be forced to seek legal remedies, including:

- Filing an ADA complaint with the U.S. Department of Justice.
- Pursuing a discrimination complaint under HRS §368-1.5, which could lead to legal action against the state.
- Asserting claims under HRS Chapter 489 regarding denial of public accommodation access.

## **Request to the Committee**

I respectfully urge the Judiciary & Hawaiian Affairs Committee to ensure that HB1138 explicitly protects disability accommodations. Any emergency rulemaking authority granted under this bill should:

- Require reasonable modifications for individuals who rely on adaptive equipment.
- Include public input and transparency to prevent arbitrary bans without considering disabled users.
- Mandate compliance with disability laws, ensuring that no emergency rule undermines the ADA or Hawaii's anti-discrimination statutes.

## **Conclusion**

Hawaii's ocean should be accessible to all, including those with disabilities. Without explicit protections, HB1138 risks violating established civil rights laws and could have devastating consequences for many disabled residents. I urge you to amend the bill to safeguard the rights and accessibility of Hawaii's disabled community.

Thank you for your time and consideration. I am available to discuss potential solutions that ensure public safety while preserving equal access to the ocean.

Sincerely,

Jessica Lee

**HB-1138-HD-1**

Submitted on: 2/26/2025 9:35:17 AM

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

Submitted By	Organization	Testifier Position	Testify
Tyler Chihara, DPM	Individual	Oppose	Written Testimony Only

Comments:

Aloha, my name is Tyler Chihara and I oppose HB1138.

I reside on Kauai, work as a physician and try to enjoy our wonderful ocean daily in a variety of activities. I am opposed to increasing the board's power and creating rules and restrictions without seeking public participation in this process.

Mahalo

**HB-1138-HD-1**

Submitted on: 2/26/2025 9:38:08 AM

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

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

Comments:

Dear Members,

My name is Chris Johnson, a Hawai‘i resident living with a disability. I rely on an electric foil board (e-foil) to access the ocean for recreation and therapy. I am writing to voice my strong opposition to the emergency rulemaking powers proposed under HB1138, which could unjustly curtail my only viable means of engaging in water sports. I firmly believe that the bill, as presented, violates both federal and Hawai‘i disability rights laws.

**1. Risk of Unlawful Exclusion Under HB1138**

The emergency authority granted by HB1138 would allow the Board of Land and Natural Resources (BLNR) to impose interim restrictions or outright bans on water sports equipment for up to a year. Although intended to address safety concerns, such broad powers risk:

- **Excluding People with Disabilities:** If e-foils or similar adaptive equipment are prohibited without exception, disabled individuals will lose meaningful access to ocean-based recreation.
- **Disproportionate Burden:** While able-bodied surfers can shift to traditional boards, those of us with disabilities may not have any comparable alternative.

As a public entity, DLNR must comply with Title II of the Americans with Disabilities Act (ADA), which requires state programs to provide equal access to individuals with disabilities. Any blanket ban or limitation without reasonable accommodations would violate this mandate. Additionally, under Hawai‘i Revised Statutes (HRS) §368-1.5, state agencies are prohibited from discriminatory practices in their programs or services.

**2. Conflict with Federal and State Disability Laws**

- **Americans with Disabilities Act, Title II:** The ADA mandates that all government agencies, including DLNR, avoid policies that categorically exclude disabled individuals from public programs or activities. If an emergency rule bans e-foils, it effectively denies me access to the ocean, a benefit that others can still enjoy using alternative equipment (e.g., standard surfboards).

- HRS §368-1.5: Hawai‘i law prohibits any state-financed or state-conducted program from discriminating against individuals with disabilities. Emergency rules under HB1138 must comply with this statute, even if they are temporary.
- HRS Chapter 489: Many surf schools and rental shops qualify as places of public accommodation. A sweeping ban on e-foils—without considering disability-related needs—would force these businesses to deny services to disabled individuals, violating Hawai‘i’s public accommodations law.

### **3. Personal Impact on Individuals with Disabilities**

For me, the ocean is more than just a recreational space—it is vital to my physical and mental well-being:

- Physical Therapy & Exercise: Due to my disability, traditional surfboards are not an option. E-foils provide a low-impact way for me to maintain strength and balance.
- Emotional Support: Being in Hawai‘i’s waters significantly enhances my mental health. Unnecessary barriers to ocean activities can trigger stress, anxiety, and a sense of exclusion from the very lifestyle that defines our islands.

Should HB1138’s emergency authority be used to enact a one-size-fits-all ban, I would lose my only means of engaging in an activity that others can still enjoy through alternative forms. This would deprive me of an essential part of my well-being.

### **4. Potential Legal Ramifications**

If an emergency rule under HB1138 curtails my rights, I will have no choice but to pursue legal remedies, which may include:

- Filing a Civil Rights Complaint under ADA Title II or HRS §368-1.5, potentially leading to injunctive relief, legal fees, and damages.
- Public Accommodations Claims under HRS Chapter 489, holding both the State and affected commercial operators accountable if they are forced to deny services to disabled patrons.

Hawai‘i has a strong legal precedent for inclusive access to public spaces and recreational opportunities. Restricting these rights for disabled citizens could lead to costly and time-consuming legal battles—not to mention the significant human cost of discrimination.

### **5. Request for Amendments or Rejection**

I respectfully urge the Committee on Judiciary & Hawaiian Affairs to:

1. Amend HB1138 to explicitly require disability accommodations in any interim rule concerning ocean recreation.
2. Ensure Public Engagement so that individuals with disabilities and their advocates have meaningful input before any restrictive measures are enacted.



3. Affirm Compliance with the ADA and HRS §368-1.5, clarifying that emergency rules cannot override the fundamental right to equal access.

## **Conclusion**

Hawai‘i’s spirit of inclusion and its legal obligations under federal and state law must guide our approach to regulating ocean recreation. If left unchecked, HB1138 poses a serious threat to the civil rights of disabled residents. I urge you to uphold the principles of equal opportunity and ensure that any legislation protects the right of all individuals, including those with disabilities, to enjoy Hawai‘i’s oceans.

Thank you for your time and consideration. I appreciate your commitment to fairness and look forward to a resolution that keeps our waters safe and accessible for everyone.

Respectfully,  
Chris Johnson

**HB-1138-HD-1**

Submitted on: 2/26/2025 9:47:58 AM

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

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

Comments:

Dear Honorable Members of the Committee,

My name is Ethan Nakamura, and I am a Hawai‘i resident living with a disability. My ability to access the ocean for both recreation and therapy depends on the use of an electric foil board (e-foil). I am writing to express my strong opposition to HB1138, which grants emergency rulemaking powers that could unfairly restrict my only means of participating in water sports. As currently written, this bill presents serious risks of discrimination and violates both federal and Hawai‘i disability rights laws.

**Threat of Unlawful Exclusion Under HB1138**

The emergency powers granted under HB1138 would allow the Board of Land and Natural Resources (BLNR) to impose interim restrictions—including outright bans—on water sports equipment for up to a year. While intended to address safety concerns, these broad powers could have severe unintended consequences:

- Unjust Exclusion of People with Disabilities – If e-foils and other adaptive equipment are prohibited without exceptions, disabled individuals like myself would lose meaningful access to the ocean.
- Disproportionate Burden – While able-bodied individuals can easily switch to traditional surfboards, those of us with disabilities have no viable alternative.

Because DLNR is a public entity, any restriction that denies equal access would violate Title II of the Americans with Disabilities Act (ADA), which mandates that state programs and policies ensure equal opportunities for individuals with disabilities. Additionally, Hawai‘i law (HRS §368-1.5) reinforces these protections, prohibiting discrimination by any state agency.

**Direct Conflict with Federal and State Disability Laws**

1. Americans with Disabilities Act (ADA), Title II – The ADA prohibits state agencies from enforcing policies that categorically exclude disabled individuals from public activities. If an emergency rule bans e-foils, it denies disabled individuals the same ocean access that others can continue to enjoy through alternative means.

2. HRS §368-1.5 – Hawai‘i law explicitly prohibits state agencies from discriminating against individuals with disabilities. Any emergency rule enacted under HB1138 must still comply with this requirement, regardless of its temporary nature.
3. HRS Chapter 489 (Public Accommodations Law) – Many surf schools and rental shops are considered places of public accommodation. A broad restriction on e-foils would force these businesses to deny services to disabled individuals, directly violating Hawai‘i’s laws against discrimination in public spaces.

## **Severe Impact on the Disabled Community**

For individuals like me, the ocean is not just a place of leisure—it is essential to our physical and mental well-being:

- Physical Therapy & Mobility – Traditional surfboards are not an option for me, but e-foils provide a low-impact way to maintain strength, mobility, and balance.
- Mental Health Benefits – The ocean is a vital source of healing, stress relief, and emotional support. Restrictions that limit my ability to engage in ocean activities could lead to increased anxiety, isolation, and a diminished quality of life.

If HB1138 is used to enact a blanket ban on e-foils, it would unjustly strip away my ability to participate in an activity that is essential to my health and well-being.

## **Legal & Financial Risks for the State**

If an emergency rule under HB1138 unfairly restricts my rights, I may be left with no choice but to pursue legal action, including:

- Filing a civil rights complaint under ADA Title II or HRS §368-1.5, which could result in legal fees, injunctive relief, and potential damages.
- Pursuing a public accommodations claim under HRS Chapter 489, which could hold both the State and private businesses liable if they are forced to deny services to disabled individuals.

Hawai‘i has a longstanding commitment to protecting equal access to public spaces. Implementing restrictions that disproportionately impact disabled individuals would not only lead to costly legal disputes but also undermine the state’s reputation as a leader in inclusivity and accessibility.

## **Request for Amendments or Rejection**

To ensure fairness and compliance with disability rights laws, I urge the Committee on Judiciary & Hawaiian Affairs to:

1. Amend HB1138 to explicitly require disability accommodations in any emergency rule affecting ocean recreation.

2. Ensure public engagement so that individuals with disabilities and their advocates are included in discussions before any restrictions are implemented.
3. Affirm compliance with the ADA and HRS §368-1.5, clarifying that emergency rules cannot override the fundamental right to equal access.

## **Conclusion**

Hawai‘i’s identity is deeply tied to the ocean, and it is imperative that all residents, including those with disabilities, have equal opportunities to enjoy it. Without clear protections, HB1138 threatens to impose unnecessary and discriminatory barriers on individuals who already face limited access to recreational activities.

I urge you to uphold the principles of fairness, inclusion, and equal opportunity by ensuring that any legislation preserves the rights of all residents.

Thank you for your time and consideration. I appreciate your commitment to creating policies that balance public safety with accessibility and fairness.

Sincerely,  
Ethan Nakamura

**HB-1138-HD-1**

Submitted on: 2/26/2025 9:56:48 AM

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

Submitted By	Organization	Testifier Position	Testify
Leilani Kealoha	Individual	Oppose	Written Testimony Only

Comments:

Dear Honorable Members of the Committee,

My name is Leilani Kealoha, a Hawai‘i resident living with a disability. I rely on an electric foil board (e-foil) to access the ocean for both recreation and therapy. I am writing to strongly oppose the emergency rulemaking powers proposed under HB1138, which could unjustly restrict my only viable means of engaging in water sports. I firmly believe that the bill, as written, violates both federal and Hawai‘i disability rights laws.

**1. Risk of Unlawful Exclusion Under HB1138**

The emergency authority granted by HB1138 would allow the Board of Land and Natural Resources (BLNR) to impose interim restrictions or outright bans on water sports equipment for up to a year. While intended to address safety concerns, such broad powers risk:

- **Excluding People with Disabilities:** If e-foils or other adaptive equipment are prohibited without exceptions, disabled individuals will lose meaningful access to ocean-based recreation.
- **Disproportionate Burden:** While able-bodied surfers can switch to traditional surfboards, those of us with disabilities may have no comparable alternative.

As a public entity, DLNR must comply with Title II of the Americans with Disabilities Act (ADA), which ensures equal access for people with disabilities. A blanket ban or restriction without reasonable accommodations would directly conflict with these protections. Additionally, Hawai‘i Revised Statutes (HRS) §368-1.5 extends similar protections at the state level, making it unlawful for state agencies to discriminate in their programs or services.

