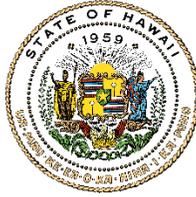


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



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

P.O. BOX 621
HONOLULU, HAWAII 96809

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

Testimony of
DAWN N. S. CHANG
Chairperson

Before the House Committee on
ENERGY & ENVIRONMENTAL PROTECTION

Tuesday, February 11, 2025
10:15 AM

State Capitol, Conference Room 325 & Videoconference

In consideration of
HOUSE BILL 658
RELATING TO ENVIRONMENTAL REVIEW

House Bill 658 proposes an amendment to Chapter 343, Hawaii Revised Statutes (HRS), also known as the Hawai'i Environmental Policy Act (HEPA), by refining the definition of "action" to exclude ongoing or recurring activities that have been lawfully permitted and are under the management of existing administrative rules or plans within state-managed areas. This includes, but is not limited to, ocean recreation management areas, marine life conservation districts, and game management areas. **The Department of Land and Natural Resources (Department) supports the intent of this measure and offers the following comments.**

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

The Department shares the courts' intent to ensure proper environmental review of activities that have the potential for substantial environmental impacts. However, many of these ocean recreational activities have been permitted for many years, in some cases 20 years. The Department constantly

strives to find balance between preserving and protecting our valuable natural and cultural resources while permitting a level of commercial recreational activities that provide jobs, opportunities for locals and visitors to enjoy our ocean resources, and a source of revenue for the Department. Without a mechanism for continued operations during environmental review, impacted businesses are forced to cease operations indefinitely, resulting in job losses and economic harm without knowing the environmental impact of these long-standing ocean recreational activities. We believe this bill permits the status quo, no expansion of activities, pending the Department's determination of appropriate environmental review.

The exemption created by this bill comes with concerns:

- Environmental reviews required under HRS Chapter 343 are intended to facilitate informed decision-making and public participation by requiring the review of activities that may significantly impact the environment. The exemption created by this bill would arguably allow for the continuation of permitted activities without ever needing HRS Chapter 343 review, even if that activity may have significant environmental impacts.
- Although it appears that the intent of this measure is to address the issue created by the court ruling for Kā'anapali ocean waters, the Department notes that the scope of this measure would not be restricted only to those permits affected by the court's decision. Therefore, the Department recommends that the Committee clarify or define the term "state-managed areas." The examples of "state-managed areas" provided in the current version of the measure are limited to areas under the Department's jurisdiction. However, ongoing or recurring permitted activities also occur in state-managed areas outside the Department's control.
- Page 2, line 17, of this bill references "game management areas" as examples of "state-managed areas." The department notes that the term "public hunting areas" encompass a broader landscape by overlaying other Department designations such as forest reserves, natural area reserves, and restricted watersheds. If the intent of this measure is to apply to a broad range of state lands, the Department recommends replacing "game management areas" with "public hunting areas."

Mahalo for the opportunity to testify on this measure.



TESTIMONY IN OPPOSITION TO HOUSE BILL 658
RELATING TO ENVIRONMENTAL REVIEW
House Committee on Energy & Environmental Protection
Hawai'i State Capitol

February 11, 2025

10:15 AM

Room 325

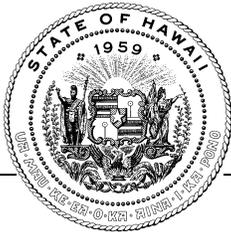
Aloha e Chair Lowen, Vice Chair Perruso, and Members of the Committee:

The Office of Hawaiian Affairs (OHA) respectfully submits this testimony in **OPPOSITION** to HB658, which would amend Hawai'i Revised Statutes (HRS) Chapter 343, the Hawai'i environmental Policy Act (HEPA), to exclude ongoing activities from environmental review if the activities are governed by administrative rules or management plans.

This amendment would have unintended negative consequences, including for Native Hawaiian rights, interests, and cultural practices, by excluding damaging activities from environmental review simply because they have been previously permitted, even if done so illegally, or prior to the adoption of HEPA. The fact that an activity is governed by administrative rules does not necessarily ensure that any type of environmental review has been completed which would protect the natural and cultural resources impacted by the activity.

HEPA is frequently a vehicle for OHA's beneficiaries to ensure protection of their rights including the exercise of traditional and customary practices. As just one example, the commercial aquarium trade had never been subject to environmental review prior to a 2017 ruling from the Hawai'i Supreme Court, and was subsequently enjoined in certain areas pending HEPA compliance. Traditional Native Hawaiian fishers and cultural practitioners were among the plaintiffs in that landmark ruling which ensures transparent review of how this extractive commercial industry affects resources that others rely on for subsistence and cultural practices. This is simply one example of many illustrating the importance of this law to the individuals and communities that OHA represents. **However, if the change proposed in HB658 had been in place in 2017, unchecked commercial aquarium extraction would not have been subject to environmental review at all.**

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



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

JOSH GREEN, M.D.
GOVERNOR

MARY ALICE EVANS
DIRECTOR

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

Telephone: (808) 587-2846
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Statement of
MARY ALICE EVANS, Director

before the
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Tuesday, February 11, 2025, 10:15 AM
State Capitol, Conference Room 325

in consideration of
HB 658
RELATING TO ENVIRONMENTAL REVIEW.

Chair Representative Lowen, Vice Chair Representative Perruso, and Members of the House Committee on Energy and Environmental Protection.

The Office of Planning and Sustainable Development (OPSD) supports the intent of HB 658, and offers comments on HB 658 which intends to clarify and resolve the effect that recent court decisions have had on long-standing historically permitted activities in state-managed areas. This bill is similar to other bills (HB 661 and SB 1074) with the goal of maintaining the State's environmental standards while generally clarifying that the subject activities should not be burdened with unnecessary regulatory hurdles. HB 658 would amend HRS Chapter 343 by amending the definition of "Action" to add language providing that the term does not include ongoing or recurring activities that have been lawfully permitted and are governed by applicable administrative rules or management plans within state-managed areas, including ocean recreation management areas, marine life conservation districts, and game management areas.

While we appreciate and support the efforts of the Legislature to further this goal, we believe that the referenced bills should be focused on amending the language of the relevant statutes that authorize the specific permits for the noted activities, rather than amending HRS Chapter 343 in cumbersome ways to only focus on specific actions or areas. Chapter 343 is a general law that applies to a broad range of many different circumstances, agencies and actions, and as the general facilitator of the enabled environmental review process, we believe that this statute and process is most effective when kept broad and over-arching. We believe limiting language addressing specific actions is best incorporated into the enabling statutes for those permits or management systems.

Regarding HB 658 in particular, we question if the language identifying three distinct categories of state-managed areas that would be affected by the bill is meant to call out only these three types of areas, or if they are examples of a larger set of affected areas.

Thank you for the opportunity to testify on this measure.



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

TESTIMONY IN **STRONG OPPOSITION** TO HOUSE BILL 658,
RELATING TO ENVIRONMENTAL REVIEW

February 11, 2025, 10:15 a.m.
Conference Room 325
State Capitol
415 South Beretania Street

Dear Chair Lowen, Vice-Chair Peruso, and members of the House Committee on Energy & Environmental Protection:

Earthjustice **strongly opposes HB 658**, which, if passed, would gut core protections provided by the Hawai'i Environmental Policy Act ("HEPA"), one of Hawai'i's bedrock environmental laws. The proposed amendment would negate HEPA's fundamental purpose, allowing irreparable environmental harm in instances where environmental review is determined to be necessary. Please reject and hold this bill.

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

HB 658's preamble suggests, however, that "the State's environmental review process" is to blame for "jeopardiz[ing] law abiding operations, including commercial boating, and recreational activities." Again, HEPA has been in place for half a century; any jeopardy in which such operations now find themselves is not the fault of this long-standing statute. The further assertion that "recent court decisions have broadened the definition of an environmental 'action'" is untrue and unsupported. *See, e.g., Umberger v. Dep't of Land & Natural Res.*, 140 Hawai'i 500, 515-16, 403 P.3d 277, 292-93 (2017) (listing examples of "the wide range of activities and courses of conduct to which HEPA has been applied"); *see also* HRS § 343-2 (defining "action" as "any program or project to be initiated by an agency or applicant"). The *Umberger* court based its interpretation of the term "action" on the plain, dictionary meanings of the words "program" and "project." 140 Hawai'i at 513, 403 P.3d at 290. Moreover, in 2019, the

Office of Environmental Quality Control promulgated specific further definitions for “program” and “project.” Hawai’i Administrative Rules (“HAR”) § 11-200.1-2. If anything, the courts and the 2019 HEPA rules have *narrowed* the definition of “action” by providing greater clarity as to what “action” means.

Having begun from faulty premises, HB 658 then cuts straight at HEPA’s core provisions by proposing to redefine “action” and expressly exempt ongoing or recurring permitted activities *writ large* from HEPA review. This is a grossly disproportionate response to the stated reasons for the legislation and threatens to cause sweeping damage beyond its intended scope, even while missing its purported target. Writing a broad exemption for all ongoing permitted activities directly into HEPA’s definition of “action” would mean that, in instances where such activities are in fact causing environmental damage, they would be allowed to continue *without ever undergoing environmental review*. Put simply, HB 658 is overkill. It threatens to undo decades of environmental progress in Hawai’i, and it is entirely unnecessary to achieve its stated goals.

HEPA already expressly provides that agencies may exempt from environmental review “specific types of actions, because they will probably have minimal or no significant effects on the environment.” Haw. Rev. Stat. § 343-6(a)(2). This provision has been in place and available to state agencies for decades. Agency inaction in processing appropriate exemptions is no reason to dismantle the core purpose of HEPA and fundamentally alter the landscape of environmental protection in Hawai’i Nei.

For these reasons, Earthjustice strongly opposes HB 658 and respectfully requests that it be held. Mahalo nui for this opportunity to testify. Please do not hesitate to contact us with any further questions or for further information.

Mahesh Cleveland



Senior Associate Attorney
Earthjustice, Mid-Pacific Office



SIERRA CLUB OF HAWAI'I

HOUSE COMMITTEES ON ENERGY & ENVIRONMENTAL PROTECTION And WATER & LAND

February 11, 2025 @ 10:15 AM HST Conference Room 325
SIERRA CLUB OF HAWAI'I COMMENTS OPPOSING HB658:
Relating to Environmental Review

Aloha Chair Lowen and Vice Chair Perruso,

The following are Sierra Club comments on HB 658.

We strongly oppose HB 658, Relating to Environmental Review. This bill would severely undermine state environmental law. This bill proposes to drastically weaken the definition of an “activity” that would trigger environmental assessment requirements - including “commercial boating and recreational activities” - by exempting from the definition of activity any “ongoing or recurring activities that have been lawfully permitted and are governed by applicable administrative rules or management plans within state-managed areas, including ocean recreation management areas, marine life conservation districts, and game management areas.”

The purpose of HEPA is to allow the state or relevant agency to use the latest science to assess whether an activity should be permitted. Under HEPA, when a permit runs out, the activity ceases. Just because an activity has been approved in the past, does not mean it should be automatically renewed, which is what HB658 appears to propose. HEPA requires a fresh examination of proposed environmental impacts from a renewal of permit, as the circumstances regarding a proposed permit may have changed.

We strongly urge against adoption of HB658 not be adopted

Mahalo,

Dave Raney
Sierra Club of Hawai'i

HB-658

Submitted on: 2/8/2025 9:05:04 AM

Testimony for EEP on 2/11/2025 10:15:00 AM

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

Comments:

Aloha Chair Lowen, Vice Chair Perruso, and Members of the Energy & Environmental Protection Committee,

*My name is Susan RobertsEmery, and I am Co Chair of the Green Party of Hawai'i. We want to have our voices heard that we **strongly oppose HB658**, which would allow the Department of Land and Natural Resources to evade any assessment of the environmental impacts of its ocean use and management decisions.*

*Our environmental review law allows decisionmakers and the public to make more fully-informed decisions that can balance and mitigate potential long-term impacts to the public interest from certain proposed activities, **BEFORE** those activities and their impacts are allowed to proceed.*

This bill would turn our environmental review process into an afterthought. We need transparency and trust in our agencies.

*On behalf of the Green Party of Hawai'i we urge you to **HOLD HB658**.*

Mahalo Nui,

*Susan RobertsEmery
Co Chair GPH
Green Party of Hawai'i
Paauilo*

HB-658

Submitted on: 2/9/2025 6:01:37 AM

Testimony for EEP on 2/11/2025 10:15:00 AM

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

Comments:

TESTIMONY OF CALYPSO CHARTERS IN STRONG SUPPORT OF HB658

HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Hearing Date: **Tuesday, February 11, 2025**

Time: **10:15 AM**

Location: **Conference Room 325 & Via Videoconference**

Chair Lowen, Vice Chair Perruso, and Members of the Committee on Energy & Environmental Protection:

My name is **Zachary LaPrade**, and I am the owner of **Calypso Charters**, a locally owned ocean tourism business operating in Hawai‘i. I submit this testimony in **strong support of HB658**, which seeks to **clarify the scope of environmental review under Chapter 343, HRS**, and protect **long-standing, lawfully permitted activities** from unnecessary and harmful disruption.

The Urgent Need for HB658

In recent years, **judicial interpretations have expanded the definition of "action" under Chapter 343**, threatening the continued operation of **ocean tourism businesses like mine and many others across the state**. This ruling means that **permits lawfully issued and renewed for decades** are now being subjected to **environmental review retroactively**, even though these activities:

- **Have not changed in scope or impact over time.**
- **Operate under strict existing regulations designed to protect Hawai‘i’s natural and cultural resources.**
- **Are already limited in number, meaning there has been no expansion of environmental impact.**

This **misinterpretation of Chapter 343** puts **hundreds of local businesses and jobs at risk**. Without legislative action, my company, along with many others, may face **permit revocations, operational shutdowns, and economic devastation**, not because of **any wrongdoing**, but simply due to a **shift in legal interpretation**.

The Economic & Community Impact

For Hawai‘i’s **ocean tourism industry**, the consequences of inaction on this issue will be severe:

- **Hundreds of job losses statewide**, including captains, crew, maintenance staff, and administrative personnel—many of whom have dedicated **decades** to this profession.
- **Economic instability for Maui and other affected regions**, particularly in areas **still recovering from COVID-19 and the Lahaina wildfires**.
- **Loss of safe, regulated tourism experiences**, forcing visitors into **unsupervised ocean activities** that lack safety protocols, increasing risk to both **tourists and first responders**.

HB658 Provides a Common-Sense Solution

HB658 will **correct this harmful reinterpretation of Chapter 343** by ensuring that **long-standing, lawfully permitted activities in heavily regulated areas (such as Ocean Recreation Management Areas and Marine Life Conservation Districts)** are not subjected to **unnecessary environmental review**.

Hawai‘i’s **ocean tourism businesses have always operated under stringent environmental regulations**, and we support responsible oversight. However, the **current judicial interpretation goes far beyond its intended scope**, creating **regulatory redundancies and administrative barriers that serve no benefit to the environment** while placing **legitimate, well-managed businesses in jeopardy**.

