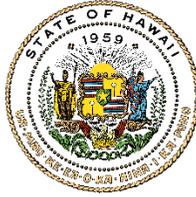


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



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

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

CIARA W.K. KAHAHANE
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N. S. CHANG
Chairperson

Before the House Committees on
ENERGY & ENVIRONMENTAL PROTECTION
and
WATER & LAND

Tuesday, February 11, 2025
9:15 AM
State Capitol, Conference Room 325 & Videoconference

In consideration of
HOUSE BILL 661
RELATING TO ENVIRONMENTAL REVIEW

House Bill 661 proposes an amendment to Chapter 343, Hawaii Revised Statutes (HRS), also known as the Hawai'i Environmental Policy Act (HEPA), to permit, except in certain circumstances, a previously authorized activity as being subject to environmental review to continue while the applicable agency conducts assessment, prepares an environmental impact statement, or determines whether the activity is exempt. **The Department of Land and Natural Resources (Department) supports the intent of this measure and offers the following comments.**

Recent judicial interpretations of HEPA have resulted in significant challenges for the Department and other agencies. Notably, the Hawai'i Supreme Court ruled in Umberger, et al. v. DLNR, 140 Hawai'i 500 (2017), that all Aquarium Fish permits issued by the Department's Division of Aquatic Resources (DAR) pursuant to section 188-31, HRS, are subject to HEPA. Subsequently, in Kaupiko et al. v. DLNR, Case No. 1CCV-20-0000125 (2020), the First Circuit Court ruled that HEPA also applies to the taking of aquatic life for commercial aquarium purposes under licenses issued by DAR pursuant to section 189-2, HRS (or "Commercial Marine Licenses" or "CMLs"). As a result, the Department no longer issues CMLs for commercial aquarium purposes, while continuing to issue CMLs for the commercial harvest of marine resources for food and other non-aquarium purposes.

More recently, the Second Circuit Court in Nā Papa'i Wawae 'Ula'ula, et al. v. DLNR, Case No. 2CC-17-1-000483 (2024), enjoined the Department from issuing or renewing any commercial use permits (CUPs) for activities in Kā'anapali ocean waters off West Maui until a determination is made that the

activities are exempt from HEPA, or an environmental review is completed. The initial scope of the litigation targeted six CUPs issued by the Department's Division of Boating and Ocean Recreation (DOBOR), but the court's immediate decision also affects the renewal of a total of thirty active DOBOR CUPs for Kā'anapali ocean waters. This situation presents a considerable economic risk for these permittees, as many have been operating at Kā'anapali for decades, and the inability to renew these CUPs would lead to the immediate cessation of longstanding operations.

The Department shares the courts' intent to ensure proper environmental review of activities that have the potential for substantial environmental impacts. However, many of these ocean recreational activities have been permitted for many years, in some cases 20 years. The Department constantly strives to find balance between preserving and protecting our valuable natural and cultural resources while permitting a level of commercial recreational activities that provide jobs, opportunities for locals and visitors to enjoy our ocean resources, and a source of revenue for the Department. Without a mechanism for continued operations during environmental review, impacted businesses are forced to cease operations indefinitely, resulting in job losses and economic harm without knowing the environmental impact of these long-standing ocean recreational activities. We believe this bill permit the status quo, no expansion of activities, pending the Department's determination of appropriate environmental review.

Mahalo for the opportunity to testify on this measure.



TESTIMONY IN OPPOSITION TO HOUSE BILL 661
RELATING TO ENVIRONMENTAL REVIEW
House Committee on Energy & Environmental Protection
House Committee on Water & Land
Hawai'i State Capitol

February 11, 2025

9:15 AM

Room 325

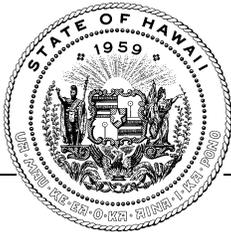
Dear Chair Lowen and Chair Hashem, Vice Chair Perruso and Vice Chair Lamosao, and Members of the Committees:

The Office of Hawaiian Affairs (OHA) respectfully submits this testimony in **OPPOSITION** to HB661, which would amend Hawai'i Revised Statutes (HRS) Chapter 343, the Hawai'i environmental Policy Act (HEPA), to allow previously permitted activities to continue, if challenged under HEPA, pending environmental review.

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

HEPA is frequently a vehicle for OHA's beneficiaries to ensure protection of their rights including the exercise of traditional and customary practices. As just one example, the commercial aquarium trade had never been subject to environmental review prior to a 2017 ruling from the Hawai'i Supreme Court, and was subsequently enjoined in certain areas pending HEPA compliance. Traditional Native Hawaiian fishers and cultural practitioners were among the plaintiffs in that landmark ruling to ensure careful consideration of how this extractive commercial enterprise affects others who depend on the same resources for subsistence and cultural practices. This is simply one example of many illustrating the importance of this law to the individuals and communities that OHA represents. However, if the amendment proposed in HB661 had been in place in 2017, unchecked commercial extraction would have continued pending environmental review.

Mahalo for the opportunity to submit this testimony. OHA urges the Committees 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

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Statement of
MARY ALICE EVANS, Director

before the
HOUSE COMMITTEES ON ENERGY AND ENVIRONMENTAL PROTECTION
And
WATER AND LAND

Tuesday, February 11, 2025, 9:15 AM
State Capitol, Conference Room 325

in consideration of
HB 661
RELATING TO ENVIRONMENTAL REVIEW.