**2. Conflict with Federal and State Disability Laws**

- **ADA Title II:** The ADA prohibits government agencies from implementing policies that categorically exclude disabled individuals from public programs or activities. A ban on e-foils would deny me a benefit that others can still access through alternative means (e.g., traditional surfboards).
- **HRS §368-1.5:** Hawai‘i law explicitly bars state-financed or state-conducted programs from discriminating based on disability. Any emergency rule under HB1138 must comply with this statute.

- HRS Chapter 489: Many surf schools and rental businesses serve as places of public accommodation. A sweeping e-foil ban—without considering disability-related needs—would force these businesses to turn away disabled individuals, violating Hawai‘i’s laws against discrimination in public accommodations.

### 3. Personal Impact on Individuals with Disabilities

For me, the ocean is not just a place for recreation—it is central to my physical and mental well-being:

- Physical Therapy & Exercise: Due to my disability, traditional surfboards are not an option. E-foils provide a low-impact way to maintain strength, coordination, and balance.
- Mental & Emotional Health: Accessing the ocean significantly improves my mental well-being. Unnecessary barriers to water activities can lead to stress, anxiety, and exclusion from the very lifestyle that defines our islands.

If HB1138’s emergency rulemaking authority is used to enact a one-size-fits-all ban, I would lose my ability to engage in an activity that others can still enjoy through alternative means. This would be a direct infringement on my rights and well-being.

### 4. Potential Legal Consequences

If HB1138 leads to emergency rules that infringe upon disability rights, I may be forced to pursue legal remedies, including:

- Filing a Civil Rights Complaint under ADA Title II or HRS §368-1.5, which could result in legal action, injunctive relief, and damages.
- Pursuing Public Accommodations Claims under HRS Chapter 489, which could hold both the State and private businesses accountable if they are compelled to deny service to disabled individuals.

Hawai‘i has a strong legal precedent for ensuring inclusive access to public spaces. Imposing unnecessary restrictions that disproportionately impact disabled residents could result in costly legal battles and, more importantly, cause significant harm to those who rely on adaptive water equipment.

### 5. Request for Amendments or Rejection

I respectfully urge the Committee on Judiciary & Hawaiian Affairs to:

- Amend HB1138 to explicitly require disability accommodations in any interim rule affecting ocean recreation.
- Ensure Public Engagement so that individuals with disabilities and their advocates have meaningful input before any restrictive measures are imposed.
- Affirm Compliance with ADA and HRS 368-1.5 to clarify that emergency rules cannot override the fundamental right to equal access.

## Conclusion

Hawai‘i’s commitment to inclusion, along with legal obligations under federal and state law, must guide the regulation of ocean recreation. HB1138, if not carefully amended, poses a serious threat to the civil rights of disabled residents. I urge you to protect equal access for all and ensure that any legislation preserves the right of disabled individuals to enjoy Hawai‘i’s oceans.

Thank you for your time and consideration. I appreciate your commitment to fairness and look forward to a resolution that keeps our waters safe and accessible to everyone.

Respectfully,  
Leilani Kealoha

**HB-1138-HD-1**

Submitted on: 2/26/2025 9:59:26 AM

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

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

Comments:

My name is Paul McDonnell and I oppose HB1138.

I live in Kailua on Oahu and work as a full time public school teacher. In my free time I spend time in, and on the ocean. I mainly foil surf all over oahu, and tow-in surf as well.

This bill concerns me as I feel that it has too much potential to further limit my and others' enjoyment and use of the ocean based on potentially knee-jerk, uneducated and potentially biased decision making powers granted to the board with less public say and participation in any rule making. I'm already struggling with fully enjoying the ocean because of some old laws made regarding tow-in surfing that are now outdated and should not apply today to foil surfing use, but have proven to be too difficult to remove from the books. I do not want things to become even worse. Please do not support this bill.

Thank you,

Paul McDonnell



**HB-1138-HD-1**

Submitted on: 2/26/2025 10:04:01 AM

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

Submitted By	Organization	Testifier Position	Testify
Kai Kawakami	Individual	Oppose	Written Testimony Only

Comments:

Dear Honorable Members of the Committee,

My name is Kai Kawakami, a lifelong Hawai‘i resident who depends on adaptive equipment to access the ocean for both recreation and rehabilitation. I am writing to express my strong opposition to the emergency rulemaking powers outlined in HB1138, which could unjustly restrict my ability to engage in water sports. As written, this bill risks violating both federal and state disability rights laws by allowing broad restrictions that fail to consider the needs of individuals with disabilities.

**1. Risk of Unlawful Exclusion Under HB1138**

The emergency powers granted to the Board of Land and Natural Resources (BLNR) under HB1138 would allow interim restrictions or outright bans on ocean recreation equipment for up to a year. While safety concerns should always be addressed, these broad powers pose serious risks:

- Exclusion of People with Disabilities – If e-foils or other adaptive equipment are prohibited, individuals with disabilities may lose their only means of accessing ocean activities.
- Lack of Alternatives – Unlike able-bodied individuals who can switch to traditional boards, many of us do not have viable alternatives. A blanket ban, without reasonable accommodations, would directly contradict Title II of the Americans with Disabilities Act (ADA) and Hawai‘i’s own disability protection laws.

Hawai‘i law (HRS §368-1.5) ensures that public agencies like the DLNR cannot impose discriminatory policies. Any restriction on adaptive water sports equipment must comply with these legal obligations.

**2. Conflict with Federal and State Disability Laws**

- Americans with Disabilities Act, Title II – The ADA prohibits government agencies from enacting policies that exclude disabled individuals from public services and programs. If an emergency rule bans my only means of ocean access, it creates an unlawful barrier.

- Hawai‘i State Law (HRS §368-1.5) – This law prohibits state agencies from discriminating based on disability, even under emergency conditions. Any rule under HB1138 must align with this statute.
- Public Accommodations Protections (HRS Chapter 489) – Many surf schools and rental shops provide access to e-foils. A broad ban would force them to turn away disabled patrons, violating state anti-discrimination laws.

### 3. Personal Impact on the Disabled Community

For me, and many others, the ocean is more than just a place for recreation—it is essential to our physical and mental well-being:

- Physical Therapy & Mobility – Traditional surfboards are not an option for me. E-foils provide a low-impact way to strengthen my body and maintain mobility.
- Mental Health & Well-Being – Access to the ocean significantly improves my mental health. Preventing disabled individuals from participating in water sports increases isolation and exclusion.

If HB1138 allows a one-size-fits-all ban, I would lose access to a critical part of my life, while others could continue enjoying ocean activities through alternative means.

### 4. Legal and Financial Consequences

If an emergency rule under HB1138 restricts my rights, I may be forced to seek legal remedies, including:

- Filing a civil rights complaint under the ADA or HRS §368-1.5, which could result in legal action against the State.
- Pursuing a public accommodations claim under HRS Chapter 489, which could hold both the State and businesses liable for discrimination.

Hawai‘i has long upheld the principle of equal access. Restricting ocean access for disabled residents could lead to costly legal disputes and unnecessary hardship for the very communities the law should protect.

### 5. Request for Amendments or Rejection

I respectfully urge the Committee to:

- Amend HB1138 to explicitly require disability accommodations in any emergency rule affecting ocean recreation.
- Ensure Public Engagement so that individuals with disabilities and their advocates have a voice in policy decisions.
- Affirm Compliance with the ADA and state disability laws, ensuring that emergency rules do not override fundamental civil rights.

## Conclusion

Hawai'i's commitment to inclusion and equal opportunity must guide any regulation of ocean recreation. As currently written, HB1138 risks creating unnecessary barriers for disabled residents. I urge you to protect our right to access the ocean safely and fairly.

Thank you for considering my testimony. I appreciate your commitment to fairness and look forward to a resolution that keeps our waters accessible to everyone.

Respectfully,  
Kai Kawakami

**HB-1138-HD-1**

Submitted on: 2/26/2025 10:10:29 AM

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

Submitted By	Organization	Testifier Position	Testify
Malia Fernandez	Individual	Oppose	Written Testimony Only

Comments:

Dear Honorable Members,

My name is Malia Fernandez, a lifelong resident of Hawai‘i who depends on adaptive water sports equipment to access the ocean for both recreation and therapeutic benefits. I am writing to strongly oppose the emergency rulemaking authority proposed under HB1138, which could unjustly restrict my ability—and that of many others with disabilities—to safely enjoy ocean activities.

**1. HB1138 Risks Excluding Individuals with Disabilities**

The broad powers granted under HB1138 would allow the Board of Land and Natural Resources (BLNR) to impose interim bans or restrictions on ocean recreation equipment for up to a year. While intended to address safety concerns, such measures could:

- **Disproportionately Impact People with Disabilities:** If adaptive equipment such as electric foil boards (e-foils) is prohibited, individuals with disabilities may lose their only means of engaging in water sports.
- **Violate Federal and State Disability Laws:** The Americans with Disabilities Act (ADA) and Hawai‘i’s own anti-discrimination laws require government entities to ensure equal access to public programs and spaces. A blanket ban on essential adaptive equipment would directly contradict these protections.

**2. Legal Conflicts with Disability Rights**

- **ADA Title II:** Public entities must not implement policies that exclude people with disabilities from public spaces or recreational activities. If HB1138 leads to rules that eliminate my ability to access the ocean, it effectively denies me a right others enjoy.
- **HRS §368-1.5:** Hawai‘i law prohibits state agencies from enacting discriminatory policies. Any emergency rule that fails to account for disability accommodations would be in direct violation of this statute.
- **HRS Chapter 489:** Many water sports businesses and rental operators would be forced to turn away disabled customers if adaptive equipment were banned, violating Hawai‘i’s laws on public accommodations.

**3. The Ocean as a Lifeline for People with Disabilities**

For me and many others, the ocean is more than just a place for recreation—it is an essential part of our well-being:

- Physical Health: Adaptive water sports provide low-impact exercise critical for strength and mobility.
- Mental Well-Being: The ocean serves as a therapeutic refuge, reducing stress and enhancing emotional health.

If HB1138 is used to implement sweeping restrictions, it could deprive individuals with disabilities of their only means of participating in Hawai‘i’s cherished water culture.

#### 4. Potential Legal and Ethical Consequences

If an emergency rule enacted under HB1138 infringes upon my rights, I would be left with no choice but to seek legal recourse, which could include:

- Filing a civil rights complaint under ADA Title II or HRS §368-1.5.
- Pursuing legal action against state agencies or businesses forced into non-compliance with public accommodation laws.

Hawai‘i has a long-standing commitment to inclusion and accessibility. A law that threatens these values would not only expose the state to legal challenges but also undermine the spirit of aloha that defines our islands.

#### 5. Request for Amendments or Rejection

I respectfully urge the Committee on Judiciary & Hawaiian Affairs to:

- Amend HB1138 to explicitly require disability accommodations in any emergency rulemaking process.
- Ensure Public Input from individuals with disabilities before any restrictive measures are implemented.
- Affirm Compliance with the ADA and Hawai‘i disability laws, ensuring that emergency rules do not violate equal access rights.

#### Conclusion

Ocean access is a fundamental part of life in Hawai‘i, and any legislative action must protect the rights of all residents, including those with disabilities. I urge you to reject HB1138 in its current form or amend it to safeguard accessibility.

Thank you for your time and commitment to fairness. I appreciate your thoughtful consideration of this issue and look forward to a resolution that ensures our waters remain open to everyone.

Respectfully,  
*Malia Fernandez*



**HB-1138-HD-1**

Submitted on: 2/26/2025 10:12:46 AM

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

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

Comments:

Dear JHA Chair Tarnas, Vice Chair Poepoe, and House Representatives on the JHA Committee Members,

Please note that on 2-10-2025, HB1138's Companion Bill **SB1457** was DEFERRED due to overwhelming opposition from the Boating and Water Sports Community.

Although DOBOR/DLNR has reduced the 'emergency rule' time from two years to one year, in this measure, it is still a bad idea. Primarily, because DOBOR/DLNR has a poor reputation for interaction with the public, and ocean use stakeholders.

DOBOR does **not** have regular monthly or quarterly meetings with the public, and they haven't offered regular meetings in years.