Hawai‘i’s Ocean Tourism Industry is Already Highly Regulated

Ocean tourism operators like Calypso Charters comply with **strict federal and state regulations**, including:

- **DLNR/DOBOR**: Ocean Recreation Management Areas (ORMA), permit limits, mooring restrictions, and revocation rules.
- **Division of Aquatic Resources (DAR)**: Marine Life Conservation District (MLCD) protections, species-specific rules, and reef preservation laws.
- **U.S. Coast Guard (USCG)**: Vessel inspections, licensed captains, crew safety training, and emergency preparedness.
- **NOAA & Marine Sanctuary Protections**: Whale approach limits, dolphin & monk seal protections, and seasonal speed restrictions.
- **Hawai‘i Department of Health (DOH)**: Water quality discharge regulations and waste management requirements.
- **Insurance Compliance**: Mandatory liability coverage, risk management policies, and strict safety protocols.

These existing regulations already ensure environmental protection, passenger safety, and operational accountability. Additional environmental reviews under Chapter 343 for these long-standing activities are unnecessary and redundant.

Conclusion

If HB658 is not passed, businesses like mine, which have operated responsibly under state regulations for decades, may be forced to shut down—not because of environmental harm, but because of an unintended legal consequence.

Hawai'i cannot afford to lose its ocean tourism industry, its jobs, and the safety measures that businesses like ours provide.

For these reasons, I strongly urge you to pass HB658 to protect Hawai'i's ocean tourism industry, its workers, and its communities.

Thank you for the opportunity to testify.

**Respectfully submitted,
Zachary LaPrade
Owner, Calypso Charters**



COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

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

Testimony for HB658

Subject: Testimony in **Strong Support of HB658** – Relating to Environmental Review

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

I am Mendy Dant, President of Fair Wind Cruises and Kona Sunrise Charters, a family-owned snorkel business in Kona since 1971, and I strongly support HB658.

Recent court decisions have expanded the definition of an environmental “action.” The new definition inadvertently includes long-standing, historically permitted activities in state-managed areas like ocean recreation management areas, marine life conservation districts, and game management areas. This will affect hundreds, if not thousands, of permit holders, putting them in jeopardy of being shut down due to the application of Chapter 343. Many of our ocean tourism businesses are local family businesses that have been lawfully operating for decades under administrative rules and will be forced to close unless the legislature takes immediate action.

HB658 ensures that long-standing, law-abiding commercial activities are not unfairly subjected to redundant environmental reviews under Chapter 343. Hawaii’s ocean tourism operators comply with strict administrative rules to protect natural resources. HB658 provides much-needed clarity and prevents unnecessary disruptions.

By excluding ongoing, permitted activities from the definition of “action,” this bill ensures regulatory efficiency while protecting the thousands of residents who depend on permits issued by the State to make a living.

Mahalo for considering this testimony.

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



TESTIMONY OF THE OCEAN TOURISM COALITION IN STRONG SUPPORT OF HB658.

Dear Chair Lowen, Vice Chair Perruso, and Members of the Committee Energy and Environmental Protection:

My name is Denver Coon. I am the president of the Ocean Tourism Coalition ("OTC"), which represents hundreds of locally owned ocean tourism businesses across the state, many of them family businesses. I am also the third-generation owner of our family business, Trilogy Excursions, which has operated in Hawai'i for 52 years. I was born and raised on Maui, and I am deeply concerned about the impact of recent judicial interpretations of Chapter 343 on the continued operation of longstanding businesses, particularly those operating in highly regulated areas like Kā'anapali.

HB658 Recognizes Existing State Oversight in Highly Regulated Areas

HB658 provides an exemption to Chapter 343 for permits in areas that are already subject to stringent state regulation. These areas include but are not limited to Ocean Recreation Management Areas (ORMAs), Marine Life Conservation Districts (MLCDs), and Game Management Areas (GMAs).

It is important to understand that the number of permits for Kā'anapali has not increased since the ORMA was established in the 1980s. The Kā'anapali ORMA went through extensive rulemaking, including public input, to limit the types of activities and the way activities are conducted. For vessel operators, this means limiting the number of permits, the size of the vessels, and the number of passengers they carry. All have remained unchanged for almost forty years.

In addition, tour vessels operating here are already heavily regulated by the Coast Guard, the State, and the County. Without a change to the law, the companies in the Kā'anapali ORMA will be forced to shut down and may never operate again. And, without legislative intervention, Chapter 343 will undoubtedly be used as a weapon to shut down countless other businesses and activities across the state.

Preventing Economic and Community Harm

My family's business has already endured two major shutdowns in the past five years: first due to COVID-19, then due to the devastating Maui fires in 2023. If our Kā'anapali permits are not renewed due to Chapter 343 requirements, we will be forced to lay off longtime employees—many of whom have been with us for over 20 years—yet again, through no fault of our own.

The loss of Kā'anapali permits would result in the elimination of 250 jobs. Many of my captains, including those who just received building permits to rebuild their homes

lost in the fire, would be left without jobs. Effectively, there would be no ocean recreation on the west side of Maui for an indefinite time. This is an unfair burden to put on a community just beginning to rebuild.

Furthermore, if these businesses are forced to close, tourists will continue to use the ocean and go snorkeling, but they will do so without the supervision, marine education, and onboard safety equipment that our employees provide. The burden of increased incidents will fall on local first responders, while our employees are left struggling to remain on an island that no longer supports their careers.

Conclusion

HB658 ensures the continued operation of longstanding permitted activities in highly regulated areas like ORMAs and MLCs. The state already has oversight over these areas, and shutting down these businesses will inevitably lead to hardship and heartache for the many residents who depend on these permits for their livelihood.

I humbly ask you to pass HB658 to protect Hawai'i's local businesses, like those in Kā'anapali, and the employees and communities they support.

Sincerely,



Denver S. Coon
President, Ocean Tourism Coalition
Third Generation Owner, Trilogy Excursions

HB-658

Submitted on: 2/9/2025 7:37:31 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

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

Comments:

Kupuna for the Moopuna is in **STRONG OPPOSITION to HB658**, which would allow the Department of Land and Natural Resources to evade any assessment of the environmental impacts of its ocean use and management decisions. Hewa!

HB658 would turn our environmental review process into an afterthought, legitimizing illegal agency practices that have inflicted and that will continue to inflict potentially irreparable harms to the vast and varied public interests in our ocean environment now and for the next generations to come. Please do not pass this bill; **HOLD HB658**. Mahalo.



February 11, 2025, 1015am

House Committee on Environmental Protection

RE: STRONG OPPOSITION HB658; Relating to Environmental Review

Dear Chair Lowen and Committee Members,

For the Fishes, a Maui-based nonprofit organization dedicated to protecting Hawaii's coral reef wildlife **strongly opposes HB658, which proposes to drastically amend our Hawaii Environmental Policy Act (HEPA) by amending the definition of "action" to dangerously and broadly apply to any "ongoing or recurring activities that have been lawfully permitted and are governed by administrative rules or management plans..."**

This proposed new definition completely undermines the entire intent and protections the legislature determined may be necessary in protecting our critical natural resources, held in the public trust for all the peoples of Hawaii. Further, exempting existing activities from potential environmental review completely removes the public from the process, whereby agencies or applicants would not be required to solicit public opinion or hold public hearings to receive feedback from the impacted communities.

Given climate change impacts, such as coral bleaching and ocean temperature rise, are forecast to only increase in frequency and intensity in the coming years, activities that may have been at one time acceptable, given their cumulative impact was either unknown or appeared negligible, could now be a major threat to our natural resources and constitutionally protected cultural practices, yet be completely exempt from any analyses.

This proposal would also strip DLNR of its requirement to employ the precautionary principle for activities that have unknown impacts or where scientific data is poor or lacking, if the activity was recurring. Equally, new scientific findings would be completely ignored under this proposal, if the activity had been ongoing prior to scientific discovery.

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

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Rep. Nicole E. Lowen, Chair

Rep. Amy A. Perruso, Vice Chair

DATE: February 11th, 2025

TIME: 10:15 am

PLACE: Conference Room 325

TESTIMONY IN STRONG SUPPORT OF HB658

Aloha Chair Lowen, Vice Chair Perruso, and members of the committee.

The Maui and Hotel Lodging Association is providing written testimony in **STRONG SUPPORT** of HB658. We support the bill's efforts to reduce redundant reviews for regulated operators, ensuring clarity and stability for commercial boating and recreation businesses. Businesses need to know that they will be able to renew their permit each year to provide security for their employees, financial institutions, etc.

Mahalo for your consideration,

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

HB-658

Submitted on: 2/10/2025 7:37:52 AM

Testimony for EEP on 2/11/2025 10:15:00 AM

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

Comments:

Aloha Chair Lowen, Vice Chair Perruso, and Members of the Energy & Environmental Protection Committee,

My name is Robert Culbertson, speaking as a member of the 'Big Island Reef Keepers hui', and **I strongly oppose HB658**, which would allow the Department of Land and Natural Resources to evade any assessment of the environmental impacts of its ocean use and management decisions.

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

Please HOLD HB 658

Mahalo!

HB-658

Submitted on: 2/7/2025 7:44:52 AM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Shelley M Kekuna	Ka'anapali Beach Resort Association	Support	Written Testimony Only

Comments:

Testimony for HB658

Subject: Testimony in Strong Support of HB658 – Relating to Environmental Review Aloha Chair and Members of the Committee,

I am Shelley Kekuna, Executive Director of Kā’anapali Beach Resort Association, and I strongly support HB658. I appreciate this opportunity to give testimony on behalf of the sixteen members of the Association, comprised of hotels, condos and businesses all located within a specific geographical location identified as the Kā’anapali Beach Resort on the west side of Maui.

Recent court decisions indicate that hundreds, if not thousands, of permit holders are in jeopardy of being shut down due to the application of Chapter 343 to longstanding permitted activities. Local family businesses that have been lawfully operating for decades under administrative rules will be forced to close unless the legislature takes immediate action.

Between COVID and the Lahaina fire, West Maui’s businesses have faced seemingly unsurmountable challenges for years. If this bill does not pass, the impacts of these potential closures will be felt widely across a community already struggling.

This bill ensures that long-standing, law-abiding commercial activities are not unfairly subjected to redundant environmental reviews under Chapter 343. Hawaii’s ocean tourism operators already comply with strict administrative rules designed to protect natural resources. HB658 provides much-needed clarity and prevents unnecessary disruptions. By excluding ongoing, permitted activities from the definition of “action,” this bill ensures regulatory efficiency while protecting the thousands of local residents that depend on permits issued by the State to make a living.

Mahalo for considering this testimony.

Sincerely,

Shelley Kekuna

Executive Director

Kā’anapali Beach Resort Association

Draft Testimony for HB658

Subject: Testimony in Strong Support of HB658 – Relating to Environmental Review

Aloha Chair and Members of the Committee,

My name is Dave Weiss and I strongly **support HB658**.

Recent court decisions indicate that hundreds, if not thousands, of permit holders are in jeopardy of being shut down due to the application of Chapter 343 to longstanding permitted activities. Local family businesses that have been lawfully operating for decades under administrative rules will be forced to close unless the legislature takes immediate action.

This bill ensures that long-standing, law-abiding commercial activities are not unfairly subjected to redundant environmental reviews under Chapter 343. Hawaii's ocean tourism operators already comply with strict administrative rules designed to protect natural resources. HB658 provides much-needed clarity and prevents unnecessary disruptions.

By excluding ongoing, permitted activities from the definition of "action," this bill ensures regulatory efficiency while protecting the thousands of local residents that depend on permits issued by the State to make a living.

Mahalo for considering this testimony.

Sincerely,
Dave Weiss

Senior VP
RED Hospitality and Leisure Hawaii, LLC

Draft Testimony for HB658

Subject: Testimony in Strong Support of HB658 – Relating to Environmental Review

Aloha Chair and Members of the Committee,

I am Jessica Belt and I strongly **support HB658**.

Recent court decisions indicate that hundreds, if not thousands, of permit holders are in jeopardy of being shut down due to the application of Chapter 343 to longstanding permitted activities. Local family businesses that have been lawfully operating for decades under administrative rules will be forced to close unless the legislature takes immediate action.

This bill ensures that long-standing, law-abiding commercial activities are not unfairly subjected to redundant environmental reviews under Chapter 343. Hawaii's ocean tourism operators already comply with strict administrative rules designed to protect natural resources. HB658 provides much-needed clarity and prevents unnecessary disruptions.

By excluding ongoing, permitted activities from the definition of "action," this bill ensures regulatory efficiency while protecting the thousands of local residents that depend on permits issued by the State to make a living.

Mahalo for considering this testimony.

Sincerely,

A handwritten signature in cursive script that reads "Jess Belt".

HB-658

Submitted on: 2/3/2025 1:22:46 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Daniel Hazen	Holo Holo Charters	Support	In Person

Comments:

Aloha,

I am in **strong support of HB658**, particularly due to its important amendment to section 343-2. The amendment clarifies that the term "action" does not include ongoing or recurring activities that have been lawfully permitted and are governed by applicable administrative rules or management plans within state-managed areas.

Without this amendment, local businesses and operators could face unnecessary administrative and financial burdens that would ultimately hinder their ability to serve Hawaii's guests and surrounding communities. By reducing redundant reviews, this amendment will provide clarity, efficiency, and stability for commercial operators, allowing them to focus on delivering high-quality services while maintaining compliance with essential regulations.

HB658 is an important step in supporting local businesses while ensuring that the necessary environmental protections and regulations remain in place. I urge you to support this bill as it provides a balanced approach that benefits both operators and the public.

Thank you for your time and consideration.

Sincerely,
Daniel Hazen
Operations Manager, Holo Holo Charters Inc.

HB-658

Submitted on: 2/3/2025 11:59:47 AM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Ashley@sailmaui.com	Individual	Support	Written Testimony Only

Comments:

Dear Chair and Members of the Committee,

I am writing to express my strong support for HB658, scheduled for a hearing on February 11 at 10:15 am.

As a long-standing operator in Hawaii's marine tourism industry, we have consistently adhered to state regulations and obtained the necessary permits to conduct business responsibly. However, recent legal challenges have created uncertainty and pose a threat to the continuity of operations for businesses like mine.

HB658 seeks to clarify Hawaii's environmental review process by exempting ongoing, legally permitted activities from redundant environmental assessments and impact statements in areas already managed and regulated by the state. This clarification is essential to prevent unnecessary administrative burdens that do not contribute to environmental protection but instead hinder lawful operations.

The passage of HB658 is crucial to protect our industry from potential regulatory chaos and to ensure that legally compliant businesses can continue to operate without unwarranted interruptions. I urge the committee to consider the positive impact this measure will have on maintaining the stability and vitality of Hawaii's marine tourism sector.

Thank you for your attention to this matter.

Sincerely,

Ashley Roussel
Sail Maui

HB-658

Submitted on: 2/3/2025 11:22:22 AM

Testimony for EEP on 2/11/2025 10:15:00 AM

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

Comments:

Aloha Chair and Members of the Committee,

My name is Don Prestage, and I am writing to express my **strong support for HB658**.

Recent court decisions have put **hundreds, if not thousands, of permit holders at risk** of being shut down due to the application of Chapter 343 to long-standing, permitted activities. This threatens the future of **local family businesses**—many of which have been operating lawfully and responsibly for decades under established administrative rules. Without immediate legislative action, these businesses could be forced to close, impacting both livelihoods and our local economy.

HB658 is essential because it ensures that long-standing, law-abiding commercial activities are not unfairly subjected to redundant environmental reviews under Chapter 343.

Businesses like ours, especially in Hawaii’s ocean tourism sector, already comply with **strict administrative rules** designed to protect our natural resources. Adding unnecessary layers of review not only creates confusion but also threatens the stability of businesses that play a vital role in our community.