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

The Office of Planning and Sustainable Development (OPSD) supports the intent of HB 661, and offers comments. HB 661 intends to clarify and resolve the effect that recent court decisions have had on long-standing historically permitted activities in state-managed areas like ocean recreation areas, marine life conservation districts, and game management areas. This bill is similar to other bills (HB 658 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.

While we appreciate and support the efforts of the Legislature to further this goal, we believe that the related bills should be focused on amending the language of the relevant statutes that authorize the specific permits for the noted areas, rather than amending HRS Chapter 343 to only address specific circumstances.

Chapter 343 is a general law that applies to a broad range of many different situations, agencies, applicants 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. Specific language addressing focused circumstances is best incorporated into the enabling statutes for those management systems.

HB 661 would amend HRS Section 343-5 by adding a new paragraph with language establishing that under certain circumstances, a previously permitted or authorized action that is being challenged as to whether the action is subject to the requirements of the HRS 343 may

continue while those requirements are being pursued. The proposed language speaks to situations where the agency conducts or prepares the respective environmental review document (environmental assessment [EA] or environmental impact statement [EIS]). In many cases, an applicant rather than an agency would be preparing the EA or EIS, and this bill does not address that situation.

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

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

TESTIMONY IN **STRONG OPPOSITION** TO HOUSE BILL 661,
RELATING TO ENVIRONMENTAL REVIEW

February 11, 2025, 9:15 a.m.
Conference Room 325
State Capitol
415 South Beretania Street

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

Earthjustice **strongly opposes HB 661**, which, if passed, would severely undermine 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 for a broad subset of permitted activities, 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 661'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 also 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 661 then subverts HEPA's core requirements by proposing to allow ongoing or recurring permitted activities to continue even while undergoing environmental review. This is a 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. Exempting ongoing permitted activities under HEPA would mean that, in instances where such activities are in fact causing environmental damage, they would be allowed to continue unabated, even if environmental review is required or completed. Put simply, HB 661 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 undercut HEPA's core requirements and fundamentally alter the landscape of environmental protection in Hawai'i Nei.

For these reasons, Earthjustice strongly opposes HB 661 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 COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION HOUSE COMMITTEE ON WATER & LAND

February 11, 2025

9:15 AM

CR325

In **OPPOSITION** to **HB661**: Relating to Environmental Review

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

On behalf of our over 20,000 members and supporters, the Sierra Club of Hawai'i **STRONGLY OPPOSES HB661**, which would turn our environmental review process into an afterthought, and pave the way for significant and unnecessary environmental, cultural, socioeconomic, and economic impacts to our islands and future generations.

The Sierra Club emphasizes that this measure will result in significant, unnecessary, and potentially irreversible impacts to the wide range of public interests in our islands' vital but fragile environment. Our environmental review law has, for 40 years, played a critical role in ensuring that certain decisions potentially impacting our islands' environmental, cultural, and socioeconomic integrity are carefully and transparently assessed by government decisionmakers, **before** they render their decisions. The environmental review process also helps to ensure that these decisionmakers explicitly consider ways to avoid such impacts, to the extent feasible. Notably, the environmental review law includes opportunities for decisionmakers with limited experiences to be informed by those with a wide range of expertise, insight, and perspectives - including Native Hawaiian cultural practitioners and others with intimate place-based knowledge of their local environment and associated cultural and recreational practices.

Unfortunately, as has been affirmed time and again by our court system, agencies sometimes fail to follow the requirements of the environmental review law prior to decisionmaking, allowing actions to proceed or continue without any of the benefits of environmental review. This includes the issuance of commercial permits to allow the unlimited take of marine life for aquarium purposes, as well as of stream diversion permits that have drained streams needed by watersheds, estuaries, and rural Native Hawaiian communities for decades. Notably, in the latter example, the dewatering of East Maui's streams continued, uninterrupted, for nearly 20 years **after** an environmental review for long-term diversions was ordered by the circuit court - a practice that has most recently been confirmed as illegal by the Hawai'i Supreme Court. Such failures to follow the established law have resulted in long-term, deleterious, and otherwise avoidable impacts including impaired watersheds and aquatic ecosystems, severely diminished



SIERRA CLUB OF HAWAI'I

regional food security, substantial water waste, cessation of cultural and subsistence practices, and many others.

This measure would legitimize these and other unlawful and harmful agency practices, and open the door for future abuses of our environment, culture, and community rights and interests. Allowing actions to be executed and continued while noncompliance with environmental review laws are challenged would essentially make environmental review an afterthought, rather than a prudent planning and harm mitigation mechanism. **With the after-the-fact environmental reviews implicitly authorized by this measure, well-meaning decisionmakers will be inevitably pressured by political and monied special interests to disregard their environmental review obligations in favor of expedited approvals – with no meaningful remedy for the unaccounted-for harms inflicted, as legal challenges to unlawfully approved actions drag on for years, or even decades.**

As we continue to navigate an era of unprecedented uncertainty and instability, we need much greater, not less, mindfulness and prudence in how we treat our environment - the very foundation of our future generations' existence. This bill proposes the exact opposite. Please do not pass this measure.

Accordingly, the Sierra Club respectfully urges the Committees to **HOLD** HB661. Thank you very much for this opportunity to testify.