**DOBOR Administrators avoid interacting with the stakeholders** regarding Administrative rule changes.

We have seen this regarding the 'stoppage of any new live-aboard boat permits', the recent 'impossible' insurance requirements, bogus appraisals of mooring value that price Ala Wai Small Boat Harbor the same as Keehi Small Boat Harbor, strange bathroom hours (closing at 4:00 p.m., on weekdays), and peculiar permit lotteries that interested groups have termed 'unfair'.

DOBOR/DLNR can already make emergency rules for 90 days.

Although the Board of Land and Natural Resources (BLNR) members seem to care, they seem reluctant to go deep into contract terms, and rule details. BLNR members are NOT elected by the public and they serve as unpaid volunteers. BLNR members do **not** require towing records of the Towing Companies at our State Recreational Facilities. BLNR members have not demanded that the Parking Management company at the State Small Boat Harbors (Secure Parking LLC) work to develop a *Kama'aina parking rate*, which is a completely 'doable' request, and a repeated request by the boating and surfing community. BLNR does not even require DLNR to have a ticketing phase in parking management. All vehicles are TOWED for minor parking violations: towing is the first and only financial penalty for an expired meter.

The BLNR members do not have the time to go deeply into public concerns.

DOBOR/DLNR Administrators are not 'doing their homework' with the public regarding boating and watersports.

Please do NOT grant DOBOR/DLNR an extension of emergency rule-making from 3 months to 1 year.

The need for a new boating rule is slow to develop and can be anticipated such as 'abandoned boats', fines for coral damage, and speed rules. DOBOR administrators attend national conferences on the mainland to hear about the new ocean sports and rule trends for boating and ocean recreation.

Please also read the testimony of the Companion Bill SB1457.

We hope you will vote against HB 1138 HD1.

I am available for questions.

Mahalo,

Kate Thompson, Retired R.N.

Recreational Boat Owner in Hawaii for 25 years.

Co-founder of Kama'aina Boaters, and [www.surfparking.org](http://www.surfparking.org)

808-383-3334



**HB-1138-HD-1**

Submitted on: 2/26/2025 10:17:03 AM

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

Submitted By	Organization	Testifier Position	Testify
Keanu Holokai	Individual	Oppose	Written Testimony Only

Comments:

Dear Honorable Members of the Committee,

My name is Keanu Holokai, and I was born and raised in Hawai‘i, where the ocean has always been a central part of my life. I am writing to express my strong opposition to HB1138, which grants emergency rulemaking powers that could unfairly restrict access to ocean activities without proper public input or consideration of community impact.

**1. HB1138 Threatens Fair and Equitable Ocean Access**

The proposed bill would allow the Board of Land and Natural Resources (BLNR) to impose sudden and sweeping restrictions on ocean recreation equipment for up to a year. While safety is important, HB1138 lacks clear guidelines, creating a real risk of:

- **Unjustified Bans:** The broad authority given to BLNR could lead to unnecessary restrictions on responsible ocean users.
- **Disproportionate Impact on Local Residents:** Many of us rely on the ocean for recreation, livelihood, and cultural practices. Limiting access without proper consultation would be deeply unfair.

**2. Potential Conflict with Cultural and Community Rights**

For generations, Hawai‘i’s people have had a deep connection to the ocean, and any law affecting access should respect:

- **Native Hawaiian Cultural Practices:** The ocean is not just a place for recreation—it is a vital part of our identity. Restrictions on certain equipment or activities could infringe upon traditional practices.
- **Local Livelihoods:** Many residents depend on ocean tourism, surf schools, and water sports businesses. If HB1138 leads to broad restrictions, it could harm small businesses and workers who rely on ocean access to make a living.

**3. Lack of Public Input and Oversight**

Emergency rulemaking should not come at the expense of transparency and fairness. HB1138 does not require meaningful community engagement before imposing restrictions, leaving local ocean users with little recourse.

- **Decisions Should Be Data-Driven:** Any restrictions should be based on clear evidence, not broad emergency powers.
- **Community Voices Must Be Heard:** Those who rely on the ocean daily—including Native Hawaiian cultural practitioners, fishermen, and recreational users—should have a say in how regulations are implemented.

#### 4. Request for Amendments or Rejection

I urge the Committee on Judiciary & Hawaiian Affairs to:

- Reject HB1138 in its current form to prevent unnecessary and unfair restrictions on ocean access.
- Amend the bill to require community consultation before any emergency rules affecting ocean use are enacted.
- Ensure cultural and economic considerations are included in any regulatory decisions.

#### Conclusion

The ocean belongs to all of us, and any laws that impact access must be fair, transparent, and considerate of our island's cultural and economic realities. I respectfully ask you to reconsider HB1138 to ensure it does not unfairly limit the rights of local residents.

Mahalo for your time and consideration.

Respectfully,  
Keanu Holokai

**HB-1138-HD-1**

Submitted on: 2/26/2025 10:24:48 AM

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

Submitted By	Organization	Testifier Position	Testify
Alana Pukui	Individual	Oppose	Written Testimony Only

Comments:

Dear Honorable Members of the Committee,

My name is Alana Pukui, and I am a lifelong Hawai‘i resident with a deep connection to our ocean. Whether for cultural practice, recreation, or livelihood, the ocean is an essential part of life in our islands. I am writing to express my concerns about HB1138, which grants broad emergency rulemaking powers that could unnecessarily limit ocean access without sufficient community input.

**1. HB1138 Lacks Transparency and Public Oversight**

This bill would allow the Board of Land and Natural Resources (BLNR) to impose restrictions or bans on ocean activities and equipment for up to a year under emergency authority. While I understand the need for safety regulations, I am concerned that:

- The process lacks transparency, allowing rules to be enacted without public hearings or proper justification.
- Local communities and cultural practitioners could be unfairly affected, especially if restrictions limit traditional practices or responsible recreational use.

**2. Potential Negative Impact on Cultural and Economic Activities**

For many in Hawai‘i, the ocean is not just for fun—it is a way of life. HB1138 could lead to unintended consequences, such as:

- Interference with Native Hawaiian cultural practices that involve traditional ocean activities.
- Financial harm to local businesses that rely on water sports, surf schools, and ocean recreation. Sudden restrictions could severely impact livelihoods, especially for small business owners.

**3. The Need for Community Engagement and Balanced Regulation**

Regulations impacting ocean access should be created with the community, not imposed on the community. I urge the committee to ensure that any emergency rules:

- Are backed by clear evidence and not based on broad, unchecked authority.
- Require meaningful public input before restricting ocean activities.
- Include exemptions or accommodations for cultural practices and adaptive equipment for individuals with disabilities.

#### 4. Request for Amendments or Rejection

I ask the Committee on Judiciary & Hawaiian Affairs to:

- Reject HB1138 as currently written due to its potential for overreach and lack of safeguards.
- Amend the bill to require public hearings and input before any long-term emergency rules affecting ocean access are implemented.
- Ensure that cultural rights, accessibility, and economic impacts are considered in all regulatory decisions.

#### Conclusion

The ocean is part of who we are in Hawai‘i, and any laws affecting access must be carefully considered with fairness, transparency, and respect for the people who depend on it. I strongly urge you to revise or reject HB1138 to protect the rights of all residents.

Mahalo for your time and for listening to the voices of the people.

Respectfully,  
Alana Pukui

**HB-1138-HD-1**

Submitted on: 2/26/2025 10:33:43 AM

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

Submitted By	Organization	Testifier Position	Testify
Micah Kamaka	Individual	Oppose	Written Testimony Only

Comments:

Dear Honorable Members of the Committee,

My name is Micah Kamaka, and I am a Hawai‘i resident who has spent my life in and around the ocean. Whether for recreation, cultural practice, or simply a way to connect with nature, the ocean is an essential part of who we are as islanders. I am writing to express my strong opposition to HB1138, which would grant emergency rulemaking authority that could unfairly restrict public access to the ocean without proper oversight.

**1. HB1138 Grants Overly Broad Powers with No Public Accountability**

The emergency rulemaking authority proposed under HB1138 would allow the Board of Land and Natural Resources (BLNR) to impose restrictions or bans on ocean recreation equipment for up to a year. While safety regulations are important, this bill is deeply flawed because:

- It allows broad, unchecked decisions that could unfairly impact responsible ocean users.
- It does not require community consultation, meaning local residents and cultural practitioners would have no say before restrictions are enacted.
- It could disproportionately impact certain groups, including Native Hawaiian practitioners and individuals who rely on adaptive equipment for water access.

**2. Potential Harm to Local Culture and Economy**

Hawai‘i’s waters are not just a playground—they are a source of identity, tradition, and livelihood. HB1138 could result in:

- Restrictions that interfere with Native Hawaiian traditions involving the ocean, limiting cultural access without consideration of its significance.
- Economic harm to local businesses that depend on ocean recreation, including surf schools, tour operators, and equipment rental shops.
- Barriers for individuals with disabilities who rely on specific watercraft or adaptive equipment for ocean access.

**3. Fair and Balanced Regulation Requires Community Input**

I believe in responsible ocean use, but any regulations affecting access should be:

- Driven by data and public input, not rushed emergency decisions.
- Inclusive of cultural and accessibility considerations, ensuring that all residents have equal opportunity to enjoy Hawai‘i’s waters.
- Transparent and accountable, with clear processes for community engagement before any long-term restrictions take effect.

#### 4. Request for Amendments or Rejection

I urge the Committee on Judiciary & Hawaiian Affairs to:

- Reject HB1138 in its current form to prevent unnecessary restrictions that lack community input.
- Amend the bill to require public hearings before emergency rules affecting ocean access can be implemented.
- Ensure protections for cultural practitioners, disabled individuals, and local businesses when considering any new regulations.

#### Conclusion

Our ocean is a shared resource that belongs to all of us. Any law that affects access must be fair, transparent, and respectful of the people who rely on it. I urge you to reject or amend HB1138 to prevent unnecessary limitations on our ability to enjoy and protect Hawai‘i’s waters.

Mahalo for your time and for considering the voices of our community.

Respectfully,  
Micah Kamaka

**HB-1138-HD-1**

Submitted on: 2/26/2025 10:34:16 AM

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

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

Comments:

Opposition Statement for Hawaii HB 1138\*\*

Dear Members of the Hawaii State Legislature,

I am writing to express my strong opposition to HB 1138, which authorizes the Board of Land and Natural Resources (BLNR) to issue interim rules regarding the commercial and recreational use of water sports equipment.

While I understand the need for regulation to ensure safety and environmental protection, I believe that HB 1138 is not the appropriate solution for the following reasons:

1. **\*Lack of Public Input:** The bill allows the BLNR to issue interim rules without sufficient public input or consultation. This lack of transparency and community involvement can lead to regulations that do not adequately address the concerns and needs of local residents and recreational ocean sports.
2. **Enforcement Challenges:** The bill does not provide clear guidelines on how the interim rules will be enforced. Without proper enforcement mechanisms, the regulations may be ineffective and lead to confusion and non-compliance among water sports operators and enthusiasts.
3. **Alternative Approaches.** There are alternative approaches to addressing safety and environmental concerns related to water sports equipment. For example, the state could invest in educational programs to promote safe and responsible water sports practices in collaboration with communities, lifeguard associations and educators
4. **Existing Rules and Education:**

May I point to the existing rules and regulations that defined jet ski operation and tow surfing certificates. It was a long process to integrate this sport with education and certificates that kept our oceans safer with clear defined rules. Not all islands have the same congestion, and what applies to one Island and recreation area could be different across our island chain. Education and personal responsibility takes precedence over unchecked authority by a law enforcement.

In conclusion, while I support efforts to ensure the safety of water sports in Hawaii, I urge the legislature to reconsider HB 1138 and explore alternative solutions that prioritize public input, economic viability, and effective enforcement.

Thank you for your consideration.

Sincerely,

Michael Lind



**HB-1138-HD-1**

Submitted on: 2/26/2025 10:46:24 AM

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

Submitted By	Organization	Testifier Position	Testify
Hana Akina	Individual	Oppose	Written Testimony Only

Comments:

Dear Honorable Members of the Committee,

My name is Hana Akina, and I am a Hawai'i resident who cherishes the ocean as a vital part of our island lifestyle. I am writing to express my strong opposition to HB1138, which would grant emergency rulemaking powers that could unfairly restrict ocean access without proper transparency or public involvement.