By **excluding ongoing, permitted activities from the definition of “action,”** this bill promotes regulatory efficiency while safeguarding the thousands of local residents who depend on state-issued permits to support their families.

I urge you to **pass HB658** to protect Hawaii’s small businesses, support local jobs, and maintain a fair, consistent regulatory environment.

Mahalo for considering my testimony.

Sincerely,
Don Prestage

HB-658

Submitted on: 2/3/2025 3:23:14 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Bell	Body Glove Hawaii	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

My name is Michael, and I am the General Manager of Body Glove Cruises. I strongly support HB658.

Recent court decisions indicate that hundreds, if not thousands, of permit holders are at risk of being shut down due to the application of Chapter 343 to longstanding permitted activities. Local family businesses that have been lawfully operating for decades under administrative rules will be forced to close unless the legislature takes immediate action.

This bill ensures that long-standing, law-abiding commercial activities are not unfairly subjected to redundant environmental reviews under Chapter 343. Hawaii’s ocean tourism operators already comply with strict administrative rules designed to protect natural resources. HB658 provides much-needed clarity and prevents unnecessary disruptions.

By excluding ongoing, permitted activities from the definition of “action,” this bill ensures regulatory efficiency while protecting the thousands of local residents who depend on state-issued permits to make a living.

Mahalo for your time and consideration.

Sincerely,
Michael

February 11, 2025

Representative Nicole E. Lowen, Chair
Committee of Energy & Environmental Protection
House of Representatives
Conference Room 325
State Capitol
415 S. Beretania Street
Honolulu, HI 96813

Subject: Testimony in Strong Support of HB658 – Relating to Environmental Review

Aloha Chair Lowen and Members of the Committee of Energy & Environmental Protection,

My name is Edwin Torres, General Manager of the OUTRIGGER Kā'anapali Beach Resort, and I strongly **support HB658**.

Recent court decisions indicate that hundreds, if not thousands, of permit holders are in jeopardy of being shut down due to the application of Chapter 343 to longstanding permitted activities.

Local family businesses that have been lawfully operating for decades under administrative rules will be forced to close unless the legislature takes immediate action.

This bill ensures that long-standing, law-abiding commercial activities are not unfairly subjected to redundant environmental reviews under Chapter 343. Hawaii's ocean tourism operators already comply with strict administrative rules designed to protect natural resources. HB658 provides much-needed clarity and prevents unnecessary disruptions.

By excluding ongoing, permitted activities from the definition of "action," this bill ensures regulatory efficiency while protecting the thousands of local residents that depend on permits issued by the State to make a living.

Mahalo for considering this testimony.

Sincerely,



Edwin Torres
General Manager

HB-658

Submitted on: 2/5/2025 5:56:26 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Ed Sultan	Individual	Support	Written Testimony Only

Comments:

Subject: Strong Support for HB658 – Relating to Environmental Review

Aloha Chair and Members of the Committee,

I am writing in **strong support of HB658.**

Recent court decisions have created **significant uncertainty** for hundreds of businesses operating under long-established permits. These businesses, many of them **local, family-owned enterprises**, have lawfully operated for decades under **strict administrative rules** designed to protect Hawaii’s natural resources. Without **immediate legislative action**, they now face the very real risk of being shut down due to **the expanded application of Chapter 343.**

HB658 provides **critical regulatory clarity** by ensuring that **longstanding, law-abiding commercial activities are not unfairly subjected to redundant environmental reviews.** Hawaii’s **ocean tourism operators**, along with many other businesses, already comply with **rigorous permitting requirements** that safeguard the environment. Subjecting them to **additional, unnecessary environmental reviews** would **not** enhance environmental protection—but it **would** put businesses, jobs, and livelihoods in jeopardy.

By **clarifying that ongoing, permitted activities do not fall under the definition of “action”** in Chapter 343, this bill ensures a **balanced and efficient regulatory process.** It upholds Hawaii’s commitment to environmental stewardship **without jeopardizing the thousands of residents who rely on permitted commercial activities to make a living.**

As a business that lost **three stores on Front Street** and a **district office in Lahaina**, we understand firsthand the immense challenges faced by **West Maui's business community** in the wake of the **devastating Lahaina fires of August 2023.** The last thing these businesses need is additional, unnecessary obstacles that could force them to close permanently. **Adding to their hardships would only deepen the economic and emotional toll on the community.**

Furthermore, **West Maui’s tourism industry relies on the unique and authentic Hawaiian experiences that these businesses provide.** Visitors treasure these experiences, which connect them to Hawaii’s culture, people, and traditions. **Do not take away the opportunity for future visitors to create these lasting memories.** Keeping these businesses open means preserving the heart and soul of what makes Hawaii special.

I respectfully urge you to **pass HB658** to protect **Hawaii's local businesses, jobs, and communities.**

Mahalo for your time and consideration.

Sincerely,

Ed Sultan

CEO

Na Hoku, Inc.

dba Na Hoku - Hawaii's Finest Jewelers Since 1924 (www.NaHoku.com)

dba Pearl Factory - Hawaii's Original Pearl-in-the-Oyster (www.Pearl-Factory.com)

3049 Ualena St Fl 12

Honolulu, Hawaii 96819-1954

Ranked 18th (tie) largest jeweler in North America by National Jeweler Magazine (2024 and similar in previous years)

Ranked 35th \$100 million Superseller in North America by National Jeweler Magazine (2024)

Voted "Hawaii's Best Jewelry Store" in the "People's Choice Awards" by the readers of Hawaii's largest daily newspaper, the Honolulu Star Advertiser (2014-2023)

Ranked 17th largest private company in Hawaii by Pacific Business News Magazine (2018)

Ranked 80th largest business in Hawaii by Hawaii Business Magazine (2023 and similar in previous years)

Ranked one of the Best Places to Work in Hawaii by Hawaii Business Magazine (2016-2019)

Voted the "Best of the Best" Jewelry store in Hawaii by readers of Hawaii Magazine (2018-2021)

Voted the "Best Jewelry Store in Hawaii" by the readers of Honolulu Magazine (2015-2021)

Voted the "Best Destination Jewelry Brand" by readers of Global Traveler (2020-2023)

Awarded the Environmental and Green Award by the Hawaii Jewelers Association (2014)

Top honors in various jewelry design contests

HB-658

Submitted on: 2/3/2025 5:13:11 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Richard Kersten	Sea Paradise Scuba Inc.	Support	Written Testimony Only

Comments:

I strongly support this bill as it would protect the future of my business.

Sincerely,

Richard Kersten

President

Sea Paradise Scuba Inc.

**Manu Powers
Sea Quest Hawaii
Est. 1997
PO Box 390292
Keauhou, HI
96739**

Draft Testimony for HB658

Subject: Testimony in Strong Support of HB658 – Relating to Environmental Review

Aloha Chair and Members of the Committee,

I, Manu Powers, strongly **support HB658**. Recent court decisions indicate that hundreds, if not thousands, of permit holders are in jeopardy of being shut down due to the application of Chapter 343 pertaining to longstanding permitted activities. Local family businesses that have been lawfully operating for decades under administrative rules will be forced to close unless the legislature takes immediate action.

This bill ensures that long-standing, law-abiding commercial activities are not unfairly subjected to redundant environmental reviews under Chapter 343. Hawaii’s ocean tourism operators already comply with strict administrative rules designed to protect natural resources. HB658 provides much-needed clarity and prevents unnecessary disruptions.

By excluding ongoing, permitted activities from the definition of “action,” this bill ensures regulatory efficiency while protecting the countless residents that depend on permits issued by the State to make a living. Mahalo for considering this testimony.

Mālama Pono,



Manu Powers
Owner, Sea Quest Hawaii



TESTIMONY FOR HB658
TESTIMONY IN FULL SUPPORT of HB658 - Concerning Environmental Review

February 5, 2025

Aloha Chair and Members of the Committee, I, Inca Robbin, am in complete support HB658.

We have been operating in West Maui for decades and are a local, family-owned and operated small business who is now threatened with losing everything. This could and will impact hundreds of operators island wide under recent court decisions regarding application of Chapter 343. The passing of HB 658 will assist in protecting positive business entities and the families that manage them from being unfairly held to redundant environmental and other reviews under possible Chapter 343. These operators, to have their permits renewed, and continue ongoing operations year after year, must comply with defined and in place, stringent administrative rules for the protection of our State's natural resources. These operators must also continue to comply with and be inspected by federal agencies ensuring safety and good business practices.

Approval for HB658 will allow us to stay in business without closure, disruption or financial ruin. If and when environmental conditions change, or issues occur, and operators are not in complete compliance then they would be required to come under compliance or potentially cease operations. By adding an exclusion for already permitted activities from any definition of "action" you would be assisting conscientious business owners. HB658 will allow for continued efficiency and clarity of regulations and keep a large number of hard-working families employed where they can stay a part of our wonderful community here in Hawaii. Especially on Maui, where we are still recovering from a tragic disaster, forcing individuals, families and companies to go out of business and move on would be dealing yet another level of hardship and tragedy to the community. Our employees support families and have children in schools, they are church going, taxpayers, with generations of family who are longtime residents of West Maui, they depend on our company to provide employment and a steady livelihood.

I sincerely appreciate your time in considering my testimony.

Inca Robbin
Sailing Maui Inc. - 808 870-3673

HB-658

Submitted on: 2/5/2025 1:10:06 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Christopher Kasper	Calypso Charters	Support	Written Testimony Only

Comments:

Subject: Testimony in Strong Support of HB658 – Relating to Environmental Review

Aloha Chair and Members of the Committee,

I am Christopher Kasper and I strongly support HB658.

Recent court decisions indicate that hundreds, if not thousands, of permit holders are in jeopardy of being shut down due to the application of Chapter 343 to longstanding permitted activities. Local family businesses that have been lawfully operating for decades under administrative rules will be forced to close unless the legislature takes immediate action.

This bill ensures that long-standing, law-abiding commercial activities are not unfairly subjected to redundant environmental reviews under Chapter 343. Hawaii’s ocean tourism operators already comply with strict administrative rules designed to protect natural resources. HB658 provides much-needed clarity and prevents unnecessary disruptions.

By excluding ongoing, permitted activities from the definition of “action,” this bill ensures regulatory efficiency while protecting the thousands of local residents that depend on permits issued by the State to make a living.

Mahalo for considering this testimony.

Sincerely,
Christopher Kasper

HB-658

Submitted on: 2/6/2025 11:12:17 AM

Testimony for EEP on 2/11/2025 10:15:00 AM

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

Comments:

Aloha Chair and Members of the Committee,

My name is Blake Moore and I strongly **support HB658**.

This common sense bill ensures that long-standing, law-abiding commercial activities are not unfairly subjected to redundant environmental reviews under Chapter 34 and allows residents of West Maui to avoid yet another unavoidable, catastrophic shock to their lives.

Existing operations already comply with strict administrative rules designed to protect natural resources. HB658 provides our industry and people the much-needed clarity and prevents unnecessary disruptions and loss of employment of the residents of West Maui.

By excluding ongoing, permitted activities from the definition of “action,” this bill ensures regulatory efficiency while protecting the thousands of local residents that depend on permits issued by the State to make a living.

The recent decisions at the judicial level indicate that hundreds, if not thousands, of permit holders are in jeopardy of being shut down due to the interpretation of Chapter 343 to longstanding permitted activities.

My family has been a member of the Maui community and its boating community in Maui for 25 years. These operations have been lawfully operated for decades under current administrative rules. If this bill clarifying the intent of the law isn't passed, we will be forced to close resulting in the loss of over 60 jobs in West Maui and countless others from vendors who support our business.

Mahalo for considering this testimony.

HB-658

Submitted on: 2/5/2025 3:06:54 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

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

Comments:

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

Mahalo for the opportunity to provide testimony regarding H.B. No. 658. I offer this testimony in support of the bill, with full respect for the critical importance of protecting Hawaii’s unique and fragile environment. I understand and share the deep passion many in our community feel for safeguarding our natural resources, and I believe that this legislation maintains that commitment while addressing areas where our regulatory processes have created unintended challenges.

Hawaii’s environmental review process under Chapter 343 has been a cornerstone of our efforts to protect natural resources, ensuring that new projects are carefully assessed for potential environmental impacts. However, as the law has evolved, some long-standing and lawfully permitted activities, already governed by comprehensive administrative rules, have become subject to additional environmental reviews. These activities include recreational and commercial operations in marine life conservation districts and other state-managed areas, operations that are regulated with strict environmental standards designed to preserve biodiversity, cultural practices, and sustainability.

This bill does not diminish or bypass Hawaii’s environmental protections. Rather, it recognizes that activities with proven compliance and management plans do not benefit from being subjected to redundant reviews. By clarifying the scope of “action” under Chapter 343, H.B. No. 658 helps focus state resources on assessing new or modified projects that could introduce significant environmental risks, while allowing long-standing, regulated activities to continue without unnecessary administrative hurdles.

Additionally, many of these activities provide vital contributions to Hawaii’s economy and communities, including local businesses that support families and livelihoods across the islands. It is crucial that we maintain a balance between protecting our environment and ensuring that regulated, compliant industries can continue to operate sustainably.

This is not a matter of reducing environmental oversight, but rather one of making oversight more effective and efficient. I respectfully urge those who are passionate about environmental protection to consider that this measure preserves our shared values while reducing barriers that impede operations already designed to protect natural resources.

In conclusion, I support H.B. No. 658 because it enhances regulatory efficiency while maintaining the high environmental standards that we all treasure. I appreciate your thoughtful consideration of this measure and the perspectives of all community members as we work together to protect Hawaii's environment and future prosperity.

Mahalo for your time and understanding.

Gabriel Lucy, GM/President, Capt. Andy's Sailing llc.



TESTIMONY FOR HB658
Testimony in FULL support of HB658
Concerning Environmental Review

February 5, 2025

Aloha Chair and Members of the Committee,

I, Peter Wood, am in **complete support HB658**.

Long-standing commercial operators, most of which are family-owned and operated (like my own) are now possibly threatened with losing their businesses. This could and would impact many hundreds of statewide operators under recent court decisions regarding application of Chapter 343. Our companies, families and vital activity operators for our Hawaii visitors and local residents have followed all guidelines and lawfully operated for decades and in some cases generations. We risk now being put out of business unless the legislature can intervene and take action to prevent this calamitous outcome.

When passed, HB 658 would help in protecting strong, positive business entities and the families that manage them from being unjustly and unfairly held to redundant environmental and other reviews under possible Chapter 343. In order to have and renew our permits, operators must annually comply with defined and in-place stringent administrative rules for the protection of our State's natural resources. We also must comply with Federal guidelines for safety and good business practices. Approval for HB658 will allow operators to stay in business without closure, disruption or financial tragedy for them and their employees. If and when environmental conditions change, or issues occur, and if any of the operators are not in

complete compliance, then we should be required to come under compliance or potentially cease operations.

I ask that you please help the well respected and professional operators (like mine) by adding exclusion for “already permitted activities” from any definition of “action.” HB658 will allow for continued efficiency and clarity of regulations and also keep many hardworking families and their companies in business and able to remain part of our vibrant community here in Hawaii. Especially on Maui, where we are only starting to recover from a massive disaster caused by the Lahaina fires. This would be forcing even more individuals, families and companies to close operations and move to other islands or the mainland. It would be igniting yet another level of hardship and tragedy to the community.

Mahalo for taking the time to read and consider my testimony,

Captain Peter Wood
808 870-3672

HB-658

Submitted on: 2/4/2025 4:10:15 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
BENNETT CONVERSE	Sail Maui	Support	Written Testimony Only

Comments:

I am Bennett Converse with Sail Maui, and I strongly **support HB658**.