**TESTIMONY OF THE OCEAN TOURISM COALITION IN STRONG SUPPORT
OF HB661.**

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

My name is Denver Coon. I am the president of the Ocean Tourism Coalition (“OTC”). OTC represents hundreds of locally owned ocean tourism businesses statewide, many being 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 consequences of recent judicial interpretations of Chapter 343. Without legislative action, my family's business—and hundreds of others across the state—will face imminent closure, not due to any wrongdoing on our part, but because of a legal interpretation that applies environmental review to longstanding activities that were not thought to be subject to environmental review decades ago.

HB661 is essential to protecting longstanding permitted activities statewide, both commercial and recreational. Without legislative action, hundreds of businesses and activities—many of which have been operating under state-issued permits for decades—could face imminent closure due to recent judicial interpretations of Chapter 343.

The Broad Interpretation of Chapter 343 Jeopardizes Established Businesses

The definition of "action" under Chapter 343 to be “any project or plan,” is so broad that its full implications remain unclear. It is possible that its reach could extend beyond aquatic fish collection and beyond ocean tourism to farming, fishing, commercial filming, public or private transportation, wedding permits, and a host of other longstanding activities that have never been subjected to Chapter 343 because it was not previously required.

For example, Kā'anapali ORMA permit holders are currently facing imminent closure because environmental review was not conducted when the Kā'anapali ORMA was originally established almost four decades ago. Under the courts expansive definition, the Kā'anapali ORMA is a “project or plan,” and was subject to Chapter 343. This is despite the fact that the Kā'anapali ORMA went through Chapter 91 rulemaking, including public input, to limit and regulate activities extensively.

A Threat to Due Process and Economic Stability

As a former public defender, I understand the importance of due process and the presumption of innocence. However, permit holders are now being presumed guilty until proven innocent, despite their decades of compliance with the law and their environmental stewardship.

Our company prides itself on our care of the ocean and our deep connection with the communities of Maui and Lanai. That is why it is incredibly disheartening that we may be shut down based on allegations that Kā'anapali ORMA permit holders take public parking and discharge waste into nearshore waters. However, I can prove—without an EIS—that our company has required guests to park in hotels for the past 30 years and that we have led the industry in establishing pump-out facilities in Ma'alaea, Lahaina, and Manele Harbors. Our vessels have utilized these facilities for decades rather than discharging waste into the ocean. Shutting down longstanding businesses indefinitely while they conduct an EIS to prove what can already be demonstrated today is not justice.

Avoiding Statewide Superferry-Type Shutdown

Without legislative intervention, Chapter 343 will be used as a weapon to shut down countless commercial and recreational activities across the state. Hawai'i has seen this scenario before. The Superferry never returned after being shut down. Commercial aquarium fish collectors have not returned. How many businesses and activities will meet the same fate?

The Solution: HB661 Allows Existing Permits to Be Renewed

HB661 allows longstanding permitted activities to continue if their compliance with Chapter 343 is challenged. Businesses like ours have operated in good faith for decades and should not be forced into sudden and indefinite closure because of a shifting interpretation of the law.

Some may argue that this is not a new interpretation of Chapter 343, but simply an enforcement of existing law. However, I do not believe the state would have issued thousands of permits over the years had they known this requirement existed. The broadening of the term "action" to potentially include almost any permitted activity is a radical shift that has placed longstanding businesses in legal limbo.

Even if the state should have done an environmental review decades ago, then I believe it is the state's responsibility to make it right—not to shut down these activities and place the burden on the local people.

I humbly ask you to pass HB661 to protect Hawai'i's local businesses, residents, and the many activities we depend on for our livelihoods and wellbeing.

Sincerely,



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

HB-661

Submitted on: 2/3/2025 5:08:38 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

Aloha,

My name is Daniel Hazen, and I am writing to express my strong support for House Bill 661. This bill is vital for ensuring that previously permitted activities can continue operating while undergoing environmental review if their permits are challenged.

HB661 provides a necessary safeguard for businesses, preventing unnecessary disruptions and costly shutdowns during environmental reviews. It strikes a fair balance between maintaining environmental protections and supporting regulated operations that comply with the law. If operators are forced to suspend their activities while conducting extensive environmental studies, it could lead to the closure of businesses and a devastating loss of jobs.

I urge you to pass HB661 and support the families, businesses, and local communities that depend on these activities for their livelihoods.

Sincerely,

Daniel Hazen

HB-661

Submitted on: 2/3/2025 9:41:21 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Tony Coscia	Captain Andys Sailing Inc.	Support	Remotely Via Zoom

Comments:

Aloha Esteemed Chairs, Vice Chairs, and Members of the House Committees on Energy & Environmental Protection and Water & Land.

My name is Tony Coscia, and I'm the Operations Manager at Captain Andy's Sailing Adventures. I'm also a new dad, with a baby boy at home who's already teaching me to see the world through fresh eyes. I think about the future a lot these days, what kind of island, economy, and environment we're going to leave for our children.

At Captain Andy's, we've always worked hard to protect the natural beauty we depend on. We follow strict rules to safeguard the Na Pali Coast and the marine life that makes it so special. While we've been lucky not to experience delays ourselves, we've seen businesses on other islands struggle with new environmental review requirements that create uncertainty and potential disruptions. I worry it could eventually impact us too.

H.B. 661 is about finding balance. It will allow businesses like ours, those that are already following the rules, to keep going while environmental reviews are done. It doesn't cut corners on environmental protection, but it helps prevent unnecessary disruptions that hurt local jobs and families.

I'm hopeful my son will grow up in a Hawaii where we protect both our natural resources and the livelihoods of the people who call this place home. Please support H.B. 661 to help us make that a reality.