**1. HB1138 Grants Overly Broad Authority Without Accountability**

The bill allows the Board of Land and Natural Resources (BLNR) to impose temporary bans or restrictions on ocean recreation for up to a year. While safety is important, the lack of clear criteria and oversight raises concerns that:

- Restrictions could be enacted without public input, impacting residents who rely on the ocean for recreation, well-being, and livelihood.
- Decisions may be rushed or influenced by outside interests, rather than being based on data, safety studies, or community needs.

**2. Unfair Burden on Local Residents and Cultural Practitioners**

Hawai'i's waters belong to the people, and limiting access could have harmful consequences:

- **Cultural Disruption:** Many Native Hawaiian practices, such as traditional canoe paddling, fishing, and gathering, could be affected if restrictions are imposed without consultation.
- **Economic Impact:** Ocean-based businesses, including tour operators, surf schools, and rental shops, could suffer if bans are placed on recreational equipment or activities without fair consideration.
- **Limited Accessibility:** Residents who depend on adaptive equipment to access the ocean, including those with disabilities, may be disproportionately affected if broad restrictions are enacted.

**3. Need for Transparency and Balanced Regulations**

Emergency rulemaking should not bypass the voices of those who will be most affected. Instead, I urge lawmakers to:

- Ensure public hearings and consultation before implementing any rule that restricts ocean access.
- Require clear justification and evidence for any emergency action, rather than allowing blanket bans.
- Include accommodations for cultural practices, accessibility needs, and responsible recreation.

#### 4. Request for Revisions or Rejection

I respectfully ask the Committee on Judiciary & Hawaiian Affairs to:

- Reject HB1138 as currently written, as it lacks sufficient safeguards to prevent overreach.
- Amend the bill to require community input and clear evidence before enacting emergency restrictions.
- Ensure cultural and economic considerations are part of any ocean regulation decision.

#### Conclusion

Hawai‘i’s ocean is a shared resource, and decisions about its use should be made with the people, not imposed on them. I urge you to reconsider HB1138 and ensure that any new policies protect fair access for all.

Mahalo for your time and thoughtful consideration.

Respectfully,  
Hana Akina

**HB-1138-HD-1**

Submitted on: 2/26/2025 10:47:15 AM

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

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

## Comments:

Hello. My name is Paul Narciso and I oppose HB1138.

I currently reside in Lihue on the island of Kauai. I spend as much of my time as I can in the water enjoying various water activities. I surf foil, stand up foil, wing foil, and efoil.

This bill appears to increase the board's power, and reduce public participation.

Increasing the board's power. The proposed process calls for a maximum duration of 365 days.

The existing emergency rule-making process allows for a maximum duration of 120 days. My opinion is that we involve as many ocean participants as possible in this decision making rather than giving one entity the power to decide.

Reducing public participation. The proposed process does not require a 30-day notice to the public. This gives the board the ability to issue rules without public awareness until the rule is already in effect.

I opposed HB1138.

Thank you for your time today.

**HB-1138-HD-1**

Submitted on: 2/26/2025 10:55:09 AM

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

Submitted By	Organization	Testifier Position	Testify
Luka Kapule	Individual	Oppose	Written Testimony Only

Comments:

Dear Honorable Members of the Committee,

My name is Luka Kapule, and as someone who was born and raised in Hawai‘i, the ocean has always been a vital part of my life. Whether for recreation, cultural practice, or livelihood, access to the ocean is something our communities depend on. I am writing to express my strong opposition to HB1138, which would give the Board of Land and Natural Resources (BLNR) broad emergency rulemaking powers that could unfairly limit ocean access without proper transparency or input from the people most affected.

**1. HB1138 Grants Overly Broad Authority with No Safeguards**

While safety regulations are important, HB1138 lacks the necessary oversight to ensure fairness. My concerns include:

- Unilateral decision-making: The bill would allow BLNR to impose temporary bans or restrictions on ocean activities for up to a year without public hearings.
- Lack of community engagement: Ocean users—including surfers, fishermen, and Native Hawaiian practitioners—deserve a say in decisions that impact their access.
- Unintended consequences: Sudden restrictions on specific equipment or activities could harm residents who rely on the ocean for physical well-being, cultural practices, or income.

**2. The Bill’s Impact on Local Culture and Economy**

The ocean is not just a place for recreation; it is an integral part of Hawai‘i’s identity and economy. If HB1138 leads to sweeping restrictions, it could:

- Harm Native Hawaiian traditions by limiting access to traditional watercraft, fishing methods, or gathering practices.
- Disrupt small businesses that provide surf lessons, guided ocean tours, and water sports rentals—hurting workers and families who depend on this industry.

**3. A Call for Balanced Regulation with Public Input**

Instead of granting unchecked power to impose restrictions, I urge lawmakers to create a more balanced approach by:

- Ensuring public hearings before any emergency rule that affects ocean access.
- Requiring scientific data to support any temporary bans or restrictions.
- Protecting cultural and disability access by mandating exemptions where needed.

#### 4. Request for Amendments or Rejection of HB1138

To prevent unfair and unnecessary restrictions, I respectfully ask the Committee on Judiciary & Hawaiian Affairs to:

- Reject HB1138 as currently written due to its broad and unchecked authority.
- Amend the bill to include clear requirements for public engagement, transparency, and accountability.
- Prioritize cultural rights and economic impact in any future rulemaking process.

#### Conclusion

The ocean belongs to the people of Hawai‘i, and any regulations affecting access must be created with fairness, transparency, and respect for our communities. I urge you to reconsider HB1138 and ensure that all voices are heard before implementing policies that could have lasting consequences.

Mahalo for your time and consideration.

Respectfully,  
Luka Kapule

**HB-1138-HD-1**

Submitted on: 2/26/2025 11:03:04 AM

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

Submitted By	Organization	Testifier Position	Testify
Makai Lono	Individual	Oppose	Written Testimony Only

Comments:

Dear Honorable Members of the Committee,

My name is Makai Lono, and I am a lifelong waterman, born and raised in Hawai‘i. The ocean is not just a place of recreation for me—it is a source of cultural connection, mental well-being, and livelihood for many in our community. I am writing to strongly oppose HB1138, which would grant the Board of Land and Natural Resources (BLNR) sweeping emergency rulemaking powers that could unnecessarily restrict ocean access without adequate public oversight.

**1. HB1138 Creates a Risk of Unjustified Ocean Restrictions**

While safety is always important, HB1138 grants broad authority to restrict or ban ocean activities and equipment for up to a year without proper transparency. This could result in:

- Unfair limitations on responsible ocean users, without clear criteria for what constitutes an "emergency."
- Disruptions to local ocean-based businesses and cultural practices that rely on consistent access to the water.

**2. Negative Impact on Culture, Recreation, and Livelihoods**

The ocean is a way of life for many in Hawai‘i, and sudden, unchecked restrictions could have severe consequences:

- Cultural Practices at Risk – Native Hawaiian traditions, such as outrigger canoe paddling, fishing, and other customary practices, must be safeguarded.
- Economic Hardship for Local Businesses – Surf schools, water sports instructors, and other ocean-related industries depend on predictable access to the ocean. A sudden ban on specific equipment or activities could threaten jobs and livelihoods.

**3. The Need for Community Input and Balanced Policies**

Changes to ocean regulations should be data-driven and community-led—not imposed without input from those who rely on the ocean daily. I urge the committee to ensure that any emergency rules:

- Are justified by clear, transparent evidence, not broad discretionary power.
- Require community consultation before enacting long-term restrictions.
- Include exemptions for cultural and adaptive uses, ensuring accessibility for all.

#### 4. Request to Reject or Amend HB1138

I respectfully urge the Committee on Judiciary & Hawaiian Affairs to:

- Reject HB1138 in its current form to prevent overreach and unintended harm.
- Amend the bill to mandate public hearings before implementing significant restrictions.
- Ensure ocean access remains fair and inclusive, balancing safety with cultural and economic needs.

#### Conclusion

The ocean belongs to the people of Hawai‘i, and any new laws affecting access must respect our cultural traditions, economic realities, and fundamental right to enjoy our waters. I strongly urge you to reconsider HB1138 and ensure that any future regulations reflect fairness, transparency, and community involvement.

Mahalo for your time and consideration.

Respectfully,  
Makai Lono

**HB-1138-HD-1**

Submitted on: 2/26/2025 11:23:28 AM

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

Submitted By	Organization	Testifier Position	Testify
Nani Mahoe	Individual	Oppose	Written Testimony Only

Comments:

Dear Honorable Members of the Committee,

My name is Nani Mahoe, and I am writing to express my strong opposition to HB1138. As a lifelong resident of Hawai‘i, the ocean is an essential part of my life—providing recreation, cultural connection, and a sense of well-being. I am deeply concerned that this bill grants overly broad emergency rulemaking powers that could restrict access to the ocean without proper transparency or community input.

**1. HB1138 Grants Unchecked Authority Over Ocean Use**

This bill would allow the Board of Land and Natural Resources (BLNR) to impose restrictions or outright bans on ocean activities and equipment for up to a year without requiring sufficient justification. While safety is important, this level of authority could:

- Unfairly limit public access to the ocean based on arbitrary or reactionary decisions.
- Hurt local families, businesses, and cultural practitioners who depend on predictable ocean access.

**2. Potential Harm to Cultural Practices and Local Businesses**

For generations, Native Hawaiian cultural traditions have centered around the ocean, and any restrictions must take that into account. HB1138, as written, could:

- Interfere with traditional practices such as canoe paddling, subsistence fishing, and other ocean-based customs.
- Disrupt small businesses and tourism-related industries that depend on water sports and recreation.
- Create uncertainty for residents who responsibly enjoy Hawai‘i’s waters.

**3. The Importance of Public Input and Balanced Regulation**

Ocean policies should be shaped with the community, not without it. I urge the committee to ensure that any emergency rulemaking:

- Is based on clear evidence rather than broad discretionary power.



- Requires meaningful public hearings before imposing long-term restrictions.
- Includes exemptions for cultural practices and adaptive equipment to ensure fair access for all.

#### 4. Request to Reject or Amend HB1138

I respectfully ask the Committee on Judiciary & Hawaiian Affairs to:

- Reject HB1138 in its current form to prevent unnecessary and unjustified restrictions.
- Amend the bill to require transparency and community input before enacting new ocean access limitations.
- Ensure ocean policies are fair and inclusive, protecting the rights of all residents.

#### Conclusion

The ocean is a shared resource that must be protected, but not at the expense of fairness, culture, and local livelihoods. Any new laws impacting access should be carefully considered with transparency and public engagement. Please reconsider HB1138 to ensure that Hawai'i's waters remain open to those who rely on them for tradition, recreation, and sustenance.

Mahalo for your time and consideration.

Respectfully,  
Nani Mahoe

**HB-1138-HD-1**

Submitted on: 2/26/2025 11:28:22 AM

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

Submitted By	Organization	Testifier Position	Testify
Koa Hanalei	Individual	Oppose	Written Testimony Only

Comments:

Dear Honorable Members,

My name is Koa Hanalei, and I am writing as a lifelong Hawai‘i resident who deeply values the ocean as a place of recreation, cultural connection, and personal well-being. I am concerned that HB1138, as written, grants excessive emergency rulemaking powers that could unfairly limit ocean access without sufficient public input or justification.

**1. HB1138 Grants Overly Broad Authority**

This bill would allow the Board of Land and Natural Resources (BLNR) to impose long-term restrictions on ocean activities and equipment under emergency authority. While I understand the importance of safety, I worry that:

- Rules could be enacted without transparency, leaving ocean users with no voice in the decision-making process.
- Restrictions could be too broad or unfairly target certain activities, even if they are being used responsibly.

**2. Potential Consequences for Local Communities**

Hawai‘i’s people rely on the ocean in many ways, and sudden restrictions could have unintended negative effects:

- Cultural Impact – Many Native Hawaiian traditions involve the ocean, and any law affecting access must respect and protect these practices.
- Economic Harm – Water-based businesses, including surf schools, tour operators, and instructors, depend on ocean access. If HB1138 leads to sweeping bans, it could put jobs at risk.

**3. The Need for Public Input and Fair Policies**

I urge the committee to ensure that any emergency rules under HB1138:

- Are based on clear, factual evidence, not broad discretion.
- Require public hearings so that affected communities have a voice.

- Include exemptions for cultural and accessibility needs, ensuring fair and inclusive ocean use.