Recent court decisions indicate that hundreds, if not thousands, of permit holders are in jeopardy of being shut down due to the application of Chapter 343 to longstanding permitted activities. Local family businesses that have been lawfully operating for decades under administrative rules will be forced to close unless the legislature takes immediate action.

This bill ensures that long-standing, law-abiding commercial activities are not unfairly subjected to redundant environmental reviews under Chapter 343. Hawaii’s ocean tourism operators already comply with strict administrative rules designed to protect natural resources. HB658 provides much-needed clarity and prevents unnecessary disruptions.

By excluding ongoing, permitted activities from the definition of “action,” this bill ensures regulatory efficiency while protecting the thousands of local residents that depend on permits issued by the State to make a living.

Mahalo for considering this testimony.

Sincerely,
Bennett Converse

HB-658

Submitted on: 2/6/2025 12:17:34 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
nicholas	Teralani Sailing	Support	Written Testimony Only

Comments:

Testimony in Support of HB658 & HB661

Aloha Chair and Members of the Committee,

My name is Nicholas Russo, and I am a teacher in Lahaina. I am writing in strong support of HB658 and HB661 because, like so many essential workers on Maui, I rely on a second job in the tourism industry to survive. The high cost of living, combined with the devastating loss of our community in the August wildfires, has made it nearly impossible to stay. Without the ability to work on tourist boats in Ka‘anapali, I—and many others—would not be able to afford to continue living here and serving the children of Lahaina.

The wildfires changed everything. Not only did we lose homes and loved ones, but our local economy was shattered. Businesses closed, families were displaced, and the trauma of that day still lingers in our classrooms. Many students I teach lost everything, and their families are struggling to rebuild while trying to find work in an economy that has not yet recovered.

Tourism may not be the only solution, but right now, it is one of the few industries left providing jobs that allow local residents to stay. Teachers, firefighters, nurses, and other essential workers depend on second jobs in tourism to afford rent, groceries, and gas. Shutting down legally operating tour boats in Ka‘anapali would only push more of us out, making it even harder to keep our schools, hospitals, and emergency services staffed.

HB658 ensures that legally permitted businesses in areas already managed by the state are not stalled by unnecessary environmental assessments. HB661 allows these businesses to continue operating while assessments are conducted, rather than forcing them to shut down indefinitely. These bills provide balance—ensuring both environmental oversight and economic survival.

We all want to protect Maui’s natural resources, and those of us who work in tourism understand the need for sustainability. But shutting down responsible, locally owned businesses at a time when our community is still in crisis will only cause more harm.

I urge you to support HB658 and HB661 to protect our local workforce, keep families in Lahaina, and help Maui recover in a way that supports both its people and its environment.

Mahalo for your time and consideration.

Sincerely,

Nicholas Russo

Lahaina Educator and Resident

Testimony for HB658

Testimony in FULL Support of HB658 – Concerning Environmental Review

Aloha Chair and Members of the Committee,

My name is Philippe Le Blanc, and for over a decade, I've been involved in ocean recreation and boating services on Maui. I am writing to express my full support for HB658 because it is essential for preserving local businesses and protecting the livelihoods of countless families.

Many commercial operators, most of which are family-run, small businesses that have served our community for generations, are now at risk of being shut down due to recent court decisions concerning the application of Chapter 343. These businesses have operated lawfully and responsibly, following strict guidelines for decades. Without legislative action, we risk losing key operators who play a vital role in both the local economy and the experience we provide to visitors and residents.

HB658 would be a crucial step in safeguarding these businesses from being unfairly subjected to redundant environmental reviews under Chapter 343. Operators are already required to comply with strict administrative rules to protect Hawaii's natural resources. This bill would allow them to continue their operations without facing unnecessary disruptions or financial ruin. If conditions change or issues arise, operators can still be held accountable and required to address any compliance concerns.

One of the most important aspects of HB658 is its proposal to exclude already permitted activities from being classified as an "action" under Chapter 343. This clarification would provide much-needed stability and prevent further confusion. Especially here in Maui, where we are still recovering from recent disasters, it's vital to support local businesses and avoid adding more burdens during an already difficult time.

HB658 ensures that responsible operators can continue their work while keeping families and businesses intact. Without it, we risk further financial hardships and a loss of important contributors to our community.

I urge you to support HB658 and help secure the future of these businesses that are an integral part of Hawaii's culture and economy.

Thank you for considering my testimony.

Mahalo, Philippe Le Blanc
(808) 344-5887

HB-658

Submitted on: 2/10/2025 8:14:31 AM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Tony Coscia	Captain Andy's Sailing Inc	Support	In Person

Comments:

Aloha Esteemed Chairs, Vice Chairs, and Members of the House Committee on Energy & Environmental Protection,

My name is Tony Coscia, and I've been working in Hawaii's marine tourism industry since 2009. As the Operations Manager for a local tour company, I'm deeply committed to protecting our environment while ensuring the livelihoods of local families, including my own.

House Bill 658 is essential for businesses like ours that have long been complying with the strict regulations in state-managed areas. Recent changes to the definition of "action" in environmental reviews could create unnecessary disruptions, even for businesses that are already following the rules. By clarifying that well-regulated activities are not subject to redundant reviews, this bill helps maintain environmental standards while allowing businesses to continue operating smoothly.

Please support House Bill 658 to keep Hawaii's economy and environment in balance for future generations.

Mahalo for your time and consideration.

Sincerely,
Tony Coscia
Operations Manager, Captain Andy's Sailing Adventures

HB-658

Submitted on: 2/10/2025 10:02:34 AM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Brian Keao Shaw	Abosute Charters inc.	Support	Written Testimony Only

Comments:

Aloha,

My name is Brian Keao Shaw I own and operate Absoute Charters inc. DBA Kainani Sails off of kaanapali beach. We have an extremely small impact in the area, we carry 6 or less passengers onboard a monohull sailboat with two crew members. We burn very little fuel probably less than a gallon a day. We pick up our guests with a small shuttle boat on the beach. We are a local family that follows all state and federal laws. This business has been in operation for over 30 years. My partner and i have run it for over 11 years, we use the income to pay our mortgages and take care of our two young children, while planning for ours and their future. Putting us out of business for even 6 months would colapse the business. Running a business like this is expensive, Insurance is over \$25,000 a year, how would we be able to pay this, how would we pay for the maintenance of the vessel. We have four crew members that work aboard the vessel including Micah Nashiki (Kai Nashiki's son!). Shutting down Kaanapali even for a short term would have enormous impacts on west maui as a tourist destination especially with everything else happening at the moment. I uderstand there is a group of people with a loud voice speaking out against tourism, but why are we attacking local companies and local families. I bet if we ask each of the people bringing this case forward if they have any family that works in tourism the simple answer will be an overwhelming "yes". People come from around the world to visit Maui. Some people might not realise it, but during covid Maui county had the highest unemployment in the country because no matter what industry you work in, there is a good chance you will be affected, from teacher who teach our kids, to mechanics, who repair our cars, and boats, it's all one circle. we need a way to bring money into our economy, while the hotels are owned by outside shareholders.

Thank you for your time and support

Aloha Keao

HB-658

Submitted on: 2/10/2025 10:43:06 AM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
eric kingma	Hawaii Longline Association	Support	Written Testimony Only

Comments:

The Hawaii Longline Association supports HB658.

HB-658

Submitted on: 2/10/2025 11:30:56 AM

Testimony for EEP on 2/11/2025 10:15:00 AM

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

Comments:

Aloha,

I am Teri Leicher managing Partner of Jack's Diving Locker In Kailua Kona.

We are in favor of modifying the definition of HB658, which aims to maintain environmental standards while improving regulatory efficiency, ensuring that activities already subject to strict administrative oversight do not need to undergo additional environmental review.

We Understand the bill will take effect upon approval and does not affect rights, duties, penalties, or proceedings that existed before its effective date.

Mahalo,

 Teri Leicher

HB-658

Submitted on: 2/10/2025 11:48:16 AM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Godfrey Akaka	The Native Hawaiian Gathering Rights Association	Support	Written Testimony Only

Comments:

We support this bill. Mahalo.



February 10, 2025

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION
Rep. Nicole E. Lowen, Chair
Rep. Amy A. Perruso, Vice Chair

Re: Strong Support of HB658

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

My name is Garrett W. Marrero, and I live in Kihei, Hawai'i. I am the CEO and Founder of Maui Brewing Co., operating locations in Lahaina, Kaanapali, and Kihei on Maui, and Waikiki and Kailua on Oahu. We distribute our beverages across Hawai'i, 26 states, and 2 countries. Since our founding in 2005, we have grown from 26 team members to over 500 statewide. This past week marks 20 years since we opened our doors. I am writing in strong support of HB658.

Recent court decisions have placed hundreds, if not thousands, of longstanding permit holders at risk of being shut down due to the application of Chapter 343 to activities that have operated lawfully for decades. Without legislative action, local family businesses that have complied with established administrative rules will be forced to close—causing significant economic and community harm.

HB658 provides much-needed clarity by ensuring that these long-standing, law-abiding commercial activities are not unfairly subjected to redundant environmental reviews under Chapter 343. Hawai'i's ocean tourism operators already adhere to strict administrative regulations that protect our natural resources. Subjecting them to additional, unnecessary reviews would create undue hardship and disrupt industries that sustain local livelihoods.

By excluding ongoing, permitted activities from the definition of "action," this bill upholds regulatory efficiency while safeguarding the thousands of residents who depend on these state-issued permits to make a living.

I urge you to pass HB658 to protect Hawai'i's businesses, workers, and economy.

Mahalo for your time and consideration!

Sincerely,

Garrett W. Marrero
CEO/Founder

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

HB-658

Submitted on: 2/10/2025 1:20:03 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

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

Comments:

Subject: Testimony in Strong Support of HB658 – Relating to Environmental Review

Aloha Chair and Members of the Committee,

My name is Chandra Bertsch, and I strongly support HB658.

Recent court rulings have created uncertainty for hundreds of permit holders, putting longstanding businesses at risk of being shut down. Family-owned operations that have followed the rules for decades now face closure unless the legislature steps in to provide clarity and fairness.

HB658 ensures that legally operating businesses are not subjected to unnecessary, repetitive environmental reviews under Chapter 343. This interpretation is currently putting Hawaii’s ocean tourism industry at risk, despite the strict regulations that already exist which are designed to protect our natural resources.

By clarifying that ongoing, permitted activities are not classified as new “actions,” HB658 upholds regulatory consistency and safeguards the thousands of residents who rely on state-issued permits to earn a living. Now is the time to preserve both our environment and our economy.

Mahalo for your time and consideration.

Sincerely,
Chandra Bertsch

Co-Owner & General Manager

Holo Holo Charters



COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

DATE: Tuesday, February 11, 2025

TIME: 10:15 AM

Strongly Support HB658

Aloha Chair Lowen and Vice Chair Perruso and committee members,

My name is Antoinette Davis. It has been my honor to represent the Activities and Attractions Association of Hawaii (A3H), a not-for-profit 501c6 trade organization, as its executive director since 1997 (28 years). **A3H strongly supports HB658.**

This Bill allows previously permitted activities to continue operating while undergoing environmental assessment, or an environment impact statement is required. This is critical for ensuring regulatory stability and preventing unnecessary interruptions for compliant businesses.

Usually, an environmental review is required before opening an area to commercial activities. However, this review may not have taken place for those commercial activities that started some 40 years ago. Activities that use Hawaii's natural resources are stewards of the place being used. They provide safety, security, and access to the place and the visitors. These users support environmental protection. They are now collateral damage from DLNR oversight.

A court case from 2017 now threatens to close down Ka'anapali commercial boating over allegations that have little to do with commercial boating today in that area. The order will force lawfully permitted operators to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies. This EA should focus on the impact of boating activity while none will occur. This action alone will lead to the closure of local businesses and the loss of jobs an estimated 230 jobs.

History has shown that activities that have lost their permits and been shut down don't return. Please do not let this be the case for the hundreds of businesses and residents who depend on these activities for their livelihoods. Please pass SB1074 and support our local families and businesses.

Mahalo for your time,

Toni Marie Davis

HB-658

Submitted on: 2/9/2025 9:45:27 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

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

Comments:

Aloha Chair and Members of the Committee,

My name is Ginger Lucy, and I am both an owner and employee of Trilogy Excursions, a locally owned and operated business that has been serving Hawai‘i’s residents and visitors for over 50 years. I am submitting this testimony in strong support of HB658.

HB658 is a critical clarification to Hawai‘i’s environmental review process under Chapter 343. By excluding ongoing, legally permitted activities from the definition of “action”, this bill ensures regulatory efficiency while protecting the thousands of local residents who depend on permits issued by the State to make a living.

This measure prevents unnecessary and redundant environmental assessments (EA) and environmental impact statements (EIS) for activities already regulated in areas such as Ocean Recreation Management Areas (ORMAs) and Marine Life Conservation Districts (MLCDs). These areas are already subject to strict oversight and conservation efforts, ensuring that permitted businesses operate responsibly and sustainably.

Requiring additional environmental reviews for activities that have long been permitted and managed under existing state regulations creates unnecessary financial and operational burdens for businesses, many of which are small, family-owned, and deeply committed to environmental stewardship. These unnecessary delays could jeopardize livelihoods, increase costs for local businesses, and create regulatory uncertainty for industries that rely on long-standing permits to operate.

Moreover, businesses in Lahaina and across Hawai‘i continue to face unprecedented hardships—from wildfires and natural disasters to the economic devastation of the COVID-19 pandemic. Forcing additional environmental reviews on activities that have already passed regulatory scrutiny only adds to the challenges these businesses face.

Hawai‘i’s ORMAs and MLCDs already have strong environmental protections in place, ensuring that permitted activities do not negatively impact marine ecosystems. HB658 preserves environmental oversight while eliminating unnecessary bureaucratic obstacles, allowing permitted operators to continue their work without undue hardship.

I strongly urge you to pass HB658.

Mahalo for your time and consideration.

Ginger Lucy



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

HEARING BEFORE THE HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION
HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 325
Tuesday, February 11, 2025, 10:15 A.M.

To The Honorable Nicole E. Lowen, Chair
The Honorable Amy A. Perruso, Vice Chair
Members of the committee on Energy & Environmental Protection

SUPPORT HB658 RELATING TO ENVIRONMENTAL REVIEW

The Maui Chamber of Commerce **SUPPORTS HB658**, which clarifies Hawaii's environmental review process by excluding ongoing, permitted activities (such as commercial boating and recreational activities in state-managed areas) from requiring environmental assessments under Chapter 343.

The Chamber emphasizes that these permitted activities have been conducted for decades without incident. Our collaboration with commercial ocean recreation permittees has shown that they often exceed environmental protection standards, ensure guest safety, and comply with regulations. Many permit holders are exemplary stewards of the environment, educating both residents and visitors on how to safeguard the ocean and marine life.

We appreciate that this measure will make existing permitted activities exempt from HRS 343. This approach provides a solution that balances environmental protection with the economic well-being of our community.

For these reasons we **SUPPORT HB658** and respectfully request it be passed.

Sincerely,

Pamela Tumpap
President

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

HB-658

Submitted on: 2/10/2025 5:39:23 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Nick Croft	Explore Kauai Scuba, LLC	Support	Written Testimony Only

Comments:

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

My name is Nick Croft, and I strongly support HB658. I am a hardworking resident and small business owner of Kauai County, and I put passion into my work every hour of every day. This bill gives me peace of mind and allows me to sleep at night knowing that I am treated fairly.