Mahalo nui loa,

Tony Coscia

Operations Manager, Captain Andy's Sailing Adventures

HB-661

Submitted on: 2/3/2025 8:42:07 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Gabriel Lucy	Captain Andy's Sailing	Support	Remotely Via Zoom

Comments:

Aloha Esteemed Chairs, Vice Chairs, and Members of the House Committees on Energy & Environmental Protection and Water & Land.

My name is Gabriel Lucy, General Manager and President of Captain Andy’s Sailing Adventures. We strongly support H.B. 661, which helps address the unintended expansion of Hawaii’s environmental review requirements under Chapter 343, affecting longstanding, law-abiding operations like ours.

Captain Andy’s has operated responsibly along Kauai’s Na Pali Coast for decades, supporting local jobs, local businesses and tourism while complying with strict environmental and USCG regulations. Recent court decisions could create delays and uncertainty by subjecting us to duplicative environmental reviews, threatening our ability to continue serving the community and visitors.

H.B. 661 strikes a needed balance, allowing previously permitted activities to continue while environmental assessments are conducted, except in cases involving major environmental alterations like construction or dredging. This will protect responsible businesses while ensuring environmental safeguards remain in place.

We urge you to support H.B. 661 to provide stability for businesses like ours while maintaining Hawaii’s commitment to environmental protection.

Mahalo,
Gabriel Lucy
GM/President, Captain Andy’s Sailing Adventures

HB-661

Submitted on: 2/4/2025 7:09:15 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

Aloha Esteemed Chairs, Vice Chairs, and Members of the House Committees on Energy & Environmental Protection and Water & Land,

My name is Kyler Myers, and I work with Captain Andy's Sailing Adventures on Kauai. I'm married to a local Kauai girl, and we're raising three beautiful children together. Every day, I look out at the ocean and imagine my kids growing up to appreciate and protect the same waters I work on, and maybe even work on them themselves one day.

Captain Andy's isn't just a job for me; it's a way of life. We follow strict environmental rules to keep the Na Pali Coast and the surrounding waters healthy and beautiful. But lately, I've seen businesses on other islands struggling because of new environmental review processes that create uncertainty and potential delays. I worry about what that could mean for the future, for my family, my job, and this island.

H.B. 661 is a step toward protecting what's important. It lets businesses that follow the rules, like ours, keep running while environmental reviews are done. It doesn't compromise the environment; it just ensures that local families don't lose jobs because of delays or bureaucratic roadblocks.

Someday, I want to see my kids working on the ocean, knowing that we did our part to protect both the environment and the livelihoods that depend on it. Please support H.B. 661 to help ensure a balanced, stable future for families like mine.

Mahalo nui loa,

Kyler Myers

Operations Team Member, Captain Andy's Sailing Adventures



COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

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

COMMITTEE ON WATER & LAND

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

Testimony for HB661

Subject: Testimony in **Strong Support of HB661** – Relating to Environmental Review

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

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 HB661.

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 take great pride in being good stewards of the wahi pana’s we have the privilege to work in. Please protect those of us who have been lawfully operating for decades under administrative rules and could be forced to close unless the legislature takes immediate action.

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.

HB661 ensures that previously authorized or permitted activities or operations continue operation while the EA or EIS review process is complete. Hawaii’s ocean tourism operators employ thousands of Hawaii residents, this bill will keep families fed and with a roof over their heads. This is important to so many individuals, families, and businesses. Please VOTE yes to support this bill.

Mahalo for considering this testimony.

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

HB-661

Submitted on: 2/8/2025 8:39:15 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

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

*My name is Susan RobertsEmery, I am Co Chair of the Green Party of Hawai'i. The Green Party of Hawai'i believes in transparency in our government and with that in mind we **strongly oppose HB661**, which would allow a vast range of illegally authorized activities to continue, potentially indefinitely, without a required consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.*

Our environmental review law allows decisionmakers and the public to make more fully-informed decisions that can balance and mitigate potential long-term impacts to our communities , 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. Full disclosure and Transparency are important when it comes to environmental review.

Unfortunately, the failure of certain departments to comply with this law before authorizing certain actions - such as in the take of an unlimited number of of ecologically critical marine specimens for the aquarium trade, or the decades-long dewatering of streams in East Maui - has resulted in severe and in some cases irreparable ecological, cultural, social, and economic harms that could and should have been avoided through the prudent planning embodied in our environmental review law. Trust has been lost.

*On behalf of the Green Party of Hawai'i we ask that you to **HOLD HB661**.*

Mahalo nui,
Susan RobertsEmery
Co Chair GPH
Green Party of Hawai'i
Paauilo

HB-661

Submitted on: 2/8/2025 2:09:18 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

Aloha!

The Free Access coalition OPPOSES HB 661. We need to responsibly use our open areas. Many for-profit companies are seeking to infest the parks, beaches, and beaches. We need to stop this.

Mahalo for your time.

HB-661

Submitted on: 2/7/2025 7:43:10 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

Testimony for HB661

Subject: Testimony in Support of HB661 – 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 HB661. 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.

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. KBRA acknowledges that sound environmental and protective practices evolve as time goes by. In an eOort to reduce the Resort's carbon footprint, the Resort partners have continued finding new ways to accomplish that goal, such as distribution of reef safe sunscreen throughout the resort and educating the public on ocean recreation best practices onsite at individual resort properties, as well as at the Hawaii Wildlife Discovery Center, located in Whalers Village.