#### 4. Request for Revisions or Rejection

I ask the Committee on Judiciary & Hawaiian Affairs to:

- Reject HB1138 in its current form due to the risk of unfair restrictions.
- Amend the bill to require transparency, public involvement, and safeguards against overreach.

#### Conclusion

The ocean is a vital part of our identity in Hawai'i, and any new laws affecting access must be fair, reasonable, and developed with community input. I urge you to reconsider HB1138 and ensure that any changes to ocean policies reflect the values and needs of the people.

Mahalo for your time and consideration.

Respectfully,  
Koa Hanalei

**HB-1138-HD-1**

Submitted on: 2/26/2025 11:35:07 AM

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

Submitted By	Organization	Testifier Position	Testify
Lani Kai	Individual	Oppose	Written Testimony Only

Comments:

Dear Honorable Members of the Committee,

My name is Lani Kai, and as someone who has spent my entire life connected to Hawai‘i’s waters, I am deeply concerned about the potential impacts of HB1138. This bill, as written, grants excessive emergency rulemaking powers that could unnecessarily restrict access to the ocean—affecting cultural practices, recreation, and local businesses—without sufficient public input.

**1. HB1138 Lacks Transparency and Public Accountability**

While safety is important, HB1138 would allow the Board of Land and Natural Resources (BLNR) to impose bans or restrictions on ocean activities for up to a year without requiring clear justification. This could result in:

- Restrictions that unfairly limit responsible ocean users without proper data or consultation.
- A lack of public input, leaving local communities out of decisions that directly impact their way of life.

**2. Potential Harm to Culture, Recreation, and Local Economy**

For many in Hawai‘i, the ocean is more than a place to swim or surf—it is part of our identity. HB1138 could have unintended consequences, such as:

- Disrupting Native Hawaiian cultural practices that rely on consistent access to the ocean.
- Harming small businesses and water sports instructors, whose livelihoods depend on fair and predictable access to the ocean.

**3. The Need for Balanced, Community-Driven Regulations**

Ocean regulations should be developed with transparency and community involvement. I urge the committee to ensure that any emergency rules under HB1138:

- Are backed by clear, evidence-based reasoning, not broad and unchecked authority.
- Require public hearings before implementing long-term restrictions.

- Include protections for cultural and accessibility needs, ensuring that all residents have fair access to the ocean.

#### 4. Request for Revisions or Rejection of HB1138

I respectfully ask the Committee on Judiciary & Hawaiian Affairs to:

- Reject HB1138 in its current form to prevent overreach and unintended negative impacts.
- Amend the bill to require transparency, public engagement, and safeguards to protect cultural and economic interests.

#### Conclusion

The ocean is central to our way of life in Hawai‘i, and any law affecting access must be fair, well-reasoned, and created with input from the people it impacts most. I urge you to reconsider HB1138 and ensure that future regulations respect the traditions, livelihoods, and rights of our community.

Mahalo for your time and consideration.

Respectfully,  
Lani Kai

**HB-1138-HD-1**

Submitted on: 2/26/2025 11:42:08 AM

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

Submitted By	Organization	Testifier Position	Testify
Pono Aukai	Individual	Oppose	Written Testimony Only

Comments:

Dear Honorable Members of the Committee,

My name is Pono Aukai, and as a lifelong resident of Hawai‘i, I have always cherished the ocean as a place of healing, recreation, and cultural significance. As someone living with a disability, I rely on an electric foil board (e-foil) to safely access the water. I am writing to strongly oppose HB1138, as it threatens to impose broad, unchecked restrictions that could unjustly limit my ability to enjoy the ocean while violating both state and federal disability protections.

**1. HB1138 Poses a Risk of Discriminatory Exclusion**

This bill would give the Board of Land and Natural Resources (BLNR) the power to impose year-long bans on ocean activities and equipment under emergency rulemaking. I am deeply concerned that:

- The law could be used to ban e-foils outright, with no consideration for disabled individuals who rely on them.
- There are no built-in accommodations or exemptions, putting BLNR at risk of violating disability rights laws.

**Americans with Disabilities Act (ADA), Title II**

Under the ADA, state agencies cannot implement policies that exclude people with disabilities from public programs and services. If HB1138 allows for a broad ban on e-foils without reasonable accommodations, it would directly contradict these federal protections.

**Hawai‘i Revised Statutes (HRS) §368-1.5**

Hawai‘i’s own disability rights laws prohibit discrimination in state-run programs. If BLNR enacts a rule that effectively blocks disabled individuals from ocean access, it would violate state law and open the door to legal challenges.

**HRS Chapter 489 (Public Accommodations)**

Ocean recreation areas and businesses serving ocean users must comply with public accommodation laws. If this bill forces surf schools or rental providers to deny services to disabled individuals, it would create legal liabilities under HRS Chapter 489.

## 2. Negative Impact on Disabled Individuals

For individuals like me, e-foils are not a luxury—they are a necessity for safe and independent ocean access. A ban without exceptions would have serious consequences:

- Physical Well-being – E-foiling is a low-impact way to stay active, build strength, and manage chronic pain.
- Mental & Emotional Health – The ocean is a vital space for healing, stress relief, and connection to my community. Blocking access would have significant psychological effects.

## 3. Legal Liabilities for the State

If HB1138 is used to impose a blanket ban on e-foils without accommodations, legal action may be necessary to protect disability rights, including:

- Filing an ADA Title II complaint with the U.S. Department of Justice.
- Pursuing an HRS §368-1.5 discrimination claim at the state level.
- Asserting public accommodation violations under HRS Chapter 489, which could impact businesses forced to deny service.

Hawai‘i has a history of successful disability rights enforcement, particularly regarding beach and ocean access. Ignoring these protections could lead to costly legal battles for the state.

## 4. Request for Legislative Action

I urge the Judiciary & Hawaiian Affairs Committee to amend or reject any provision in HB1138 that allows for sweeping restrictions on adaptive water sports equipment without clear disability accommodations. Specifically, I ask that the bill be revised to:

- Ensure Reasonable Modifications for Disabled Users – Any new rule must explicitly allow exemptions or permits for those who rely on specialized equipment.
- Require Public Input Before Restrictions Are Enforced – Disabled residents and advocates should have a voice in rulemaking decisions.
- Clarify Compliance with Disability Law – The bill should explicitly state that emergency rules cannot override ADA or HRS protections.

## Conclusion

The ocean is for everyone, and HB1138 must not be used in a way that excludes disabled individuals from enjoying it. Without amendments that ensure fair and equal access, this bill poses a direct threat to my rights and those of many others in our community. I urge you to reject

or revise it to reflect Hawai'i's commitment to inclusivity and compliance with established disability laws.

Mahalo for your time and consideration. I am happy to provide further input on how to create fair, balanced regulations that promote safety without violating civil rights.

Respectfully submitted,  
Pono Aukai



**HB-1138-HD-1**

Submitted on: 2/26/2025 11:46:59 AM

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

Submitted By	Organization	Testifier Position	Testify
Kiana Ikaika	Individual	Oppose	Written Testimony Only

Comments:

Dear Honorable Members of the Committee,

My name is Kiana Ikaika, and I am a proud resident of Hawai‘i who relies on the ocean not only for recreation but for my overall well-being. I am writing to express my strong opposition to HB1138, as it grants the Board of Land and Natural Resources (BLNR) unchecked emergency rulemaking powers that could unfairly limit access to ocean activities without due process or consideration for all impacted communities.

**1. HB1138 Grants Overly Broad Authority**

As written, HB1138 allows BLNR to impose restrictions or bans on ocean activities and equipment for up to a year under emergency rulemaking. While I understand the importance of safety regulations, this level of authority raises concerns about:

- Lack of Public Input – The bill does not guarantee that ocean users will have a voice in decisions that directly affect them.
- Unintended Consequences – Broad bans could impact responsible users, small businesses, and individuals who rely on the ocean for physical therapy or cultural practices.

**2. Impact on the Local Community**

The ocean is an essential part of life in Hawai‘i, and any law that affects access must take into account its far-reaching impacts, including:

- Cultural & Recreational Importance – Many residents engage in ocean activities as part of their cultural heritage and daily lives. Restrictions without consultation would be unfair.
- Economic Hardships – Small businesses, including surf schools, rental shops, and tour operators, depend on predictable access to the ocean. Overly broad restrictions could threaten livelihoods.

**3. The Need for Transparency and Fairness**

If HB1138 moves forward, I urge the committee to include safeguards that prevent unnecessary restrictions and ensure community voices are heard. Specifically, I request:

- Clear Justification for Any Restrictions – BLNR should be required to provide factual evidence before imposing bans.
- Public Engagement Before Any Rule is Implemented – Ocean users, businesses, and cultural practitioners must have a say in new regulations.
- Exemptions for Adaptive Equipment and Cultural Practices – The bill should explicitly protect those who rely on specialized equipment for accessibility or traditional ocean use.

#### 4. Request for Amendments or Rejection

I respectfully urge the Committee on Judiciary & Hawaiian Affairs to:

- Reject HB1138 in its current form due to its broad and unchecked emergency powers.
- Amend the bill to require transparency, public input, and legal safeguards that prevent unnecessary exclusions from the ocean.

#### Conclusion

The ocean belongs to all of us, and any policy that restricts access must be fair, transparent, and justified. I urge you to reconsider HB1138 and ensure that it does not harm the communities that depend on Hawai‘i’s waters.

Mahalo for your time and consideration.

Respectfully,  
Kiana Ikaika

**HB-1138-HD-1**

Submitted on: 2/26/2025 11:51:54 AM

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

Submitted By	Organization	Testifier Position	Testify
Keoni Manu	Individual	Oppose	Written Testimony Only

Comments:

Dear Honorable Members of the Committee,

My name is Keoni Manu, and as a lifelong resident of Hawai‘i, I have a deep connection to the ocean. It is not just a place of recreation but a vital part of our culture, economy, and personal well-being. I am writing to express my strong opposition to HB1138, which would grant the Board of Land and Natural Resources (BLNR) broad emergency rulemaking powers that could unfairly limit access to ocean activities without proper oversight, transparency, or community input.

**1. HB1138 Grants Excessive Authority Without Accountability**

Under HB1138, BLNR could impose restrictions or outright bans on ocean activities and equipment for up to a year under emergency rulemaking. While safety is important, this bill lacks critical safeguards to prevent misuse or unintended harm. My concerns include:

- No Requirement for Public Consultation – The bill allows for sweeping decisions without input from ocean users, businesses, or cultural practitioners.
- Risk of Arbitrary Bans – Without clear guidelines, restrictions could disproportionately impact responsible ocean users, including those who depend on specialized equipment for accessibility or professional purposes.
- Negative Precedent for Overregulation – If passed without amendments, this bill could lead to unnecessary and unfair limitations on lawful ocean activities.

**2. Impact on the People of Hawai‘i**

The ocean is a shared resource, and any restriction on its use must be carefully considered to avoid disproportionate harm. HB1138 could negatively impact:

- Residents Who Depend on Ocean Access – For many of us, the ocean is more than a place for leisure—it is a source of physical therapy, cultural connection, and mental well-being.
- Small Businesses & Local Economy – Surf schools, equipment rental shops, and ocean tour operators could suffer severe financial losses if their operations are suddenly restricted.

- Traditional and Cultural Practices – Blanket bans on certain activities or equipment could interfere with Native Hawaiian traditions and practices that involve ocean navigation, fishing, or recreation.

### 3. The Need for Balanced and Transparent Rulemaking

If HB1138 is to move forward, I strongly urge the committee to introduce amendments that ensure fair and transparent decision-making. These should include:

- Public Notification & Consultation Requirements – Ocean users must have the opportunity to provide input before any restrictions take effect.
- Clear Justification & Limitations on Emergency Powers – Any proposed restrictions must be backed by concrete evidence, not just broad concerns.
- Explicit Protections for Adaptive Equipment & Cultural Practices – Individuals who rely on specialized equipment for accessibility or traditional ocean use should not be unfairly restricted.

### 4. Request for Amendments or Rejection

To ensure fairness and protect Hawai'i's communities, I respectfully ask the Committee on Judiciary & Hawaiian Affairs to:

- Reject HB1138 in its current form due to its overreach and lack of accountability.
- Amend the bill to require transparency, public engagement, and specific limitations on emergency rulemaking authority.