I follow the administrative rules and take pride in being a responsible steward of this land and ocean.

This bill ensures that hardworking, law-abiding residents like myself receive the fairness we deserve.

I speak as one fish in an ocean of many-this is huge! Please, please, please consider passing this bill to support the dedicated people of our state.

Mahalo for your time,

Nick Croft

HB-658

Submitted on: 2/10/2025 5:49:06 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

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

Comments:

Testimony in Strong Support of HB661 – Relating to Environmental Review

Aloha Chair and Members of the Committee,

My name is George Garnes and I strongly support HB661.

HB661 allows previously permitted activities to continue operating while undergoing environmental review if permits are challenged. This is critical for ensuring regulatory stability and preventing unnecessary interruptions for compliant businesses.

This bill also recognizes the importance of maintaining environmental standards while avoiding redundant reviews. It strikes a fair balance between protecting Hawaii’s natural resources and supporting long-standing, regulated operations.

Forcing lawfully permitted operators to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies will inevitably lead to the closure of local business and the loss of job for even more.

History has shown that activities that have lost their permits and been shut down (e.g., the Super Ferry, Aquatic Fish Collectors, etc.) don’t come back. Please do not let this be the case for the hundreds of businesses and thousands of residents that depend on these activities for their livelihoods.

Please pass HB661 and support our local families and businesses.

Mahalo for considering this testimony.

Sincerely,

George F. Garnes III

HB-658

Submitted on: 2/10/2025 6:07:35 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

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

Comments:

Aloha Chair and Members of the Committee,

I am Jessie Croft and I strongly support HB658.

This bill protects hard-working, small businesses. Small businesses already operate under strict administrative rules. This bill will protect us from unnecessary environmental assessments. Please, please pass this bill to give small business owners some protection. we have been under the attack by the DLNR for the last few years. The stress from constantly fighting for our small business year after year is very annoying

Mahalo for considering this testimony.

Sincerely,
Jessie croft

HB658 Testimony

Testimony

[COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION](#)

And [COMMITTEE ON WATER & LAND](#) Tuesday, Feb 11th 2025 9:15 AM

In Strong Support of HB 658

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

Court injunction blocks commercial ocean permitting in Kā'anapali hundreds to lose jobs!

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

Act 343 shuts them down solely because of user conflict, not because of environmental concerns. So, let's look at Act 343 and what it actually says.

HRS Chapter 343 1-7 Is Viewable by pressing the “next results” at the top of the page to scroll through. Link:

<https://search.capitol.hawaii.gov/HRS/isysquery/995ea4a7-9608-41ab-a7f4-7446f84626bd/1/doc/>

Chapter 343 HRS does not imply anywhere in its statutes that ocean-based permits apply. This law was intended for land-based construction.

Recent Kā'anapali Court decision: Hundred without Jobs After many of them Lost Their Homes to the Lahaina Wildfire, permits are likely to be removed before expiring. The Lahaina harbor still needs 34 million in renovations before tourist companies can use it, leaving these businesses shut down! Other location harbors are too far and too overcrowded to move these businesses there.

Act 343 Supreme Court Interpretation Flawed; all DLNR-issued ocean permits now apply to 343 environmental laws, and the pro-Hawaiian BLNR biased decisions will not likely allow permits for some even if HEPA laws are adhered to (for example, the aquarium fishery was denied permits even with Act 343 HEPA EIS passage).

NEWS: Court injunction blocks commercial ocean permitting in Kā'anapali

<https://mauinow.com/2024/12/06/court-injunction-blocks-commercial-ocean-permitting-in-ka%CA%BBanapali/>

The Legislative Goal Should be to exempt all ocean use permits; DLNR effectively manages to be exempt from HEPA EIS laws by clarifying the meaning of Act 343 regarding ocean use permits.

It was just ruled that commercial ocean user permits in Kā'anapali require environmental reviews. Hundreds of Jobs will be affected in an already devastated location. Environmental Court Judge Peter Cahill has ordered the Department of Land and Natural Resources not to issue or renew commercial use permits for state waters in Kā'anapali until it can complete environmental assessments for their use or determine such permits are exempt from environmental review under Hawai'i law. We would expect this precedence to apply to all Commercial Ocean tourism permits. We expect these permits, despite being given time to continue until permits expire, to be taken before then, as was done regarding the aquarium fishery.

80% of all visitors to Hawaii participate in Ocean activities, and invalidating ocean user permits would be devastating to the 20 billion dollar a year tourist industry. In 2019, the visitor industry supported 216,000 jobs statewide, yielded nearly \$17.8 billion in visitor spending, and contributed more than \$2 billion in tax revenue to state coffers.

Despite the acceptance of the RFEIS in July 2021, the DLNR has not issued a law, in numerous respects. The Circuit Court, however, found that the RFEIS was sufficient as a matter of law, and entered judgment to that effect on September 12, 2022. The Plaintiffs in that action appealed, and the Supreme Court issued its ruling affirming the Circuit Court on August 28, 2024. In that opinion, the Supreme Court discussed each of the complaints concerning the sufficiency of the RFEIS and, in every case, found the RFEIS to comply with the requirements of HRS Chapter 343 and Hawai'i Administrative Rule ("HAR") § 11-200. Still, HEPA laws in Act 343 have failed the sustainable Aquarium Fishery and they still have not been issued permits.

Act 343 was intended upon passage to only apply to land-based activities because DLNR, with a team of marine biologists, had already shown to be effective in ocean management. The legislature gave DLNR the power to implement emergency rules in case of any marine species endangerment, banning their take as needed. And DLNR was given a path to create new laws to protect the environment. Every 5 years, SWAP reviews all Marine species and determines if further regulations or studies are needed.

Ka'anapali tour businesses were just devastated by the Lahina fires, and the closure of these groups will result in even more job losses and a reduction in Maui tourism. Lahina Harbor is still closed and requires 30 million in restoration before it can open and the only location for these business to exist effectively is Kā'anapali.

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

Current HRS 343 11-200.1-9 laws put an undue burden on filers, are excessive in demand, and effectively shut down those required to do them. This means changes must be made, or Hawaii's economy will significantly suffer.

Act 343 (read the link below) clearly was not intended to apply to well-managed DLNR ocean permits and extended far beyond 343's intended legislative mandate due to biased Judicial Supreme Court decisions, which were decided not based in science or in fact but on a broad interpretation of actual meaning given false testimony from Petitioners.

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

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

Please pass HB658

Thanks,

Ron Tubbs B.S.N.D.

HB-658

Submitted on: 2/6/2025 11:29:38 AM

Testimony for EEP on 2/11/2025 10:15:00 AM

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

Comments:

Testimony in support of HB 658

Thank you for your efforts and attention to making Hawaii a better place for all of us residents and of course our very important visitors. Regarding HB658 I am fully supportive of this bill. With Maui continuing to recover from the devastating Lahaina fires, any decision providing further negative impact to the community, residents and visitors could not come at a more challenging time. Our visitors and those that return to Hawaii as an annual treasured destination have an understandable expectation that many of the activities and experiences, they've enjoyed for generations will continue to be available. Boating and ocean recreation activities in Ka'anapali and elsewhere throughout the state have long been integral to both visitors and the state's economy. Supporting HB661 seems logical and recognizes the many professional and reputable operators that year after year pour their money and passion into maintaining great activities and experiences for all of us to enjoy

While environmental conservation is undeniably critical, an abrupt halt to the permits for these operators sends a concerning message to visitors and businesses alike. For our visitors, it signals that essential recreational opportunities they associate with Hawai'i may no longer be accessible, diminishing the allure of Hawaii. For business owners and investors, it underscores an environment of unpredictability, where significant investments are at risk due to unforeseen regulatory and legal decisions.

As someone who has lived in Hawaii for over 50 years and values our unique way of life deeply, I'm asking for your leadership and personal involvement in navigating this issue and finding resolution through passing HB658.

Mahalo for your time and dedication.

Herb Conley
808-595-5100

HB-658

Submitted on: 2/3/2025 12:13:28 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Sonia King	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

I am Sonia King and I strongly **support HB658**.

1. court decisions indicate that hundreds, if not thousands, of permit holders are in jeopardy of being shut down due to the application of Chapter 343 to longstanding permitted activities. Local family businesses that have been lawfully operating for decades under administrative rules will be forced to close unless the legislature takes immediate action.

This bill ensures that long-standing, law-abiding commercial activities are not unfairly subjected to redundant environmental reviews under Chapter 343. Hawaii’s ocean tourism operators already comply with strict administrative rules designed to protect natural resources. HB658 provides much-needed clarity and prevents unnecessary disruptions.

By excluding ongoing, permitted activities from the definition of “action,” this bill ensures regulatory efficiency while protecting the thousands of local residents that depend on permits issued by the State to make a living.

Mahalo for considering this testimony.

Sincerely,

Sonia King

HB-658

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

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Maygan Hill	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

I am Maygan Hill and I strongly support HB658. Recent court decisions indicate that hundreds, if not thousands, of permit holders are in jeopardy of being shut down due to the application of Chapter 343 to longstanding permitted activities. Local family businesses that have been lawfully operating for decades under administrative rules will be forced to close unless the legislature takes immediate action. This bill ensures that long-standing, law-abiding commercial activities are not unfairly subjected to redundant environmental reviews under Chapter 343. Hawaii’s ocean tourism operators already comply with strict administrative rules designed to protect natural resources. HB658 provides much-needed clarity and prevents unnecessary disruptions. By excluding ongoing, permitted activities from the definition of “action,” this bill ensures regulatory efficiency while protecting the thousands of local residents that depend on permits issued by the State to make a living.

Both my husband and I, who are born and raised here, would lose both our jobs without these permits.

Mahalo for considering this testimony.

Sincerely,
Maygan Hill

HB-658

Submitted on: 2/5/2025 4:02:56 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Bard Peterson	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

My name is Bard Peterson and I strongly support HB658.

Recent court decisions indicate that hundreds, if not thousands, of permit holders are in jeopardy of being shut down due to the application of Chapter 343 to longstanding permitted activities. Local family businesses that have been lawfully operating for decades under administrative rules will be forced to close unless the legislature takes immediate action.

This bill ensures that long-standing, law-abiding commercial activities are not unfairly subjected to redundant environmental reviews under Chapter 343. Hawaii's ocean tourism operators already comply with strict administrative rules designed to protect natural resources. HB658 provides much-needed clarity and prevents unnecessary disruptions.

By excluding ongoing, permitted activities from the definition of "action," this bill ensures regulatory efficiency while protecting the thousands of local residents that depend on permits issued by the State to make a living.

Mahalo for considering this testimony.

Sincerely,
Bard Peterson

HB-658

Submitted on: 2/6/2025 7:21:57 AM

Testimony for EEP on 2/11/2025 10:15:00 AM

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

Comments:

I am Michael BenShimon and I strongly **support HB658**.

Recent court decisions indicate that hundreds, if not thousands, of permit holders are in jeopardy of being shut down due to the application of Chapter 343 to longstanding permitted activities. Local family businesses that have been lawfully operating for decades under administrative rules will be forced to close unless the legislature takes immediate action.

This bill ensures that long-standing, law-abiding commercial activities are not unfairly subjected to redundant environmental reviews under Chapter 343. Hawaii’s ocean tourism operators already comply with strict administrative rules designed to protect natural resources. HB658 provides much-needed clarity and prevents unnecessary disruptions.

By excluding ongoing, permitted activities from the definition of “action,” this bill ensures regulatory efficiency while protecting the thousands of local residents that depend on permits issued by the State to make a living.

Mahalo for considering this testimony.

Sincerely,

Michael BenShimon

HB-658

Submitted on: 2/5/2025 6:24:56 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Tina Lia	Individual	Oppose	Written Testimony Only

Comments:

This bill undermines policies in place to protect our environment.

HB-658

Submitted on: 2/5/2025 2:19:25 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

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

Comments:

Aloha Chair and Members of the Committee,

I am Ashley Pimentel and I strongly support HB658.

Recent court decisions indicate that hundreds, if not thousands, of permit holders are in jeopardy of being shut down due to the application of Chapter 343 to longstanding permitted activities. Local family businesses that have been lawfully operating for decades under administrative rules will be forced to close unless the legislature takes immediate action.

This bill ensures that long-standing, law-abiding commercial activities are not unfairly subjected to redundant environmental reviews under Chapter 343. Hawaii’s ocean tourism operators already comply with strict administrative rules designed to protect natural resources. HB658 provides much-needed clarity and prevents unnecessary disruptions.

By excluding ongoing, permitted activities from the definition of “action,” this bill ensures regulatory efficiency while protecting the thousands of local residents that depend on permits issued by the State to make a living.

Mahalo for considering this testimony.

Sincerely,

Ashley Pimentel

Testimony for HB658

Testimony in FULL Support of HB658 – Concerning Environmental Review

Aloha Chair and Members of the Committee,

I, Michael T. Kelley am in *complete support HB658.*

Strong, reputable commercial operators, most of which are family owned and operated by pillars of our community, are now under possible threat to have their businesses closed and shuttered. This could / will impact hundreds and hundreds of statewide operators under recent court decisions regarding application of Chapter 343. These companies, families and pivotal activity operators for our Hawaii visitors and locals alike have followed ALL guidelines, lawfully operated for decades and in some cases generations and will now be put out of business unless the legislature can intervene and take action to prevent this disastrous result.

When passed HB 658 will aid in protecting strong, positive business entities and the families that run them from being unjustly and unfairly held to redundant environmental and other reviews under possible Chapter 343. These operators, to have permits renewed, and continue ongoing operations year after year, must comply with defined and in place stringent administrative rules for the protection of our State's natural resources. Approval for HB658 will clearly allow these operators to stay in business without closure, disruption or financial tragedy. If and when environmental conditions change, or issues occur, and operators are not in complete compliance then they may be required to come under compliance or potentially cease operations.

Please assist these well respected and professional operators by adding exclusion for already permitted activities from any definition of "action". HB658 will allow for continued efficiency and clarity of regulations and also keep many, many hard-working families and their companies in business and able to remain part of our vibrant community here in Hawaii. Especially in Maui, where we are only in the infancy of recovery from a massive disaster, forcing individuals, families and companies to close and move on would be dealing yet another level of hardship and tragedy to the community.

I greatly appreciate your time and assistance with reviewing and considering my testimony.

Sincerely,

Michael T. Kelley

808-385-5585

HB-658

Submitted on: 2/5/2025 11:59:13 AM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Kristi Murray	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

I am Kristi Murray and I strongly **support HB658**.

Recent court decisions indicate that hundreds, if not thousands, of permit holders are in jeopardy of being shut down due to the application of Chapter 343 to longstanding permitted activities. Local family businesses that have been lawfully operating for decades under administrative rules will be forced to close unless the legislature takes immediate action.

This bill ensures that long-standing, law-abiding commercial activities are not unfairly subjected to redundant environmental reviews under Chapter 343. Hawaii’s ocean tourism operators already comply with strict administrative rules designed to protect natural resources. HB658 provides much-needed clarity and prevents unnecessary disruptions.

By excluding ongoing, permitted activities from the definition of “action,” this bill ensures regulatory efficiency while protecting the thousands of local residents that depend on permits issued by the State to make a living.

Mahalo for considering this testimony.