We are in support of being good steward of the environment but feel that this can be accomplished without forcing lawfully permitted operators to shut down for years while spending

hundreds of thousands of dollars to conduct environmental studies. This will inevitably lead to the

closure of local business and the loss of job for many.

Between COVID and the Lahaina fire, Maui's businesses have faced seemingly unsurmountable challenges for years. History has shown that activities that have lost their permits and been shut down do not 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,

Shelley Kekuna

Executive Director
Kā'anapali Beach Resort Association

HB-661

Submitted on: 2/9/2025 7:33:11 PM

Testimony for EEP on 2/11/2025 9:15:00 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 HB661**, which would allow a vast range of illegally authorized activities to continue, potentially indefinitely, without a required consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

HB661 would turn our environmental review process into an afterthought, legitimizing unlawful and irresponsible agency practices that have inflicted and that will continue to inflict tremendous generational harms and injustices upon our islands and communities now and for the next generations to come. **Please HOLD HB661.** Mahalo.



TESTIMONY REGARDING HB:661
TESTIMONY IN FULL SUPPORT of HB 661 – Environmental
Review

February 5, 2025

Aloha Chair and Members of the Committee,

I, Peter Wood, am in complete support of HB661. Although it is highly important to protect and be responsible for and conscientious of Hawaii's natural resources, it is also important to respect and allow professional businesses to operate safely and within guidelines to remain in business. I'm asking you to please vote for and pass HB 661 for the sake of our communities, families, business investments and small entrepreneurs that are the backbone of our economy. As I understand HB661 it provides for an operator to continue with their operations and services during the process of an environmental review. Services as "permitted" would be allowed to continue operations as is. Maintaining the continuation of services is very important, allowing the operator to remain in business and continue until or if results show that for any reason operations should be stopped.

Although it is highly important to protect and be responsible for and conscientious of Hawaii's natural resources, it is also important to respect and allow professional businesses who have operated safely for decades to continue to operate within the guidelines to remain in business.

Valuable, dependable operators following regulations for decades being required to requalify for permits after an undetermined amount of time will be unable to retain their vessels without harbors, protect them from storms, and keep professional qualified staff in position to maintain the vessels and their moorings. If companies are forced to stop operations during the environmental assessment they will be forced out of business permanently, and mostly have likely to put their vessels up for sale or take them elsewhere. Hundreds of employees, subcontractors and multiple service providers will no longer have an income, which will result in local residents moving off island. The ripple

effect will be devastating for the entire island of Maui, and catastrophic for the West Maui community who are only now starting to recover from the Lahaina Fires. Research shows that it is unlikely for a closed business to make a successful comeback. We should not lose valuable Hawaii jobs and reputable community businesses in this way. We plead with you to consider this carefully before it is too late.

Thank you for your time in reading and considering my testimony.

Regards,

Captain Peter Wood 808-870-3672



TESTIMONY HB-661
TESTIMONY IN FULL SUPPORT of HB-661

February 5, 2025

Aloha Chair and Members of the Committee, I, Inca Robbin, am in complete support of HB661.

HB661 seems to provide for an operator to go forward and continue with their operations and services during the process of an environmental review. Services as permitted would be allowed to continue operations as is with normal circumstances. Maintaining continuation of services is very important as it allows the operator to remain in business and continue on until or if reviews show that, for any reason, operations should be stopped. While it is of the utmost importance to protect and be responsible for Hawaii's natural resources, it is also important to respect and allow professional businesses to operate safely and within noted guidelines to remain in business. I'm asking you to please vote for and pass HB 661 for the sake of our employees, their families, our substantial business investments and the small entrepreneurs that are the backbone of our economy.

If long standing permit holders that have operated within all guidelines and followed all regulations are put into a position whereby, they need to halt all activities of their business during environmental reviews then we will lose strong, dependable operators and punish them for following and abiding by the guidelines. We will be forced to take away hundreds of jobs from many in the community. The tourism already reflecting massive drops since the Lahaina Fires while be almost nonexistent without the ocean recreation to draw visitors to Maui. Replacing operators should the environmental review prove that the current that operations are not having negative impact would open the door for mainland companies with no knowledge of ocean safety, preserving the marine resources with professional, seasoned and experienced ocean stewards. We should not lose valuable Hawaii jobs and reputable community businesses in this way.

Thank you for your time in reading and considering my testimony.

Sincerely,


Inca Robbin
Sailing Maui Inc.
808-870-3673

HB-661

Submitted on: 2/3/2025 5:17:05 PM

Testimony for EEP on 2/11/2025 9:15:00 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 protects the future of my business!

Sincerely,

Richard Kersten

President

Sea Paradise Scuba Inc.



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

Tuesday, February 11, 2025, 9:15 AM Hearing in Conference Room 325 on
HB 661, Relating to Environmental Review

TESTIMONY

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

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

The League of Women Voters of Hawaii opposes HB 661. Chapter 343, Hawaii Revised Statutes requires public notice, environmental analysis, and a formal opportunity for public comment concerning actions which may have significant adverse environmental effects. These are reasonable requirements for renewal of permits for existing stream diversions, intensive commercial fishing, heavy use of pesticides, underground injection of wastewater, or commercial activities in nearshore waters. However, HB 661 would eliminate any deadline for Chapter 343 compliance for permits to continue actions which do not involve “construction, grading, dredging, or other structural modifications”.