### Conclusion

The ocean is a fundamental part of life in Hawai'i, and any effort to regulate access must be carefully balanced to avoid unintended harm. I urge you to reconsider HB1138 in its current form and work toward policies that protect both safety and the rights of our community members.

Mahalo for your time and consideration.

Respectfully,  
Keoni Manu

**HB-1138-HD-1**

Submitted on: 2/26/2025 11:55:43 AM

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

Submitted By	Organization	Testifier Position	Testify
Malu Keawe	Individual	Oppose	Written Testimony Only

Comments:

Dear Honorable Members of the Committee,

My name is Malu Keawe, and as a lifelong resident of Hawai‘i, the ocean is an integral part of my life. I am writing to express my deep concerns regarding HB1138, which grants the Board of Land and Natural Resources (BLNR) broad emergency rulemaking powers that could impose sweeping restrictions on ocean access without sufficient oversight, transparency, or public input.

**1. HB1138 Lacks Adequate Safeguards**

While I understand the intent to address safety concerns, HB1138 as written gives BLNR the ability to impose bans or severe restrictions on ocean activities for up to a year—without clearly defined standards or mandatory public consultation. This creates several issues:

- Unintended Consequences – A blanket restriction on certain ocean activities could unfairly impact responsible users, including those who rely on adaptive equipment for accessibility.
- Lack of Due Process – There is no requirement for BLNR to consult with affected communities before enacting emergency rules.
- Potential Economic Impact – Local businesses that provide rentals, lessons, and tours could face sudden, unjustified restrictions that harm their livelihoods.

**2. Impact on Ocean Users and Cultural Practices**

For many in Hawai‘i, the ocean is more than just a recreational space—it is a vital part of our culture, health, and way of life. If HB1138 is used to restrict ocean access without careful consideration, it could:

- Harm those who rely on the ocean for physical and mental well-being – Many residents, including kupuna and those with disabilities, use the ocean for exercise and therapy.
- Disrupt Native Hawaiian cultural practices – Traditional activities such as fishing, paddling, and wayfinding could be impacted if emergency rules are imposed without exemptions.
- Limit access to public waters – Broad, unchecked restrictions contradict Hawai‘i’s commitment to ensuring equitable access to its natural resources.

### 3. Request for Amendments to Ensure Fairness

If HB1138 moves forward, I strongly urge the Committee to amend the bill to include:

- Mandatory Public Consultation Before Rulemaking – Affected communities should have the opportunity to provide input before restrictions take effect.
- Clear Criteria for Emergency Rules – Any restrictions should be based on factual, evidence-backed concerns, not broad discretionary powers.
- Exemptions for Accessibility and Cultural Use – The law must explicitly protect those who depend on the ocean for health, mobility, and cultural traditions.

### 4. Request for Rejection or Amendment

I respectfully request that the Committee:

- Reject HB1138 in its current form due to its lack of transparency and safeguards.
- Amend the bill to include measures that protect fair access to the ocean while ensuring legitimate safety concerns are addressed appropriately.

### Conclusion

Hawai‘i’s waters are for everyone, and any law that affects ocean access must be fair, transparent, and considerate of the diverse communities that depend on them. I urge you to rethink HB1138 to ensure that it does not result in unnecessary and harmful restrictions on the people of Hawai‘i.

Mahalo for your time and consideration.

Respectfully,  
Malu Keawe

**HB-1138-HD-1**

Submitted on: 2/26/2025 11:59:15 AM

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

Submitted By	Organization	Testifier Position	Testify
Noelani Ahuna	Individual	Oppose	Written Testimony Only

Comments:

Dear Honorable Members of the Committee,

My name is Noelani Ahuna, and I am writing to express my strong opposition to HB1138, which would grant the Board of Land and Natural Resources (BLNR) emergency rulemaking powers that could unnecessarily restrict public access to Hawai‘i’s ocean waters. This bill lacks transparency, does not require community input, and could disproportionately impact individuals who depend on the ocean for recreation, livelihood, and cultural practices.

**1. HB1138 Lacks Proper Oversight and Public Accountability**

HB1138 gives BLNR the authority to impose restrictions or outright bans on ocean activities and equipment for up to a year under the justification of an "emergency." While safety is important, the bill does not:

- Require public input before enacting restrictions.
- Define what constitutes an emergency, allowing for arbitrary enforcement.
- Include exemptions for those who rely on the ocean for health, accessibility, or cultural practices.

Decisions that impact public access to Hawai‘i’s waters should not be made without transparency and consultation with the communities most affected.

**2. Potential Negative Impacts on the Community**

If HB1138 is used to impose broad restrictions without careful consideration, it could:

- Harm residents who depend on the ocean for well-being. Many people rely on ocean activities for exercise, therapy, and mental health.
- Jeopardize Native Hawaiian cultural practices. Fishing, outrigger canoe paddling, and other traditional activities must be protected.
- Threaten small businesses. Surf schools, equipment rental shops, and tour operators could face sudden restrictions that impact their livelihoods.

**3. Request for Amendments or Rejection of HB1138**

If HB1138 moves forward, I strongly urge the Committee to:

- Require public hearings and input before restrictions are enacted.
- Define clear criteria for emergency rules to prevent unnecessary bans.
- Ensure exemptions for cultural practitioners and those who require accessibility accommodations.

If these safeguards cannot be implemented, I respectfully request that HB1138 be rejected to prevent undue harm to Hawai'i's residents and visitors.

#### Conclusion

The ocean is a vital resource for all of us, and any law that restricts access must be fair, transparent, and considerate of those who depend on it. I urge you to reconsider HB1138 and ensure that any future regulations prioritize community engagement and equitable access.

Mahalo for your time and consideration.

Respectfully,  
Noelani Ahuna



**HB-1138-HD-1**

Submitted on: 2/26/2025 12:04:34 PM

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

Submitted By	Organization	Testifier Position	Testify
Ikaika Pono	Individual	Oppose	Written Testimony Only

Comments:

Dear Honorable Members of the Committee,

My name is Ikaika Pono, and I am writing to express my strong opposition to HB1138, which would grant the Board of Land and Natural Resources (BLNR) excessive emergency rulemaking powers that could restrict public access to Hawai‘i’s waters without sufficient oversight or community input. While safety concerns must be addressed, this bill lacks transparency and could result in unnecessary restrictions that negatively impact local residents, cultural practitioners, and small businesses.

**1. HB1138 Grants Unchecked Authority Without Public Input**

As written, HB1138 allows BLNR to impose broad restrictions or outright bans on ocean activities for up to a year without requiring public hearings or consultation with affected communities. This is highly concerning because:

- It lacks clear criteria for what constitutes an emergency.
- It gives BLNR the power to impose restrictions without input from ocean users, cultural practitioners, or businesses.
- It fails to include exemptions for traditional practices or accessibility accommodations.

Laws that affect public access to natural resources should be created with transparency and public involvement, not rushed decisions made behind closed doors.

**2. Negative Consequences for Local Communities**

If HB1138 is used to impose broad restrictions without consideration, it could:

- Limit Native Hawaiian cultural practices such as fishing, outrigger canoe paddling, and traditional navigation.
- Harm those who rely on the ocean for well-being—whether for exercise, therapy, or mental health.
- Threaten local businesses that provide surf lessons, equipment rentals, and guided ocean activities, impacting their ability to operate.

**3. Necessary Changes to HB1138**

If HB1138 moves forward, I urge the Committee to:

- Require mandatory public hearings and input before imposing restrictions.
- Establish clear and justified criteria for emergency rulemaking.
- Include explicit protections for cultural practitioners and individuals who need accessibility accommodations.

If these provisions are not added, I strongly urge you to reject HB1138 to prevent unnecessary harm to Hawai'i's people and economy.

#### Conclusion

The ocean is central to our way of life in Hawai'i, and any law that restricts access must be fair, transparent, and considerate of those who depend on it. I urge the Committee to amend or reject HB1138 to ensure public access is protected.

Mahalo for your time and consideration.

Respectfully,  
Ikaika Pono

**HB-1138-HD-1**

Submitted on: 2/26/2025 12:09:39 PM

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

Submitted By	Organization	Testifier Position	Testify
Alika Mahi	Individual	Oppose	Written Testimony Only

Comments:

Dear Honorable Members of the Committee,

My name is Alika Mahi, and I am writing to share my deep concerns about HB1138, which would give the Board of Land and Natural Resources (BLNR) broad emergency rulemaking powers that could unfairly restrict public access to Hawai‘i’s waters. While I understand the need for safety regulations, this bill lacks necessary oversight and community involvement, potentially leading to unintended consequences for residents, cultural practitioners, and small businesses.

**1. Lack of Public Input and Oversight**

HB1138 allows BLNR to impose restrictions on ocean activities for up to a year without requiring public hearings or consulting the communities that will be affected. This raises serious concerns because:

- There are no clear definitions of what constitutes an emergency, which leaves room for overly broad enforcement.
- Decisions impacting the public could be made without transparency or input from those who rely on the ocean for work, recreation, or cultural practices.
- No provisions are in place to protect accessibility rights, leaving individuals with disabilities at risk of losing their only means of ocean access.

Rules that impact public access to Hawai‘i’s waters must be developed with fairness, accountability, and the input of those directly affected.

**2. Potential Negative Impacts on Local Communities**

If HB1138 is used to impose sweeping restrictions, it could:

- Limit Native Hawaiian cultural practices like subsistence fishing, outrigger canoe paddling, and traditional ocean navigation.
- Harm individuals who depend on ocean access for physical therapy, mental health, or exercise.
- Put small businesses at risk—surf schools, tour operators, and ocean-related businesses could suffer if restrictions are imposed without a clear process or alternative solutions.

### 3. Suggested Amendments to HB1138

If this bill moves forward, I respectfully urge the Committee to:

- Mandate public hearings and community input before any restrictions are enacted.
- Clearly define what qualifies as an emergency to prevent arbitrary or excessive rulemaking.
- Ensure protections for Native Hawaiian cultural practitioners and individuals who rely on adaptive equipment for ocean access.

If these issues are not addressed, I strongly urge you to reject HB1138 to prevent unnecessary harm to the people of Hawai'i.

### Conclusion

Access to the ocean is an essential part of life in Hawai'i, and any legislation that restricts it must be created with fairness, transparency, and consideration for those who rely on it. I ask the Committee to either amend or reject HB1138 to ensure that community voices are heard and that public access to our waters remains protected.

Mahalo for your time and consideration.

Respectfully,  
Alika Mahi

**HB-1138-HD-1**

Submitted on: 2/26/2025 12:14:21 PM

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

Submitted By	Organization	Testifier Position	Testify
Liko Hale	Individual	Oppose	Written Testimony Only

Comments:

Dear Honorable Members of the Committee,

My name is Liko Hale, and I am writing to express my strong opposition to HB1138. This bill would grant the Board of Land and Natural Resources (BLNR) the ability to impose emergency restrictions on ocean activities without sufficient public oversight. While I support efforts to ensure safety, HB1138 lacks necessary safeguards to prevent unfair limitations on access to Hawai‘i’s waters—restrictions that could negatively impact local communities, cultural practitioners, and small businesses.

**1. HB1138 Lacks Transparency and Community Input**

The broad emergency powers outlined in HB1138 could lead to sweeping restrictions on ocean activities for up to a year without requiring input from those who depend on the ocean for their livelihood, cultural practices, and well-being. My concerns include:

- **No Clear Definition of Emergency:** Without specific guidelines, decisions could be made arbitrarily, disproportionately affecting certain activities or groups.
- **No Public Hearings Required:** Major restrictions on public resources should never be implemented without consulting the people who will be affected.
- **No Exemptions for Cultural or Accessibility Needs:** Native Hawaiian practitioners and individuals with disabilities may find themselves unjustly restricted from the ocean.

**2. Potential Harm to the Local Community**

If passed in its current form, HB1138 could lead to:

- **The Restriction of Cultural Practices:** Traditional fishing, outrigger canoe paddling, and other Native Hawaiian ocean activities could face unnecessary limitations.
- **Barriers for Individuals Who Rely on the Ocean for Health and Well-Being:** Many residents use the ocean for physical therapy, mental health, and exercise—restricting access without alternatives would be unfair and harmful.
- **Economic Consequences for Small Businesses:** Surf schools, tour operators, and other ocean-based businesses could suffer sudden and unexpected losses due to broad, unchecked restrictions.