Sincerely,
Kristi Murray

HB-658

Submitted on: 2/6/2025 2:34:24 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Arielle de versterre	Individual	Support	Written Testimony Only

Comments:

Support HB658 – Protect Local Businesses and Jobs

Aloha Chair and Members of the Committee,

My name is Arielle de Versterre, and I’m writing in **strong support of HB658**.

Recent court decisions have put hundreds—maybe even thousands—of permit holders at risk of being shut down. Businesses that have been operating legally for decades could suddenly be forced to close just because of how Chapter 343 is being applied. That’s not fair, and we need to fix it.

HB658 makes sure that long-standing, law-abiding businesses aren’t hit with unnecessary and repetitive environmental reviews. Ocean tourism operators and other local businesses already follow strict rules to protect Hawaii’s natural resources. This bill simply provides clarity and prevents unnecessary disruptions.

By making it clear that ongoing, permitted activities aren’t considered “actions” under Chapter 343, HB658 helps keep the system fair and protects thousands of local residents who rely on these businesses for their livelihoods.

Please support HB658 to keep Hawaii’s businesses open and local families employed.

Mahalo for your time and consideration!

Sincerely,
Arielle de Versterre

adeversterre@gmail.com

HB-658

Submitted on: 2/6/2025 3:12:11 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Anita Sweet	Individual	Support	Written Testimony Only

Comments:

Tuesday, February 11th, 2025

10:15am in Room 325, State Capitol.

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

My name is Anita Sweet, a Maui resident, and I'm writing in **strong support of HB658**.

Recent court decisions have put many of permit holders/local businesses at risk of being closed down. Businesses that have been operating legally for decades could suddenly be forced to close just because of how Chapter 343 is being applied.

HB658 makes sure that long-standing, law-abiding businesses aren't hit with unnecessary and repetitive environmental reviews. Ocean tourism operators and other local businesses already follow strict rules to protect Hawaii's natural resources. This bill simply provides clarity and prevents unnecessary disruptions.

By making it clear that ongoing, permitted activities aren't considered "actions" under Chapter 343, HB658 helps keep the system fair and protects thousands of local residents who rely on these businesses for their livelihoods.

Please **support HB658** to keep so many of our local jobs and many local families employed.

Mahalo for your time and consideration.

Sincerely,

Anita Sweet

1-808-214-4217 cell

Testimony in Strong Support of HB 658

[Water & Land](#) Committee 2-11-25 10:15 AM

Act 343 is removing permits based on biased user groups' one-sided, inaccurate testimony without permit owners' legal representation. I know the courts want to protect the environment, and all effected user groups do, too.

Relying only on false testimony without representation of those affected is injustice!

If the legislature cannot fix this, we need a class action lawyer to appeal these, overreaching lawmaking court decisions! All affected user groups wronged by these decisions need to get together and fund a new case against the State of Hawaii and Act 343 decisions regarding the Superferry, TMT, Aquarium Fishery, Tourist Ocean user permits Ka'anapali, and others. Soon all commercial fishermen and all commercial ocean permits may apply due to standing lawsuits!

We can only hope the Hawaii State legislature decides to pass SB22, SB1171, HB123, HB658, and HB661 to solve this injustice. Management, not closure, is the State of Hawaii's constitutional role! The state's sustainability, ecology, and management are not being served under Act 343 interpretation.

Thanks

Mary Tubbs

HB-658

Submitted on: 2/7/2025 3:56:12 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Stuart Mumm	Individual	Support	Written Testimony Only

Comments:

I strongly support the passage of HB658.

Strong, reputable commercial operators, most of which are family owned and operated by pillars of our community, are now under possible threat to have their businesses closed and shuttered. This could / will impact hundreds and hundreds of statewide operators under recent court decisions regarding application of Chapter 343. These companies, families and pivotal activity operators for our Hawaii visitors and locals alike have followed ALL guidelines, lawfully operated for decades and in some cases generations and will now be put out of business unless the legislature can intervene and take action to prevent this disastrous result.

The recovery of our economy after the Lahaina fire is in large part dependent upon providing activities and incentives for tourists to return to Maui. We are continuing to struggle as a small business trying to recover from the effects of the fires, and the effects of covid.

The impacted businesses provide employment, jobs and security to not only their employees, but the ripple effect is strong through the local economy. Please continue to encourage businesses to prosper and provide local jobs.

When passed HB 658 will aid in protecting strong, positive business entities and the families that run them from being unjustly and unfairly held to redundant environmental and other reviews under possible Chapter 343. These operators, to have permits renewed, and continue ongoing operations year after year, must comply with defined and in place stringent administrative rules for the protection of our State's natural resources. Approval for HB658 will clearly allow these operators to stay in business without closure, disruption or financial tragedy. If and when environmental conditions change, or issues occur, and operators are not in complete compliance then they may be required to come under compliance or potentially cease operations.

Please assist these well respected and professional operators by adding exclusion for already permitted activities from any definition of "action". HB658 will allow for continued efficiency and clarity of regulations and also keep many, many hard-working families and their companies in business and able to remain part of our vibrant community here in Hawaii. Especially in Maui, where we are only in the infancy of recovery from a massive disaster, forcing individuals, families and companies to close and move on would be dealing yet another level of hardship and tragedy to the community.

Thank you for your consideration, and I urge passage of this bill so that our economy can continue to recover and grow.

HB-658

Submitted on: 2/7/2025 5:55:50 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

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

Comments:

Don't allow the Department of Land and Natural Resources to evade any assessment of the environmental impacts of its ocean use and management decisions. Thank you.

HB-658

Submitted on: 2/7/2025 2:20:00 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

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

Comments:

I, Christopher Z Resich, am in complete support of HB658.

I agree with the bill's objective to protect strong business entities from being unjustly and unfairly held to redundant environmental and other reviews under Chapter 343. This will allow these operators to stay in business without closure, disruption or financial tragedy. If and when environmental conditions change, these operators may be required to comply with new terms.

By staying in business, these operators will secure livelihoods of their families and employees, as well as will continue to help maintaining Hawaii's reputation as a premier travel destination.

Thank you for considering my testimony.

Aloha, Christopher Z Resich

HB-658

Submitted on: 2/7/2025 3:36:50 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Leah Kocher	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Lowen, Vice Chair Perruso, and Members of the Energy & Environmental Protection Committee,

My name is Leah Kocher and I **strongly oppose HB658**, which would allow the Department of Land and Natural Resources to evade assessment of the environmental impacts of its ocean use and management decisions.

Our environmental review law allows decision-makers and the public to look into potential outcomes from certain proposed activities, before those activities and their impacts are allowed to proceed. This ensures prudent planning while reducing conflict, minimizing adverse outcomes, and safeguarding the health and well-being of present and future generations.

Unfortunately, the Department of Land and Natural Resources does not have a good track record in its supposed effort to its critical statutory and public trust responsibilities, such as by operating a commercial boating permitting regime without any environmental review and without due regard for the environmental, cultural, recreational, and broader economic concerns of the public. This measure would not only legitimize this longstanding practice that has been affirmed as illegal by our court system, but also excuse the department from its environmental review responsibilities for similar ocean use authorizations with potentially deleterious ecological, cultural, recreational, climate resilience, and economic impacts.

This bill would turn our environmental review process into an afterthought, legitimizing illegal agency practices that have inflicted and that will continue to inflict potentially irreparable harms to the vast and varied public interests in our ocean environment.

I urge you to **HOLD HB658**.

Sincerely,
Leah Kocher

HB-658

Submitted on: 2/8/2025 5:07:59 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Amanda Tremel	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Memembers of the Committee,

I am Amanda Tremel and I strongly support HB658.

Recent court decisions indicate that hundreds, if not thousands, of permit holders are in jeopardy of being shut down due to the application of Chapter 343 to longstanding permitted activities. Local family businesses, such as the one I work for, Trilogy Excursions, that have been lawfully operating for decades under administrative rules will be forced to close unless the legislature takes immediate action.

My husband, who works for UFO, would also be affected. This means we would both lose our jobs and would not be able to make a living.

After the devastating wildfires in Lahaina on August 8, 2023, many lost their homes. Many of my coworkers and loved ones lost their homes. The last thing the people of Maui need is to lose their careers as well.

By not allowing commercial activity to permit in Maui, the entire economy will suffer. This is not only a way that thousands of people make a living, it is part of how the island makes it's money--tourism. Many people visit Maui to come on board the commercial vessels.

Many companies, like Trilogy Excursions, are operating conscientiously and safely, doing the best they can to give back to the island.

By excluding ongoing and permitted activities from the definition of "action", this bill ensures regulatory efficiency while protecting thousands of local residents that depend on its permits issued by the state to make a living.

Mahalo for considering this testimony,

Sincerely,

Amanda Tremel

Draft Testimony for HB658

Subject: Testimony in Strong Support of HB658 – Relating to Environmental Review

Aloha Chair and Members of the Committee,

I am Michael A. Snow and I strongly **support HB658**.

Recent court decisions indicate that hundreds, if not thousands, of permit holders are in jeopardy of being shut down due to the application of Chapter 343 to longstanding permitted activities. Local family businesses that have been lawfully operating for decades under administrative rules will be forced to close unless the legislature takes immediate action.

This bill ensures that long-standing, law-abiding commercial activities are not unfairly subjected to redundant environmental reviews under Chapter 343. Hawaii's ocean tourism operators already comply with strict administrative rules designed to protect natural resources. HB658 provides much-needed clarity and prevents unnecessary disruptions.

By excluding ongoing, permitted activities from the definition of "action," this bill ensures regulatory efficiency while protecting the thousands of local residents that depend on permits issued by the State to make a living.

Mahalo for considering this testimony.

Sincerely,
Michael A. Snow

193B Awaiku St. Lahaina, Hi 96761

HB-658

Submitted on: 2/9/2025 12:39:54 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Seyna M	Individual	Oppose	Written Testimony Only

Comments:

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HB-658

Submitted on: 2/8/2025 10:58:49 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Patrice Choy	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HB658. Please hold the bill.

Dear Chair Lowen, Vice-Chair Peruso, and members of the House Committee on Energy & Environmental Protection:

I strongly oppose HB658, which, if passed, would gut core protections provided by the Hawai'i Environmental Policy Act ("HEPA"), one of Hawai'i's bedrock environmental laws. The proposed amendment would negate HEPA's fundamental purpose, allowing irreparable environmental harm in instances where environmental review is determined to be necessary. Please reject and hold this bill.

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

HB658's preamble suggests, however, that "the State's environmental review process" is to blame for "jeopardiz[ing] law abiding operations, including commercial boating, and recreational activities." Again, HEPA has been in place for half a century; any jeopardy in which such operations now find themselves is not the fault of this long-standing statute. The further assertion that "recent court decisions have broadened the definition of an environmental 'action'" is untrue and unsupported. See, e.g., *Umberger v. Dep't of Land & Natural Res.*, 140 Hawai'i 500, 515-16, 403 P.3d 277, 292-93 (2017) (listing examples of "the wide range of activities and courses of conduct to which HEPA has been applied"); see also HRS § 343-2 (defining "action" as "any program or project to be initiated by an agency or applicant"). The Umberger court based its interpretation of the term "action" on the plain, dictionary meanings of the words "program" and "project." 140 Hawai'i at 513, 403 P.3d at 290. Moreover, in 2019, the Office of Environmental Quality Control promulgated specific further definitions for "program" and "project." Hawai'i Administrative Rules ("HAR") § 11-200.1-2. If anything, the courts and the 2019 HEPA rules have narrowed the definition of "action" by providing greater clarity as to what "action" means.

Having begun from faulty premises, HB658 then cuts straight at HEPA's core provisions by proposing to redefine "action" and expressly exempt ongoing or recurring permitted activities writ large from HEPA review. This is a grossly disproportionate response to the stated reasons for the legislation and threatens to cause sweeping damage beyond its intended scope, even while missing its purported target. Writing a

broad exemption for all ongoing permitted activities directly into HEPA's definition of "action" would mean that, in instances where such activities are in fact causing environmental damage, they would be allowed to continue without ever undergoing environmental review. Put simply, HB 658 is overkill. It threatens to undo decades of environmental progress in Hawai'i, and it is entirely unnecessary to achieve its stated goals.

HEPA already expressly provides that agencies may exempt from environmental review "specific types of actions, because they will probably have minimal or no significant effects on the environment." Haw. Rev. Stat. § 343-6(a)(2). This provision has been in place and available to state agencies for decades. Agency inaction in processing appropriate exemptions is no reason to dismantle the core purpose of HEPA and fundamentally alter the landscape of environmental protection in Hawai'i Nei.

I oppose HB658 and request you hold it.

Mahalo,

U'ilani Naipo

HB-658

Submitted on: 2/8/2025 10:09:59 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Robert Wo	Individual	Support	Written Testimony Only

Comments:

Subject: Testimony in Strong Support of HB658 – Relating to Environmental Review Aloha Chair and Members of the Committee,

I am Robert Wo, a resident of Oahu and Owner/Director of C.S.Wo & Sons furniture. I strongly support HB658.

Recent court decisions indicate that hundreds, if not thousands, of permit holders are in jeopardy of being shut down due to the application of Chapter 343 to longstanding permitted activities. Local family businesses that have been lawfully operating for decades under administrative rules will be forced to close unless the legislature takes immediate action.

This bill ensures that long-standing, law-abiding commercial activities are not unfairly subjected to redundant environmental reviews under Chapter 343. Hawaii’s ocean tourism operators already comply with strict administrative rules designed to protect natural resources. HB658 provides much-needed clarity and prevents unnecessary disruptions.

By excluding ongoing, permitted activities from the definition of “action,” this bill ensures regulatory efficiency while protecting the thousands of local residents that depend on permits issued by the State to make a living.

Mahalo for considering this testimony.

Sincerely,
Robert Wo

HB-658

Submitted on: 2/8/2025 4:04:01 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
scott folsom	Individual	Support	Written Testimony Only

Comments:

Testimony in Strong Support of HB 658

Act 343 is removing permits based on biased user groups' one-sided, inaccurate testimony without permit owners' legal representation. I know the courts want to protect the environment, and all effected user groups do, too.

Relying only on false testimony without representation of those affected is injustice!

If the legislature cannot fix this, we need a class action lawyer to appeal these, overreaching lawmaking court decisions! All affected user groups wronged by these decisions need to get together and fund a new case against the State of Hawaii and Act 343 decisions regarding the Superferry, TMT, Aquarium Fishery, Tourist Ocean user permits Ka'anapali, and others. Soon all

commercial fishermen and all commercial ocean permits may apply due to standing lawsuits!

We can only hope the Hawaii State legislature decides to pass SB22, SB1171, HB123, HB658, and HB661 to solve this injustice. Management, not closure, is the State of Hawaii's constitutional role! The state's sustainability, ecology, and management are not being served under Act 343 interpretation.

Thanks

Scott Folsom

HB-658

Submitted on: 2/9/2025 4:03:48 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Rick Williamson	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

I am Rick Williamson and I strongly support HB658.

Recent court decisions indicate that hundreds, if not thousands, of permit holders are in jeopardy of being shut down due to the application of Chapter 343 to longstanding permitted activities. Local family businesses that have been lawfully operating for decades under administrative rules will be forced to close unless the legislature takes immediate action.

This bill ensures that long-standing, law-abiding commercial activities are not unfairly subjected to redundant environmental reviews under Chapter 343. Hawai'i's ocean tourism operators already comply with strict administrative rules designed to protect natural resources. HB658 provides much-needed clarity and prevents unnecessary disruptions.