Thank you for the opportunity to submit testimony.

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

Draft Testimony for HB661

Subject: Testimony Expressing Support of HB661 – Relating to Environmental Review

Aloha Chair and Members of the Committee,

I, Manu Powers, 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. With the understanding that protecting our shared resources is of the utmost importance, this bill strikes a necessary balance.

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 countless local businesses and the loss of jobs for local people struggling to make ends meet. Historically, businesses impacted through similar circumstances have failed to reopen. 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.

Mālama Pono,



Manu Powers
Owner
Sea Quest Hawaii

Subject: Testimony in Strong Support of HB661 – Relating to Environmental Review

Aloha Chair and Members of the Committee,

My name is Dave Weiss. I have been in the commercial boating industry on Maui for over 45 years and I strongly support HB661.

Although this bill does not have any direct effect on my current business, as we operate out of the small boat harbor, I believe this bill, or any similar crossover bills would set a very dangerous precedent. This bill is tantamount to a conviction of a defendant without proper due process or a trial. Let's suppose, after shutting down all these legally operating businesses during an EA, and in the end, there proves to be no significant impact on the environment, the permit holders most likely would be out of business. Their employees, many who have been through the horrors of the Lahaina wildfires a little more than a year ago, would be out of work again.

In addition, 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,

David Weiss

Senior Vice President

RED Hospitality & Leisure Hawaii, LLC-operating vessels:

Alii Nui

Alii Kai

Alii Nani

Koa Kai

HB-661

Submitted on: 2/4/2025 4:11:19 PM

Testimony for EEP on 2/11/2025 9:15:00 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 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 jobs 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,
Bennett Converse

HB-661

Submitted on: 2/3/2025 3:13:45 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

Aloha,

My name is Michael, and I am the General Manager of Body Glove Cruises. I strongly support HB661.

HB661 ensures that previously permitted activities can continue operating while undergoing environmental review if their permits are challenged. This is crucial for regulatory stability and prevents unnecessary disruptions for businesses that are fully compliant with existing laws.

This bill acknowledges the need to uphold environmental protections while avoiding redundant reviews. It strikes a fair balance between preserving Hawaii’s natural resources and supporting long-standing, regulated operations that contribute to our local economy.

Requiring lawfully permitted operators to shut down for years and spend hundreds of thousands of dollars on additional environmental studies will force many businesses to close, leading to job losses and economic harm to our communities.

History has shown that once certain activities lose their permits and are forced to shut down—such as the Super Ferry—they do not return. We cannot afford to let this happen to the hundreds of businesses and thousands of residents who rely on these activities for their livelihoods.

I urge you to pass HB661 to protect Hawaii’s businesses, workers, and families.

Mahalo for your time and consideration.

Sincerely,
Michael

HB-661

Submitted on: 2/5/2025 1:12:01 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

Subject: Testimony in Strong Support of HB661 – Relating to Environmental Review

Aloha Chair and Members of the Committee,

I am Christopher Kasper 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,
Christopher Kasper

Testimony for HB661

Subject: Testimony in Strong Support of HB661 – Relating to Environmental Review

Aloha Chair and Members of the Committee,

I am Jessica Belt 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,

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

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 HB661– 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 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 jobs 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.

Sincerely,



Edwin Torres
General Manager

HB-661

Submitted on: 2/3/2025 11:20:41 AM

Testimony for EEP on 2/11/2025 9:15:00 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 HB661**.

As a business owner in Hawaii, I understand the importance of protecting our natural environment while also ensuring the sustainability of local businesses that operate responsibly within regulatory frameworks. **HB661 is critical because it allows previously permitted activities to continue operating during environmental reviews if those permits are challenged.** This ensures regulatory stability and prevents unnecessary disruptions for businesses that are fully compliant with existing laws.

The bill strikes an essential balance—**upholding environmental standards without subjecting businesses to redundant reviews** that can be both time-consuming and financially crippling. Forcing lawfully permitted operators to shut down for extended periods while spending hundreds of thousands of dollars on additional environmental studies can lead to business closures and job losses, deeply affecting local families and communities.

We've seen from past cases, like the **Superferry** and **aquatic fish collectors**, that once operations are shut down due to permit issues, they often don't come back. **We cannot afford to repeat this history**, especially when so many local businesses and families depend on these activities for their livelihoods.

I urge you to **pass HB661** to support Hawaii's local businesses, protect jobs, and ensure a fair, balanced approach to environmental regulation.

Mahalo for considering my testimony.

Sincerely,
Don Prestage

HB-661

Submitted on: 2/6/2025 12:19:12 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
nicholas	Teralani Sailing	Support	In Person

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 in Strong Support of HB661 – Relating to Environmental Review
February 7, 2025

Aloha Chair and Members of the Committee,

OUTRIGGER Hospitality Group is in strong support of HB661, a critical measure that safeguards the continuity of long-standing, lawfully permitted businesses while ensuring Hawai'i's environmental review process remains robust and effective.

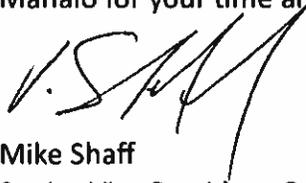
As a company that has operated in Hawai'i for more than 75 years, OUTRIGGER is committed to both environmental stewardship and responsible business practices. We fully support strong environmental regulations and compliance measures. However, forcing businesses that have already met all regulatory requirements to shut down during permit challenges – before any final determination is made – is an unfair and destabilizing practice that threatens jobs, livelihoods and economic stability.