### 3. Recommended Changes to HB1138

If HB1138 moves forward, I urge the Committee to make the following amendments:

- Require Public Hearings and Community Engagement before any new restrictions are enacted.
- Define Emergency Criteria Clearly to prevent unnecessary or arbitrary rulemaking.
- Protect Cultural and Accessibility Rights by ensuring exemptions or alternatives for those who rely on the ocean for cultural and adaptive use.

If these necessary protections are not added, I strongly urge you to reject HB1138 to prevent its harmful effects on our community.

### Conclusion

The ocean is a fundamental part of life in Hawai‘i, and any law that limits access must be implemented fairly, transparently, and with consideration for those most affected. I urge the Committee to either amend or reject HB1138 to ensure that public access remains protected.

Mahalo for your time and consideration.

Respectfully,  
Liko Hale

**HB-1138-HD-1**

Submitted on: 2/26/2025 12:18:30 PM

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

Submitted By	Organization	Testifier Position	Testify
Moana Koa	Individual	Oppose	Written Testimony Only

Comments:

Dear Honorable Members of the Committee,

My name is Moana Koa, and I am writing to express my strong opposition to HB1138. While I understand the need for safety regulations, I am deeply concerned that this bill grants the Board of Land and Natural Resources (BLNR) overly broad emergency powers that could unfairly limit public access to Hawai‘i’s ocean spaces without adequate transparency, community input, or accountability.

**1. HB1138 Lacks Proper Safeguards and Public Oversight**

As currently written, HB1138 would allow BLNR to impose restrictions on ocean activities for up to a year without requiring public hearings or input from the people and businesses directly affected. This raises several key issues:

- **No Requirement for Community Consultation:** The lack of mandatory public input means decisions could be made without considering the needs of residents, cultural practitioners, and local businesses.
- **Unclear Definition of an “Emergency”:** Without clear guidelines, restrictions could be imposed arbitrarily, leading to unnecessary limitations on responsible ocean users.
- **Potential Violation of Accessibility and Cultural Rights:** Native Hawaiian practitioners, subsistence fishers, and individuals with disabilities may face undue restrictions without proper exemptions or accommodations.

**2. Negative Impact on Local Residents and Businesses**

Hawai‘i’s ocean is an essential resource for many different groups, and restricting access without fair consideration would be harmful in several ways:

- **Threat to Cultural Traditions:** Outrigger canoe paddling, traditional fishing, and other Native Hawaiian practices could be disrupted without justification.
- **Barriers to Health and Well-Being:** Many residents depend on ocean access for physical therapy, mental health, and exercise. Broad restrictions would unfairly impact these individuals.
- **Economic Harm to Small Businesses:** Surf schools, guided tours, and other ocean-based businesses could suffer major losses if sudden and unchecked restrictions are imposed.

### 3. Necessary Amendments to HB1138

If this bill is to proceed, I strongly urge the Committee to include the following changes:

- Require Public Hearings and Stakeholder Consultation before any long-term restrictions are enacted.
- Clearly Define Emergency Situations to prevent arbitrary enforcement and ensure fair application of rules.
- Include Protections for Cultural and Accessibility Rights by requiring exemptions or accommodations for those who rely on the ocean for their livelihood, traditions, or adaptive recreation.

If these protections are not included, I respectfully ask that HB1138 be rejected to prevent undue harm to Hawai'i's people and way of life.

#### Conclusion

Hawai'i's ocean is a shared resource, and any laws that limit access must be fair, transparent, and mindful of their impact. I urge the Committee to either amend or reject HB1138 to ensure that the voices of our community are heard and that our access to the ocean remains protected.

Mahalo for your time and consideration.

Respectfully,  
Moana Koa



**HB-1138-HD-1**

Submitted on: 2/26/2025 12:22:49 PM

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

Submitted By	Organization	Testifier Position	Testify
Halia Lehua	Individual	Oppose	Written Testimony Only

Comments:

Dear Honorable Members of the Committee,

My name is Halia Lehua, and I am writing to express my strong opposition to HB1138. While I understand the need to regulate ocean activities for safety and environmental concerns, this bill grants the Board of Land and Natural Resources (BLNR) unchecked emergency powers that could unfairly restrict access to Hawai‘i’s waters. These broad powers threaten cultural practices, small businesses, and the rights of residents who rely on the ocean for recreation, therapy, and livelihood.

**1. Lack of Public Oversight and Transparency**

HB1138 allows BLNR to impose emergency restrictions on ocean activities for up to a year without requiring public hearings or community consultation. This is deeply concerning because:

- No clear definition of an “emergency” leaves room for arbitrary decision-making that could disproportionately impact certain groups.
- No requirement for public input means affected residents, cultural practitioners, and small businesses would have no voice in policies that directly impact them.
- No exemptions for traditional and adaptive ocean use could severely impact Native Hawaiian practitioners and individuals with disabilities who rely on the ocean for their well-being.

**2. Harm to Local Communities and Cultural Practices**

If enacted without necessary safeguards, HB1138 could have serious consequences:

- **Disrupting Native Hawaiian Traditions:** Fishing, canoe paddling, and other cultural practices could face unnecessary restrictions, limiting the ability to pass down traditions.
- **Limiting Ocean Access for Health and Well-Being:** Many residents depend on ocean activities for physical therapy, stress relief, and exercise. A broad ban on certain equipment could disproportionately harm those with disabilities or medical conditions.
- **Threatening Small Businesses:** Surf schools, tour guides, and other ocean-based businesses could suffer significant financial loss if sudden restrictions limit their operations without fair notice or alternatives.

### 3. Necessary Amendments to HB1138

If this bill moves forward, I urge the Committee to include the following protections:

- Require Public Hearings and Transparent Decision-Making before imposing emergency restrictions.
- Define Emergency Situations Clearly to ensure that restrictions are justified and not applied arbitrarily.
- Ensure Protections for Cultural Practitioners and Disabled Individuals so that traditional and adaptive ocean use is not unfairly restricted.

If these critical changes are not made, I strongly urge the Committee to reject HB1138 to protect the rights and traditions of Hawai'i's people.

### Conclusion

Hawai'i's waters are a vital part of our culture, economy, and way of life. Any restrictions on ocean access must be fair, transparent, and created with community input. I respectfully ask the Committee to either amend or oppose HB1138 to prevent unnecessary harm to our residents and traditions.

Mahalo for your time and consideration.

Respectfully,  
Halia Lehua

**HB-1138-HD-1**

Submitted on: 2/26/2025 12:27:26 PM

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

Submitted By	Organization	Testifier Position	Testify
Kekoa Nalu	Individual	Oppose	Written Testimony Only

Comments:

Dear Honorable Members of the Committee,

My name is Kekoa Nalu, and I am writing to express my strong opposition to HB1138. While I understand the importance of ensuring safety in our ocean waters, this bill grants excessive emergency powers to the Board of Land and Natural Resources (BLNR), which could lead to unnecessary and unfair restrictions on public access. Without proper safeguards, HB1138 threatens the rights of local residents, cultural practitioners, and small businesses who depend on the ocean for their livelihood, traditions, and well-being.

**1. Overly Broad Emergency Authority**

HB1138 would allow BLNR to impose restrictions on ocean activities for up to a year without requiring public hearings or meaningful input. This raises serious concerns, including:

- Unclear Definitions of “Emergency” – The bill does not specify what qualifies as an emergency, leaving the door open for unnecessary or unjustified restrictions.
- No Public Transparency – Affected communities should have a say before rules that impact their ocean access are enacted.
- Potential for Discriminatory Impact – Without explicit protections, restrictions could disproportionately affect Native Hawaiian cultural practices, disabled individuals, and small business owners.

**2. Impact on Local Communities**

If passed in its current form, HB1138 could have negative consequences, such as:

- Restricting Traditional Practices – Fishing, canoe paddling, and other Native Hawaiian cultural activities could face broad, unjustified restrictions.
- Limiting Ocean Use for Health and Well-Being – Many residents, including kupuna and those with disabilities, rely on the ocean for therapeutic and recreational purposes. A sweeping ban on certain equipment would be harmful.
- Hurting Small Businesses – Surf schools, tour operators, and rental shops could suffer financially if sudden restrictions prevent them from operating.

**3. Necessary Changes to HB1138**

To ensure fairness, I urge the Committee to include the following amendments:

- Require Public Hearings and Transparent Decision-Making before implementing emergency restrictions.
- Clearly Define Emergency Situations to prevent arbitrary bans on ocean activities.
- Include Exemptions for Cultural and Accessibility Needs to protect the rights of Native Hawaiian practitioners and disabled individuals.

If these necessary protections are not included, I strongly urge the Committee to reject HB1138.

#### Conclusion

The ocean is central to Hawai'i's identity and way of life. Any restrictions on its use must be made with fairness, transparency, and input from the communities most affected. Please protect public access to our waters and ensure that any new regulations are balanced, justified, and respectful of Hawai'i's culture and residents.

Mahalo for your time and consideration.

Respectfully,  
Kekoa Nalu

**HB-1138-HD-1**

Submitted on: 2/26/2025 1:16:44 PM

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

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

## Comments:

Aloha. My name is Matt Turrini. I reside in California and travel to Oahu about six times a year, specifically to foil. While I'm not a resident of Hawaii, I spend a significant amount of time and money traveling to Hawaii to participate in foiling.

I am writing to express my strong opposition HB-1138 relating to ocean safety. This bill would provide too broad of a scope. The scope should be reduced to allow the DLNR to create safe zones for free divers and swimmers and allow for stricter enforcement of boating regulations around swim zone buoys.

This bill will create preferential treatment specific types of water sports that carry no less risk, while ruling out new and innovative ways of being on the water. The state shouldn't be telling us what we can and cannot do on the water.

It's disappointing to see legislators in Hawaii, arguably the birthplace of modern surfing and watermen/ waterwomen culture, attempting to limit the evolution of new forms of surfing and sailing without adequate public input and consideration. This bill is shortsighted and will cause significant harm to a burgeoning sport and industry.

Sincerely, Matt Turrini

**HB-1138-HD-1**

Submitted on: 2/26/2025 1:20:58 PM

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

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

Comments:

I am opposed to HB1138 for the following reasons:

- 1) There is no need to use an emergency rule-making process. We should follow a prescribed process for community input before making any broad based rules that impact our community and use of a shared recreational resource.
- 2) The scope of this bill is far to broad as "ocean user safety" can mean pretty much anything that comes in contact with the ocean.
- 3) Extending the duration from 120 to 365 days is unacceptable.

Thank you for your consideration.

aloha,

carnet williams

Honolulu resident

**HB-1138-HD-1**

Submitted on: 2/26/2025 1:21:25 PM

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

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

Comments:

Aloha. My name is Stephen C and I oppose HB1138.

I currently reside at 757 Kapulena Loop Honolulu, Hawai'i on the island of Oahu.

I spend as much of my time as I can in the water enjoying various water activities. I am a retired Honolulu Fire Department Captain and have been enjoying my retirement by waking up each morning and, if possible, head to the beach for my daily exercise program. Nowadays this mostly includes one or two hydrofoil sessions. This has been my favorite sport of choice since I tried it over 7 years ago. I enjoy seeing and talking with the many types of ocean users I encounter during my warm up, paddle out, paddle in and breakdown at the end.

This bill appears to increase the board's power, and reduce public participation.

The proposed process calls for a maximum duration of 365 days. The existing emergency rule-making process allows for a maximum duration of 120 days. My opinion is that this bill gives way too much broad power to the board to make arbitrary decisions without public input of affected individuals.

Reducing the public participation-The proposed process does not require a 30-day notice to the public. This gives the board the ability to issue rules without public awareness until the rule is already in effect. My opinion is that you and all members should oppose this bill.

I oppose HB1138.

Thank you for your time today,

Stephen C Kohn

757 Kapulena Loop

Honolulu, Hawai'i 96825

[808-277-7873](tel:808-277-7873)

sck808@gmail.com



**HB-1138-HD-1**

Submitted on: 2/26/2025 1:27:52 PM

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

Submitted By	Organization	Testifier Position	Testify
Kahi Pacarro	Individual	Oppose	Written Testimony Only

Comments:

We do not need more regulation here. Allow our strained enforcement resources to focus on the existing laws versus increasing their required capacity needs.