By excluding ongoing, permitted activities from the definition of "action," this bill ensures regulatory efficiency while protecting the thousands of local residents that depend on permits issued by the State to make a living.

Mahalo for considering this testimony.

Sincerely,
Rick Williamson

HB-658

Submitted on: 2/9/2025 12:55:50 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Laura Gray	Individual	Oppose	Written Testimony Only

Comments:

I am against weakening any more of our already weak environmental laws. We need to protect our Hawaiian Islands for future generations. The Land, the plants, the animals. Mahalo for doing the right pono thing. Laura Gray RN

HB-658

Submitted on: 2/9/2025 5:48:59 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Sherry Pollack	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HB658. This bill would turn our environmental review process into an afterthought, legitimizing illegal agency practices (affirmed as illegal by our court system), that have inflicted and that will continue to inflict potentially irreparable harms to the vast and varied public interests in our ocean environment.

I urge you to **HOLD HB658**.

HB-658

Submitted on: 2/9/2025 6:12:12 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Christine Williamson	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

I am Christine Williamson and I strongly support HB661.

HB661 allows previously permitted activities to continue operating while undergoing environmental review if permits are challenged. This is critical for ensuring regulatory stability and preventing unnecessary interruptions for compliant businesses.

This bill also recognizes the importance of maintaining environmental standards while avoiding redundant reviews. It strikes a fair balance between protecting Hawaii's natural resources and supporting long-standing, regulated operations.

Forcing lawfully permitted operators to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies will inevitably lead to the closure of local business and the loss of job for even more.

History has shown that activities that have lost their permits and been shut down (e.g., the Super Ferry, Aquatic Fish Collectors, etc.) don't come back. Please do not let this be the case for the hundreds of businesses and thousands of residents that depend on these activities for their livelihoods.

Please pass HB661 and support our local families and businesses.

Mahalo for considering this testimony.

Sincerely,
Christine Williamson

Puananionaona Patria Thoene

onaona.thoene@gmail.com

Testimony of Puananionaona P. Thoene before the
**HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL
PROTECTION**

Tuesday, February 11, 2025
10:15 am
Conference Room 325 &
videoconference

testimony providing **COMMENTS** on HB 658
RELATING TO ENVIRONMENTAL REVIEW

February 10, 2025

Aloha e Chair Lowen, Vice Chair Perruso, and Members of the Senate Committee on Energy & Environmental Protection,

I am a partner at Carlsmith Ball LLP, whose practice focuses on land use, environmental and corporate work. I am also a former Chairperson of the State Environmental Advisory Council, but submit the following comments on House Bill (HB) 658 in my individual capacity.

HB 658 would amend the definition of "action" in Hawai'i Revised Statutes (HRS) Section 343-2 to exclude certain ongoing or recurring activities from environmental review under HRS Chapter 343. As Section 1 of HB 658 recognizes, recent court decisions (as well as decisions by certain agencies) have in recent years broadened the definition of "action", however, HRS Chapter 343 was intended to evaluate new actions, not existing or continuing activities, whether they are agency or applicant actions.

As drafted, the proposed amended definition of "action" is limited to ongoing or recurring activities that are (1) lawfully permitted, and (2) governed by applicable administrative rules or management plans within state-managed areas. The exclusion should equally apply to ongoing applicant actions, actions that are not within state-managed areas, and actions that are not governed by applicable administrative rules or management plans within state-managed areas.

I understand that the existence of administrative rules governing certain activities may give comfort that there are standards to be met, but the reality is that there are some activities for which the state has not promulgated administrative rules, but are nevertheless operated pursuant to very detailed management plans that are reviewed and approved by government agencies (e.g., habitat conservation plans and incidental take licenses pursuant HRS Chapter 195D). The administrative rules that implement HRS Chapter 343, Hawai'i Administrative Rules (HAR) Title 11, Chapter 200.1, recognize that an accepted 343 document for an action satisfies the requirements of HRS Chapter 343 and no additional 343 review is required except where there is a substantive change to the action. *See* HAR § 11-200.1-30(a).

For these reasons, the language proposed in Section 2 of HB 658 should be revised to delete the following language "and are governed by applicable administrative rules or management plans within state-managed areas," as indicated below in **bolded** strikethrough.

“Action” means any program or project to be initiated by any agency or applicant[-]; provided that the term does not include ongoing or

recurring activities that have been lawfully permitted ~~and are governed by applicable administrative rules or management plans within state-managed areas~~, including ocean recreation management areas, marine life conservation districts, and game management areas.”

Mahalo for the opportunity to testify on this measure and for your consideration of the proposed amendments above.

HB-658

Submitted on: 2/10/2025 8:37:22 AM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Peter o riordan	Individual	Support	Written Testimony Only

Comments:

Testimony for HB658

Testimony in FULL Support of HB658 – Concerning Environmental Review

Aloha Chair and Members of the Committee,

I, Peter O Riordan am in *complete support HB658*.

Strong, reputable commercial operators, most of which are family owned and operated by pillars of our community, are now under possible threat to have their businesses closed and shuttered. This could / will impact hundreds and hundreds of statewide operators under recent court decisions regarding application of Chapter 343. These companies, families and pivotal activity operators for our Hawaii visitors and locals alike have followed ALL guidelines, lawfully operated for decades and in some cases generations and will now be put out of business unless the legislature can intervene and take action to prevent this disastrous result.

When passed HB 658 will aid in protecting strong, positive business entities and the families that run them from being unjustly and unfairly held to redundant environmental and other reviews under possible Chapter 343. These operators, to have permits renewed, and continue ongoing operations year after year, must comply with defined and in place stringent administrative rules for the protection of our State’s natural resources. Approval for HB658 will clearly allow these operators to stay in business without closure, disruption or financial tragedy. If and when environmental conditions change, or issues occur, and operators are not in complete compliance then they may be required to come under compliance or potentially cease operations.

Please assist these well respected and professional operators by adding exclusion for already permitted activities from any definition of “*action*”. HB658 will allow for continued efficiency and clarity of regulations and also keep many, many hard-working families and their companies in business and able to remain part of our vibrant community here in Hawaii. Especially in Maui, where we are only in the infancy of recovery from a massive disaster, forcing individuals, families and companies to close and move on would be dealing yet another level of hardship and tragedy to the community. I myslef and my family are fire victims and the only thing we have left is this company.

I greatly appreciate your time and assistance with reviewing and considering my testimony.

Sincerely,
Peter O Riordan

808-446-6121

Testimony for HB658

Subject: Testimony in Strong Support of HB658 – Relating to Environmental Review

Aloha Chair and Members of the Committee,

I am Gregg Yamanaka and I strongly **support HB658**.

Recent court decisions indicate that hundreds, if not thousands, of permit holders are in jeopardy of being shut down due to the application of Chapter 343 to longstanding permitted activities. Local family businesses that have been lawfully operating for decades under administrative rules will be forced to close unless the legislature takes immediate action.

This bill ensures that long-standing, law-abiding commercial activities are not unfairly subjected to redundant environmental reviews under Chapter 343. Hawaii's ocean tourism operators already comply with strict administrative rules designed to protect natural resources. HB658 provides much-needed clarity and prevents unnecessary disruptions.

By excluding ongoing, permitted activities from the definition of "action," this bill ensures regulatory efficiency while protecting the thousands of local residents that depend on permits issued by the State to make a living.

Mahalo for considering this testimony.

Sincerely,
Gregg Yamanaka

President
Yamanaka Consulting Group
915 Waiiki Street
Honolulu, Hawaii 96821

Aloha Chair Lowen, Vice-Chair Perruso, and members of the Committee on Energy & Environmental Protection,

Mahalo nui loa for recognizing and opposing the danger posed by SpaceX plans to dump waste in the waters surrounding Hawai'i and the Papahānaumokuākea Marine National Monument. Your vigilance regarding these threatening activities is crucial.

We, the undersigned, are writing to submit comments on two bills.

HB 1476 regarding SpaceX potentially dumping debris in the waters surrounding Hawai'i and Papahānaumokuākea Marine National Monument. The intent of this bill is well meaning but, according to HEPA experts, the proposed language would endanger existing environmental law, and a different approach is needed.

o Recommendation: Delete language amending (weakening) HEPA and use a different approach, described below. Oppose the language of this bill.

HB 658 proposes weakening of environmental law in a manner which endangers state protected areas, potentially including Papahānaumokuākea.

o Recommendation: Oppose HB 658.

In addition, we also oppose bills that propose to weaken HEPA language, including language regarding fisheries.

OVERVIEW

Regarding HB 1476 proposing to amend Hawaii Environmental Policy Act (HEPA)

We fully oppose plans by SpaceX to dump spaceship or payload debris or waste in the waters surrounding the Main Hawaiian Islands, the Papahānaumokuākea Marine National Monument, the Northwestern Hawaiian Coral Reef Ecosystem Reserve, the Northwestern Hawaiian Islands State Refuges, the Papahānaumokuākea UNESCO World Heritage site, the US Fish and Wildlife Service Refuges, and the Pacific Islands Heritage National Marine Monument.

- 1) We urge you NOT to amend HEPA, and to DELETE the language amending HEPA from HB 1476: Section 10 in its entirety, including all of 10 (A) and (B) (Lines 14 – 21, page 6). We oppose this language.**

Rationale: HEPA already covers any use of state or county lands or submerged lands (waters). By definition, this includes the use of state or county lands or waters for the dumping of spacecraft debris or waste. In fact, it is potentially substantially harmful to amend HEPA as proposed in HB 1476 to specify "spacecraft". since "use" of any sort is already covered under HEPA. Amending HEPA in this manner can create confusion and could generate dangerous future impacts, and inadvertently weaken HEPA.

- 2) We urge you, instead of amending HEPA, to examine existing regulations (routinely used by DLNR, DOBOR) regarding dumping, littering and natural resource damage (for example, when a ship runs aground) to determine whether
 - (a) the existing regulations are sufficient to prohibit the dumping of debris or waste by a spaceship or its payload and, if so,
 - (b) whether existing regulations impose sufficiently large penalties for such dumping.
- 3) If existing regulations on dumping, littering, or natural resource damage are not sufficiently broad as to include "spaceship" or "payload" debris or waste, we recommend proposing an amendment to the language of those regulations specific to dumping, littering or natural resource damage to ensure that the relevant regulations duly prohibit "debris or waste from a spaceship or its payload" from entering state lands or waters (submerged lands);
- 4) If the existing regulations do not provide sufficiently large penalties for spaceship or payload debris or waste or natural resource damage, we recommend proposing an amendment to the language of the relevant regulations to provide sufficient penalties.

In summary: please do not amend, at all, any HEPA language, as proposed in HB 1476.

- 5) **In addition**, we urge you to pass a resolution expressing deep concern about, and opposition to, SpaceX plans to dump debris or dangerous waste from spaceships or their payloads into waters surrounding Hawai'i or surrounding protected areas, including the Papahānaumokuākea Marine National Monument. It is important to make it clear that the state legislature strongly opposes any such dumping.

Regarding HB 658 RELATING TO ENVIRONMENTAL REVIEW

"Clarifies the scope of an action subject to environmental review"

We have deep concerns and urge you to oppose - HB 658: Relating to Environmental Review which proposes to severely undermine state environmental law.

This bill proposes to drastically weaken the definition of an "activity" that would trigger environmental assessment requirements - including "commercial boating

and recreational activities” - by exempting from the definition of activity any “ongoing or recurring activities that have been lawfully permitted and are governed by applicable administrative rules or management plans within state-managed areas, including ocean recreation management areas, marine life conservation districts, and game management areas.”

Rationale for voting against this bill:

The entire point of HEPA is to allow the state or relevant agency to use the latest science to assess whether an activity should be permitted. Under HEPA, when a permit runs out, the activity ceases. Just because an activity has been approved in the past, does not mean it should be automatically renewed, which is what this bill seems to propose.

A new permit or authorization is needed to do the activity again – it is a new action, requiring a new environmental review that considers the most up to date information, considers the impacts of the previous activity, and any cumulative impacts or relevant changes in the environment, in order to assess whether the activity should be allowed. This process requires transparency, public input as well as input from external independent experts who must be allowed to weigh in. The environmental review determines whether or not a new permit can be granted. That is the foundation of HEPA.

For example, in state waters of Papahānaumokuākea, permits are given on an annual basis only. This is precisely to allow the state to protect this fragile and endangered ecosystem and to evaluate, on an annual basis, using the latest science, considering cumulative impacts and informed by independent expert and public input, whether or not to grant a new permit for activities in state waters.

This bill represents a dangerous attempt to exempt all activities, including commercial and recreational activities, from assessment and public comment simply because an activity is “repeated” and has been allowed in the past.

We are all too familiar with activities which were once thought to have minimal impact, but later turned out to be highly damaging or to have highly damaging cumulative impacts. Climate change comes to mind, among other things.

For these reasons, we oppose and urge you to oppose passage of this dangerous bill and any other bills recommending the weakening of HEPA language, including language regarding fisheries.

Mahalo nui loa!

Isaac “Paka” Harp, fisherman

Former Chair of the first Native and Indigenous Rights Advisory Panel to the Western Pacific Regional Fishery Management Council

Co-founder, Northwestern Hawaiian Islands (NWHI) hui

Former Vice-Chair of the NWHI Coral Reef Ecosystem Reserve Advisory Council

Former Chair of the NWHI Reserve Enforcement Working Group

Founding member of the Papahānaumokuākea Cultural Working Group
Former member of the Hawaiian Islands Humpback Whale Sanctuary Advisory Council

Dave Raney

Northwestern Hawaiian Islands hui co-founder
Sierra Club National Marine Committee Member
Former NWHI Coral Reef Ecosystem Reserve Advisory Council Secretary
Former U.S. Coral Reef Task Force Member
Former Chair, Sierra Club Coral Reef Subcommittee

Stephanie Fried, Ph.D

Northwestern Hawaiian Islands hui co-founder
Former NWHI Coral Reef Ecosystem Reserve Advisory Council Alternate
Senior Scientist, Environmental Defense Fund, 1995-2009

Cha Smith

Northwestern Hawaiian Islands hui co-founder
KAHEA: The Hawaiian-Environmental Alliance, Founder

Lynette Cruz

Malama Makua

Jim Albertini

Malu 'Aina, President

Richard Rucker

Waimea

The Keawekane-Stafford 'Ohana

Kainoa Stafford
C. Pi'ikea Keawekane-Stafford
Kainoaokana'iaupuni Keawekane-Stafford
Kili'apuokuakini Keawekane-Stafford

Claudia Quintanilla

James Kastner

Lynda Williams, Physicist
Hilo

Jennifer Waipa

Kapi'olani Spencer
Moku O Keawe

HB-658

Submitted on: 2/10/2025 8:15:22 AM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
George Patterson	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Lowen, Vice Chair Perruso, and Members of the Energy & Environmental Protection Committee,

My name is George Patterson and I strongly oppose HB658, which would allow the Department of Land and Natural Resources to evade any assessment of the environmental impacts of its ocean use and management decisions.

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

Unfortunately, the Department of Land and Natural Resources has a long and notorious history of turning a blind eye to its critical statutory and public trust responsibilities, such as by operating a commercial boating permitting regime without any environmental review and without due regard for the environmental, cultural, recreational, and broader economic concerns of the public. This measure would not only legitimize this longstanding practice that has been affirmed as illegal by our court system, but also excuse the department from its environmental review responsibilities for similar ocean use authorizations with potentially deleterious ecological, cultural, recreational, climate resilience, and economic impacts.