HB661 provides a fair and necessary solution by allowing permitted businesses to continue operations while environmental reviews are conducted. This approach upholds environmental protections while also ensuring that compliant businesses are not unnecessarily penalized. Without this bill, long-established operations could be forced to close their doors permanently – taking with them thousands of jobs, millions in economic contributions and vital services for residents and visitors alike.

We have seen the devastating impact of past shutdowns on businesses that were unable to recover, such as the commercial aquarium fishing industry. Once these operations are lost, they do not return. Hawai'i cannot afford to continue down this path, where lawful businesses that follow all guidelines are driven out simply due to prolonged bureaucratic processes.

By passing HB661, the Legislature can ensure regulatory consistency, uphold environmental accountability and protect Hawai'i's economy. We hope you will support this bill in the interest of Hawai'i's families, businesses and future economic sustainability.

Mahalo for your time and consideration.



Mike Shaff
Senior Vice President Operations – The Americas

HB-661

Submitted on: 2/9/2025 9:36:12 PM

Testimony for EEP on 2/11/2025 9:15:00 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 Maui’s residents and visitors for over 50 years. I am submitting this testimony in strong support of HB661.

HB661 provides a critical safeguard by allowing previously authorized activities to continue operating while an Environmental Assessment (EA) or Environmental Impact Statement (EIS) is conducted. Without this measure, businesses that have been operating legally for years could face devastating shutdowns—through no fault of their own—simply because their permits are challenged.

The need for HB661 is urgent. Recent legal rulings, such as the aquatic fish collection case and the ongoing Kā’anapali lawsuit, have set a dangerous precedent that could result in thousands of permits—both on land and sea—being challenged and revoked. If left unaddressed, this could create regulatory chaos, threatening the stability of Hawai‘i’s economy and forcing long-standing, legally permitted businesses to shut down without due process.

Small businesses, especially in Lahaina, have already endured unimaginable hardships—from the COVID-19 pandemic to the devastating wildfires that displaced families and destroyed livelihoods. Now, they face yet another existential threat: the possibility of losing their permits and being forced to close indefinitely. These businesses have fought to recover, and they deserve a fair and predictable regulatory process that does not penalize them for operating in compliance with the law.

Forcing lawfully permitted operators to shut down while undergoing environmental review would not only cripple Hawai‘i’s economy but also jeopardize jobs, families, and community stability. It is essential that we protect businesses that have proven their commitment to responsible operations and ensure they can continue to operate while going through the necessary environmental review processes.

HB661 is a necessary step to protect our industry, safeguard jobs, and prevent unnecessary disruptions to Hawai‘i’s economy. I respectfully urge you to pass this bill to ensure a fair and balanced permitting process that supports both environmental responsibility and economic stability.

Mahalo for your time and consideration.

Ginger Lucy
Owner & Employee, Trilogy Excursions

TESTIMONY HB:661

TESTIMONY IF FULL SUPPORT of HB 1661 – Environmental Review

Aloha Chair and Members of the Committee,

My name is Philippe Le Blanc, and I strongly support HB 661.

This bill ensures businesses can continue operating during environmental reviews. It allows operators to provide services even if their permits face challenges. Keeping businesses open during this process is essential for stability and economic confidence.

While protecting Hawaii's natural resources is crucial, it is equally important to support responsible businesses that comply with regulations.

Forcing long-standing, law-abiding businesses to shut down during a review is unfair, harmful, and irreversible. Many will not be able to reopen, resulting in job losses and significant economic harm to our state. This could mean thousands of lost jobs and hundreds of millions in lost revenue, impacting not only these businesses but also the industries that rely on ocean activities.

I urge you to support and pass HB 661 to protect jobs, businesses, and the small entrepreneurs who are vital to Hawaii's economy.

Mahalo for your time and consideration.

Best regards,

Philippe Le Blanc (808) 344-5887

HB-661

Submitted on: 2/10/2025 9:58:18 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Brian Keao Shaw	Absolute 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. If an EA or EIS must be done why should we be put out of business for months possibly years when we have already been operating and following all the rules. 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 understand 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-661

Submitted on: 2/9/2025 6:08:25 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

TESTIMONY OF CALYPSO CHARTERS IN SUPPORT OF HB661

HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

HOUSE COMMITTEE ON WATER & LAND

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

Time: **9:15 AM**

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

Chairs Lowen and Hashem, Vice Chairs Perruso and Lamosao, and Members of the Committees on Energy & Environmental Protection and Water & Land:

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 **support of HB661** as an alternative to HB658. **HB658 is the preferred solution**, as it **clarifies that longstanding, legally permitted activities should not be subject to retroactive environmental review**. **HB661, however, provides a necessary safeguard** by allowing businesses to **continue operating while completing environmental review requirements**, preventing unnecessary shutdowns.

Why HB661 is Necessary

The **environmental review process under Chapter 343, HRS**, was designed to evaluate new **projects** with potential environmental impacts. However, **recent court rulings have expanded the definition of “action” under Chapter 343** to include **long-standing, lawfully permitted activities**, creating unintended consequences that threaten Hawai‘i’s **ocean tourism, outdoor recreation, and other regulated industries**.

Under this new interpretation:

- **Previously authorized businesses are being required to complete environmental assessments retroactively**—even if their operations have remained unchanged for decades.
- **Without legislative action, operators could be forced to halt operations indefinitely**, leading to economic instability and job losses.