**HB-1138-HD-1**

Submitted on: 2/26/2025 1:30:57 PM

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

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

Comments:

Here's your revised statement with that adjustment:

Aloha mai kākou, Chair Tarnas, Vice-Chair Takayama, and members of the Committee on Judiciary & Hawaiian Affairs,

My name is Jon McCabe, and I'm here today because H.B. 1138, H.D. 1 threatens something sacred to the people of Hawai'i—our right to access and enjoy the ocean.

For generations, the ocean has been more than just water. It's our sanctuary, our classroom, our source of healing. It's where kūpuna, keiki, and disabled individuals find freedom, connection, and well-being.

I support ocean safety, but this bill is not the way to achieve it.

H.B. 1138, H.D. 1 is an encroachment on public rights. This bill grants unelected officials unchecked power to impose restrictive regulations on ocean users for an entire year without public oversight. That's a direct violation of 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.

Hawai'i's ocean community upholds safety through cultural respect and local knowledge. We have been self-regulating for generations. Surfers, paddlers, swimmers, fishermen, and everyday beachgoers look out for each other. More government rules won't prevent accidents—ocean users will.

No data justifies the need for this bill. The committee has presented no evidence or data demonstrating a need for extending emergency rulemaking from 120 days to a full year. The current 120-day emergency rule period has been effective in addressing real threats, allowing for proper legislative or administrative action if needed.

The only past case I'm aware of where an emergency rule was used involved sea cucumbers, and in that instance, the existing 120-day emergency rule period worked exactly as intended—giving enough time for a long-term law to be passed. This proves that the current process is sufficient and does not require expansion. If 120 days was enough for a major ecological issue, why is more time needed now?

H.B. 1138, H.D. 1 threatens kūpuna and disabled ocean access. New technology is expanding safe ocean access like never before. Adaptive surfboards, motorized beach wheelchairs, and electric-assist paddleboards and foil boards allow kūpuna and disabled individuals to experience the ocean safely. These innovations spread ocean users out away from dangerously crowded surf breaks and into safer zones. This bill's vague and broad restrictions could unintentionally block these life-changing tools, limiting independence and well-being for those who rely on them.

H.B. 1138, H.D. 1 is simply unnecessary. It infringes on public rights, ignoring the self-policing culture that has long protected our ocean spaces. It hurts local businesses that rely on ocean recreation, making sudden and unpredictable rule changes possible for an entire year. It fails to provide transparency and accountability in how emergency rules would be enforced.

Instead of overregulation, we should focus on education and responsible ocean stewardship.

I urge you to defer indefinitely H.B. 1138, H.D. 1. Stand with the people of Hawai'i. Protect our freedom to enjoy the ocean, public access, and our way of life.

Mahalo nui loa for your time.

**HB-1138-HD-1**

Submitted on: 2/26/2025 1:34:05 PM

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

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

Comments:

Aloha Chair, Vice Chair, and Committee Members,

My name is Henry McNamara, and I strongly oppose HB1138.

I am a resident of Maui and an avid waterman who spends much of my time surfing, paddling, swimming, and foiling —downwind, prone, and wing. Like many in our community, I have a deep connection to the ocean, and I believe that any changes to regulations affecting our waters must be done with full public transparency and participation.

HB1138 threatens to undermine this principle by increasing the power of the board while reducing public oversight and input. Under the proposed changes, emergency rule-making could extend for up to 365 days, a significant departure from the current 120-day limit. Additionally, the bill removes the requirement for a 30-day public notice, meaning rules could go into effect without the community's awareness or opportunity for meaningful discussion.

This shift is deeply concerning. The ocean belongs to all of us, and decisions impacting access, usage, and management should never be made behind closed doors. Allowing extended rule-making without proper checks and balances creates the potential for overreach and unintended consequences that could negatively impact our ocean communities.

While I understand the need for regulatory flexibility in truly urgent situations, extending emergency rule-making for an entire year without adequate public notice is excessive and unnecessary. Transparency, community engagement, and accountability must remain at the heart of any decision-making process that affects our natural resources.

For these reasons, I respectfully urge you to oppose HB1138 and protect public participation in decisions that impact our waters and way of life.

Mahalo for your time and consideration.

Sincerely,

Henry McNamara

Maui Resident & Waterman

**HB-1138-HD-1**

Submitted on: 2/26/2025 1:46:41 PM

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

Submitted By	Organization	Testifier Position	Testify
Lionel Bance	Individual	Oppose	Written Testimony Only

## Comments:

My name is Lionel Bance and I oppose HB1138.

I currently reside in Honolulu on the island of Oahu. I spend as much of my time as I can in the water enjoying various water activities like swimming, surfing and foiling.

This bill appears to increase the board's power, and reduce public participation. The proposed process calls for a maximum duration of 365 days. The existing emergency rule-making process allows for a maximum duration of 120 days. My opinion is that the current maximum duration should be kept as is.

The proposed process does not require a 30-day notice to the public. This gives the board the ability to issue rules without public awareness until the rule is already in effect. My opinion is that is wrong and will not give citizens the time to oppose any new rules or regulations. We need more active public participation

I strongly oppose HB1138.

Mahalo for your time today.

Sincerely,

Lionel Bance

**HB-1138-HD-1**

Submitted on: 2/26/2025 1:47:45 PM

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

Submitted By	Organization	Testifier Position	Testify
BYRON KITKOUSKY	Individual	Oppose	Written Testimony Only

## Comments:

Sirs, I vehemently oppose the bill to ban water sports activities and give control of the policies to a non legislature group. I am 71 years old and have disabilities that prevent me from doing certain activities. Water sports activities particularly foiling are Essential to my physical, mental, and emotional health. The ocean is a curative element the helps heal my injuries to my hips, knees, ankles, and heels. I live on Oahu. I was born and raised here and I have been doing ocean water sports all my life. Please do not take away the things that literally keep me alive. I recommend not passing the bill that would restrict, control, or ban foiling of any kind as I do them all. I always do the sports in a safe and respectful manner. Thanks Byron Kitkousky

**HB-1138-HD-1**

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

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

Submitted By	Organization	Testifier Position	Testify
Tony Coscia	Individual	Oppose	Written Testimony Only

Comments:

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

My name is Tony Coscia, and I am a Captain on the Na Pali Coast. I strongly oppose H.B. 1138 as it grants the Board of Land and Natural Resources (BLNR) excessive emergency rule-making authority over commercial and recreational water sports equipment for up to 365 days, effectively allowing year-long regulations without proper oversight or stakeholder input.

As a maritime professional, I recognize the importance of ocean safety, but extending emergency rules for a full year without the standard public notice and hearing process sets a dangerous precedent. This bill would allow sudden and prolonged restrictions that could disrupt businesses, impact ocean users, and create unnecessary uncertainty for those who rely on Hawaii's waters for their livelihoods. Regulations affecting the maritime industry should be developed with transparency and input from those directly impacted—not imposed unilaterally for an entire year.

I urge you to oppose H.B. 1138 and seek a more balanced approach that prioritizes both safety and fair stakeholder involvement. Mahalo for your time and consideration.

Tony Coscia



**HB-1138-HD-1**

Submitted on: 2/26/2025 1:52:01 PM

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

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

## Comments:

I oppose this bill because it potentially further reduces us, the hard working tax paying citizens the ability to recreate in the ocean. The decision power needs to include public input and not solely be controlled by our elected and unelected officials. There needs to be more dialogue and transparency with the community.

**HB-1138-HD-1**

Submitted on: 2/26/2025 1:53:59 PM

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

Submitted By	Organization	Testifier Position	Testify
arleen velasco	Individual	Oppose	Written Testimony Only

## Comments:

I strongly oppose HB1138. If BLNR acted upon issues in a timely fashion and solicited public input, they would have plenty of time to make wise decisions within the current provisions of the laws already in place. BNLNR needs to step up their reaction and decision making time rather than being allowed to extend it. The public needs to be involved in BLNR's processes. I suggest BLNR engage the public immediately when they have a concern. Please oppose this bill.

Dear JHA Chair Tarnas, Vice Chair Poepoe, and House Representatives on the JHA Committee.

Although DOBOR/DLNR has reduced the emergency rule time from two to one year, it remains a poor idea because of DOBOR's poor performance for interacting with the public and communicating with ocean use stakeholders. DOBOR does not have regular monthly or quarterly meetings with the public and have not offered regular meetings for some time. DOBOR administrators have avoided interacting with stakeholders regarding administrative rule changes.

DOBOR/DLNR can already make emergency rules for 90 days. Please do not grant them an extension of emergency rules to one year.

Also of great importance, please note the companion bill SB1457 was deferred due to strong public opposition.

Mahalo for allowing me to provide this testimony in opposition to HB1138.

Karen Boyer, 808.428.4805

**HB-1138-HD-1**

Submitted on: 2/26/2025 2:41:35 PM

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

Submitted By	Organization	Testifier Position	Testify
Ty M Takaezu	Individual	Support	Written Testimony Only

Comments:

Aloha My name is Ty Takaezu and I oppose HB1138. I currently reside in Wailua on the island of Kauai. I spend as much of my time as I can on the water enjoyed various water activities. I am an avid foil driver and it is a part how I get therapy for my mental illnesses and overall wellbeing. This bill appears to increase the boards power, and reduce public participation. The proposed process calls for a maximum duration of 365 days. The existing emergency rule-making process allows for a maximum duration of 120 days. My opinion is that is is an unreasonable increase to the duration which reduces public participation.The proposed process does not require a 30 notice to the public. This gives the board the ability to issue rules without public awareness until the rule is already in affect. My opinion is that is not enough time to respond and/or give any opposing feedback. I oppose HB1138. Mahalo for your time today.

Ty Takaezu

**HB-1138-HD-1**

Submitted on: 2/26/2025 6:52:35 PM

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

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

Comments:

Dear Honorable Members of the Committee,

I am writing to express strong concerns regarding House Bill 1138 (H.B. No. 1138), which seeks to regulate "water sports equipment." After reviewing extensive testimony opposing this bill, it is clear that, as currently written, it could have significant and unintended consequences for ocean users, local businesses, and the community's connection to the ocean.

A primary concern is the broad authority the bill grants to the Board of Land and Natural Resources (BLNR). It allows BLNR to adopt, amend, or repeal emergency rules governing water sports equipment, with these rules remaining in effect for up to 365 days without renewal. This concentration of unchecked power could lead to overly restrictive regulations that disrupt the lives of residents, tourists, and businesses. Without proper oversight, such authority would create an unpredictable regulatory environment.

Furthermore, the bill's definition of "water sports equipment" is not just broad—it is absurdly vague and all-encompassing. It defines "water sports equipment" as "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." This definition is so sweeping that it could apply to almost anything used in or on the water—essentially lumping together motorized crafts, paddleboards, fishing kayaks, surfboards, and countless other devices without any distinction. The bill treats vastly different types of equipment the same way, ignoring the significant differences in safety concerns, maneuverability, and the skills required to operate each. By failing to differentiate between motorized and non-motorized equipment, it risks creating an overly restrictive, one-size-fits-all regulation that would not only be impractical but would likely hinder rather than protect ocean users.

Moreover, the bill lacks a clear process for developing, reviewing, or evaluating emergency rules, further contributing to its unpredictability and lack of transparency. Ocean users, businesses, and recreational groups must have a meaningful voice in shaping policies that directly affect them. Without a transparent, inclusive rule-making process, this bill could lead to confusion and resentment.

While the bill grants BLNR broad authority to create regulations, it does not explain how these regulations will effectively improve safety. There is no clear rationale for how emergency rules

would address the specific risks posed by motorized versus non-motorized crafts. Without targeted measures that address the unique safety concerns of each type of equipment, the bill risks imposing blanket regulations that fail to enhance safety and could disrupt long-standing recreational practices.

Given these critical issues, I strongly urge you to reject HB 1138 in its current form. Future legislation should clearly differentiate between types of water sports equipment, incorporate effective safety measures, and ensure transparency and public participation in the rule-making process. A fair and inclusive regulatory framework is essential—one that balances safety concerns while preserving the ocean recreation practices central to the community's economy and way of life.

Thank you for your time and consideration of these concerns.