This bill would turn our environmental review process into an afterthought, legitimizing illegal agency practices that have inflicted and that will continue to inflict potentially irreparable harms to the vast and varied public interests in our ocean environment.

I urge you to HOLD HB658.

Sincerely,
George Patterson

HB-658

Submitted on: 2/7/2025 4:44:18 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

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

Comments:

DLNR must not evade any environmental impact assessment to the ocean. Hold HB658

HB-658

Submitted on: 2/8/2025 11:21:25 AM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Diane Ware	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Lowen, Vice Chair Perruso, and Members of the Energy & Environmental Protection Committee,

My name is Diane Ware,

*and I strongly oppose **HB658**, which would allow the Department of Land and Natural Resources to evade any assessment of the environmental impacts of its ocean use and management decisions.*

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

Unfortunately, the Department of Land and Natural Resources has a long and notorious history of turning a blind eye to its critical statutory and public trust responsibilities, such as by operating a commercial boating permitting regime without any environmental review and without due regard for the environmental, cultural, recreational, and broader economic concerns of the public. This measure would not only legitimize this longstanding practice that has been affirmed as illegal by our court system, but also excuse the department from its environmental review responsibilities for similar ocean use authorizations with potentially deleterious ecological, cultural, recreational, climate resilience, and economic impacts.

This bill would turn our environmental review process into an afterthought, legitimizing illegal agency practices that have inflicted and that will continue to inflict potentially irreparable harms to the vast and varied public interests in our ocean environment.

*I urge you to **HOLD HB658**.*

Mahalo nui loa for voting pono,

Diane Ware, Volcano

HB-658

Submitted on: 2/8/2025 9:40:13 AM

Testimony for EEP on 2/11/2025 10:15:00 AM

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

Comments:

Aloha Chair Lowen, Vice Chair Perruso, and Members of the Energy & Environmental Protection Committee,

*My name is Shay Chan Hodges and I **strongly oppose HB658**, which would allow the Department of Land and Natural Resources to evade any assessment of the environmental impacts of its ocean use and management decisions.*

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

Unfortunately, the Department of Land and Natural Resources has a long and notorious history of turning a blind eye to its critical statutory and public trust responsibilities, such as by operating a commercial boating permitting regime without any environmental review and without due regard for the environmental, cultural, recreational, and broader economic concerns of the public. This measure would not only legitimize this longstanding practice that has been affirmed as illegal by our court system, but also excuse the department from its environmental review responsibilities for similar ocean use authorizations with potentially deleterious ecological, cultural, recreational, climate resilience, and economic impacts.

This bill would turn our environmental review process into an afterthought, legitimizing illegal agency practices that have inflicted and that will continue to inflict potentially irreparable harms to the vast and varied public interests in our ocean environment.

*I urge you to **HOLD HB658**.*

Sincerely,

Shay Chan Hodges

HB-658

Submitted on: 2/8/2025 4:54:48 AM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Jodi Rodar	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Lowen, Vice Chair Perruso, and Members of the Energy & Environmental Protection Committee,

*My name is Jodi Rodar and I **strongly oppose HB658**, which would allow the Department of Land and Natural Resources to evade any assessment of the environmental impacts of its ocean use and management decisions.*

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

Unfortunately, the Department of Land and Natural Resources has a long and notorious history of turning a blind eye to its critical statutory and public trust responsibilities, such as by operating a commercial boating permitting regime without any environmental review and without due regard for the environmental, cultural, recreational, and broader economic concerns of the public. This measure would not only legitimize this longstanding practice that has been affirmed as illegal by our court system, but also excuse the department from its environmental review responsibilities for similar ocean use authorizations with potentially deleterious ecological, cultural, recreational, climate resilience, and economic impacts.

This bill would turn our environmental review process into an afterthought, legitimizing illegal agency practices that have inflicted and that will continue to inflict potentially irreparable harms to the vast and varied public interests in our ocean environment.

*I urge you to **HOLD HB658**.*

Sincerely,

Dr. Jodi Rodar

HB-658

Submitted on: 2/8/2025 9:09:21 AM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Peter Wilson	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Lowen, Vice Chair Perruso, and Members of the Energy & Environmental Protection Committee,

*My name is Peter Wilson and I **strongly oppose HB658**, which would allow the Department of Land and Natural Resources to evade any assessment of the environmental impacts of its ocean use and management decisions.*

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

Unfortunately, the Department of Land and Natural Resources has a long and notorious history of turning a blind eye to its critical statutory and public trust responsibilities, such as by operating a commercial boating permitting regime without any environmental review and without due regard for the environmental, cultural, recreational, and broader economic concerns of the public. This measure would not only legitimize this longstanding practice that has been affirmed as illegal by our court system, but also excuse the department from its environmental review responsibilities for similar ocean use authorizations with potentially deleterious ecological, cultural, recreational, climate resilience, and economic impacts.

This bill would turn our environmental review process into an afterthought, legitimizing illegal agency practices that have inflicted and that will continue to inflict potentially irreparable harms to the vast and varied public interests in our ocean environment.

*I urge you to **HOLD HB658**.*

*Sincerely,
Peter Wilson*

HB-658

Submitted on: 2/8/2025 9:29:12 AM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Bo Breda	Individual	Oppose	Written Testimony Only

Comments:

*My name is Bo Breda and I **strongly oppose HB658**, which would allow the Department of Land and Natural Resources to evade any assessment of the environmental impacts of its ocean use and management decisions.*

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

Unfortunately, the Department of Land and Natural Resources has a long and notorious history of turning a blind eye to its critical statutory and public trust responsibilities, such as by operating a commercial boating permitting regime without any environmental review and without due regard for the environmental, cultural, recreational, and broader economic concerns of the public. This measure would not only legitimize this longstanding practice that has been affirmed as illegal by our court system, but also excuse the department from its environmental review responsibilities for similar ocean use authorizations with potentially deleterious ecological, cultural, recreational, climate resilience, and economic impacts.

This bill would turn our environmental review process into an afterthought, legitimizing illegal agency practices that have inflicted and that will continue to inflict potentially irreparable harms to the vast and varied public interests in our ocean environment.

*I urge you to **HOLD HB658**.*

*Sincerely,
Bo Breda*

HB-658

Submitted on: 2/7/2025 5:10:42 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

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

Comments:

Aloha Chair Lowen, Vice Chair Perruso, and Members of the Energy & Environmental Protection Committee,

*My name is Mary True and I **strongly oppose HB658**, which would allow the Department of Land and Natural Resources to evade any assessment of the environmental impacts of its ocean use and management decisions.*

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

Unfortunately, the Department of Land and Natural Resources has a long and notorious history of turning a blind eye to its critical statutory and public trust responsibilities, such as by operating a commercial boating permitting regime without any environmental review and without due regard for the environmental, cultural, recreational, and broader economic concerns of the public. This measure would not only legitimize this longstanding practice that has been affirmed as illegal by our court system, but also excuse the department from its environmental review responsibilities for similar ocean use authorizations with potentially deleterious ecological, cultural, recreational, climate resilience, and economic impacts.

This bill would turn our environmental review process into an afterthought, legitimizing illegal agency practices that have inflicted and that will continue to inflict potentially irreparable harms to the vast and varied public interests in our ocean environment.

*I urge you to **HOLD HB658**.*

*Sincerely,
Mary True*

HB-658

Submitted on: 2/8/2025 7:31:07 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
ANDREW ISODA	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Lowen, Vice Chair Perruso, and Members of the Energy & Environmental Protection Committee,

*My name is [Your name] and I **strongly oppose HB658**, which would allow the Department of Land and Natural Resources to evade any assessment of the environmental impacts of its ocean use and management decisions.*

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

Unfortunately, the Department of Land and Natural Resources has a long and notorious history of turning a blind eye to its critical statutory and public trust responsibilities, such as by operating a commercial boating permitting regime without any environmental review and without due regard for the environmental, cultural, recreational, and broader economic concerns of the public. This measure would not only legitimize this longstanding practice that has been affirmed as illegal by our court system, but also excuse the department from its environmental review responsibilities for similar ocean use authorizations with potentially deleterious ecological, cultural, recreational, climate resilience, and economic impacts.

This bill would turn our environmental review process into an afterthought, legitimizing illegal agency practices that have inflicted and that will continue to inflict potentially irreparable harms to the vast and varied public interests in our ocean environment.

*I urge you to **HOLD HB658**.*

*Sincerely,
Andrew Isoda
Lahaina, Mau'i*

HB-658

Submitted on: 2/10/2025 10:49:17 AM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Sierra Dew	Individual	Oppose	Written Testimony Only

Comments:

Dear Committee Members,

I am writing in **strong opposition to HB658.**

This bill seeks to undermine recent Hawai'i court rulings that held the **Department of Land and Natural Resources (DLNR) accountable** for failing to comply with our state's environmental review laws. By doing so, **HB 661 would allow the continued rubber-stamping of commercial and other activities without properly considering their environmental impacts.**

Hawai'i's natural and cultural resources deserve **rigorous environmental oversight, not weakened protections.** I urge you to **reject HB 661** and uphold the integrity of our environmental laws to ensure responsible stewardship of our land and waters.

Mahalo for your time and consideration.

Sierra Dew

HB-658

Submitted on: 2/10/2025 11:17:51 AM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Klayton Kubo	Individual	Support	Written Testimony Only

Comments:

Support

HB-658

Submitted on: 2/10/2025 12:34:13 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Kimmer Horsen	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Lowen, Vice Chair Perruso, and Members of the Energy & Environmental Protection Committee,

My name is Kimmer Horsen and I **strongly oppose HB658**, which would allow the Department of Land and Natural Resources to evade any assessment of the environmental impacts of its ocean use and management decisions.

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

Unfortunately, the Department of Land and Natural Resources has a long and notorious history of turning a blind eye to its critical statutory and public trust responsibilities, such as by operating a commercial boating permitting regime without any environmental review and without due regard for the environmental, cultural, recreational, and broader economic concerns of the public. This measure would not only legitimize this longstanding practice that has been affirmed as illegal by our court system, but also excuse the department from its environmental review responsibilities for similar ocean use authorizations with potentially deleterious ecological, cultural, recreational, climate resilience, and economic impacts.

This bill would turn our environmental review process into an afterthought, legitimizing illegal agency practices that have inflicted and that will continue to inflict potentially irreparable harms to the vast and varied public interests in our ocean environment.

I urge you to **HOLD HB658**.

Sincerely,
Kimmer Nahonu Horsen

HB-658

Submitted on: 2/10/2025 2:31:52 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

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

Comments:

Strongly support HB658. Reduces redundant reviews for regulated operators, ensuring clarity and stability for commercial boating and recreation businesses. It is important for businesses to know that they will be able to renew their permit each year to provide security for employees, rental lease agreements, financial institutions, etc.

HB-658

Submitted on: 2/10/2025 1:27:24 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Eileen Cain	Individual	Oppose	Written Testimony Only

Comments:

Please oppose this bill and protect our environment.

HB-658

Submitted on: 2/10/2025 3:04:41 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

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

Comments:

Aloha Chair and Members of the Committee,

My name is Jim Walsh and I strongly **support HB658**.

Recent court decisions have put many permit holders in jeopardy of being shut down due to the broadened application of Chapter 343. Local family businesses that have been lawfully operating for decades under administrative rules will be forced to close unless the legislature takes immediate action.

This bill makes sure that long-standing, law-abiding commercial activities are not unfairly subjected to redundant environmental reviews under Chapter 343. Hawai'i's ocean tourism operators already comply with strict administrative rules designed to protect natural resources. HB658 provides much-needed clarity and prevents unnecessary disruptions.

By excluding ongoing, permitted activities from the definition of "action," this bill ensures regulatory efficiency while protecting the thousands of local residents that depend on lawfully issued permits by the State to make a living.

Thank you for considering this testimony.

Kind regards,

Jim Walsh

HB-658

Submitted on: 2/10/2025 5:31:23 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Keahi Ho	Individual	Support	Written Testimony Only

Comments:

As a Lahaina firefighter and small commercial operator out of Lahaina Harbor that lost my small monohull sailing vessel in the fire, I support this bill. The West Maui boating community was wiped out by the fire. To further penalize and shut down businesses that are able to operate out of Ka'anapali is unfair and a detriment to our visiting community who enjoy ocean excursions.

HB-658

Submitted on: 2/10/2025 8:24:53 PM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Lei Fisher	Individual	Oppose	Written Testimony Only

Comments:

Strongly oppose, please hold this bill!

HB-658

Submitted on: 2/11/2025 5:20:56 AM

Testimony for EEP on 2/11/2025 10:15:00 AM

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

Comments:

I STRONGLY OPPOSE this bill.

HB-658

Submitted on: 2/11/2025 5:22:49 AM

Testimony for EEP on 2/11/2025 10:15:00 AM

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

Comments:

Please DO NOT pass this bill.

HB-658

Submitted on: 2/11/2025 7:02:32 AM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Breanne Fong	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Lowen, Vice Chair Perruso, and Members of the Energy & Environmental Protection Committee,

My name is Breanne Fong, and I **strongly oppose HB658**, which would allow the Department of Land and Natural Resources to evade any assessment of the environmental impacts of its ocean use and management decisions.

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

Unfortunately, the Department of Land and Natural Resources has a long and notorious history of turning a blind eye to its critical statutory and public trust responsibilities, such as by operating a commercial boating permitting regime without any environmental review and without due regard for the environmental, cultural, recreational, and broader economic concerns of the public. This measure would not only legitimize this longstanding practice that has been affirmed as illegal by our court system, but also excuse the department from its environmental review responsibilities for similar ocean use authorizations with potentially deleterious ecological, cultural, recreational, climate resilience, and economic impacts.

This bill would turn our environmental review process into an afterthought, legitimizing illegal agency practices that have inflicted and that will continue to inflict potentially irreparable harms to the vast and varied public interests in our ocean environment.

I urge you to **HOLD HB658**.

Sincerely,
Breanne Fong

HB-658

Submitted on: 2/11/2025 8:30:12 AM

Testimony for EEP on 2/11/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Tara Rojas	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose H.B. No. 658, which seeks to exclude ongoing or recurring activities that have been lawfully permitted and are governed by administrative rules or management plans within state-managed areas from the environmental review process under chapter 343, Hawaii Revised Statutes.

While I understand the legislature's desire to streamline operations and avoid redundancies, we must not sacrifice environmental stewardship in the name of regulatory efficiency. The exemption of certain activities from the environmental review process leaves our most vital resources—our oceans, marine life, and unique ecosystems—vulnerable to degradation. Just because an activity has been historically permitted or governed by existing rules does not mean it is immune from environmental impact or scrutiny.

We must remember that environmental challenges evolve, and so too should our systems of review. The protections provided under chapter 343 serve as a necessary safeguard to ensure that even well-established activities are constantly evaluated to prevent long-term damage to the environment and the communities that rely on these natural resources. It is crucial that we do not close the door on necessary assessments that could prevent unforeseen negative consequences in the future.

Hawai'i's unique ecosystems and communities require constant vigilance and accountability, especially given the rapid changes we are witnessing in the environment. Removing the requirement for environmental review for certain activities may inadvertently open the door to practices that compromise the health and sustainability of our resources.

Therefore, I urge you to reject H.B. No. 658 and preserve the integrity of our environmental review process. It is essential to maintain a balance between operational efficiency and the long-term protection of our irreplaceable natural resources for the benefit of future generations.

Thank you for your attention and consideration.

Tara Rojas