- **This disproportionately impacts businesses in state-managed areas, such as Ocean Recreation Management Areas (ORMAs), Marine Life Conservation Districts (MLCDs), and Game Management Areas (GMAs)—areas that are already subject to extensive state and federal oversight.**

HB661 Ensures Businesses Can Operate While Complying with Environmental Review

HB661 provides a **fair and practical solution** by allowing businesses to **continue operations while the required environmental review is conducted**. Without this protection, businesses could face:

- **Permit revocations and operational shutdowns**—not because of environmental harm, but because of **legal uncertainty**.
- **Severe economic consequences**, particularly in communities **still recovering from COVID-19 and the Lahaina wildfires**.
- **Loss of safe, regulated tourism experiences**, forcing visitors into **unsupervised ocean activities** without trained professionals, increasing risks to both **tourists and first responders**.

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**. Requiring additional environmental reviews **without allowing operators to continue their permitted activities is unnecessary and economically harmful**.

Conclusion

While I prefer **HB658 as the best solution**, **HB661 provides a necessary safeguard** to prevent businesses from being **forced to close while undergoing compliance reviews**. **I urge the**

committees to pass HB661 to minimize disruptions, protect jobs, and allow businesses to continue operating while complying with Chapter 343.

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

COMMITTEE ON WATER & LAND

Rep. Mark J. Hashem, Chair

Rep. Rachele F. Lamosao, Vice Chair

DATE: Tuesday, February 11, 2025

TIME: 9:15 AM

PLACE: Conference Room 325

**TESTIMONY IN STRONG SUPPORT
OF HB661**

Aloha Chair Lowen, Chair Hashem, and members of the committees.

The Maui and Hotel Lodging Association is providing written testimony in **STRONG SUPPORT** of HB661. We support preventing unnecessary disruptions to law-abiding businesses, ensuring stability for commercial boating and other compliant operations. 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-661

Submitted on: 2/10/2025 11:39:10 AM

Testimony for EEP on 2/11/2025 9:15:00 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 HB661, 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 also are available to contribute historical knowledge as needed when new environmental assessments are deemed needed.

Mahalo,

 Teri Leicher



February 10, 2025

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Rep. Nicole E. Lowen, Chair

Rep. Amy A. Perruso, Vice Chair

Re: Strong Support of HB661

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

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 HB661.

This bill is critical for ensuring regulatory stability and preventing unnecessary disruptions for businesses that have operated lawfully under existing permits. HB661 allows previously permitted activities to continue operating while undergoing environmental review if their permits are challenged, ensuring that compliance with existing regulations is respected.

Importantly, this bill maintains environmental protections while preventing redundant reviews, striking a fair balance between safeguarding Hawai'i's natural resources and supporting long-standing, regulated businesses.

Forcing permitted operators to shut down for years while spending hundreds of thousands of dollars on environmental studies will inevitably result in business closures and job losses. History has shown that once activities lose their permits and are forced to close—such as the Superferry and aquatic fish collectors—they rarely return.

We cannot allow this to happen to the hundreds of businesses and thousands of local residents who depend on these activities for their livelihoods.

I urge you to pass HB661 and protect Hawai'i's local 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-661

Submitted on: 2/10/2025 1:27:08 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

Aloha Chair and Members of the Committee,

My name is Chandra Bertsch, and I stand in strong support of HB661.

At its core, this bill is about fairness, stability, and common sense. It allows long-standing, law-abiding businesses to continue operating while undergoing environmental review—rather than being forced into costly shutdowns that could last years. Without it, we risk losing not just businesses, but livelihoods, expertise, and entire industries that have shaped our local economy for generations.

The environmental review process is an important one to ensure activities are not negatively impacting our environment and community, however the process has become weaponized as a way to shut down businesses with lengthy and expensive legal battles.

This bill ensures that businesses can continue until facts and evidence are gathered to prove harm or no harm to the environment. Just as Americans are presumed innocent until proven guilty, businesses operating in good standing should be given that same right, not assumed guilty until they prove their innocence and go bankrupt in the meantime.

HB661 ensures environmental protections remain intact without forcing businesses into unnecessary financial ruin. It recognizes that sustainability isn't just about nature, it's also about sustaining local jobs, families, and the businesses that keep our communities thriving. As a business owner taking huge financial risks, this bill allows some confidence that the rug will not be pulled out from underneath us.

Let's keep Hawai'i working. Please pass HB661.

Mahalo for your time and consideration.

Chandra Bertsch

Co-Owner & General Manager

Holo Holo Charters

HB-661

Submitted on: 2/10/2025 2:34:11 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

Strongly support HB661. This bill prevents unnecessary disruptions to law-abiding businesses, ensuring stability for commercial boating and other compliant operations. Businesses need to know that they will be able to renew their permit each year to provide security.



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

HEARING BEFORE THE HOUSE COMMITTEES ON
ENERGY & ENVIRONMENTAL PROTECTION and WATER & LAND
HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 325
Tuesday, February 11, 2025, 9:15 A.M.

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

SUPPORT HB661 RELATING TO ENVIRONMENTAL REVIEW

The Maui Chamber of Commerce **SUPPORTS HB661**, which permits, except in certain circumstances, a previously authorized activity challenged as being subject to environmental review to continue while the applicable agency conducts an environmental assessment, prepares an environmental impact statement, or determines whether the activity is exempt.

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.

While exemptions may not always be feasible under state law, we appreciate that this bill allows the department to issue temporary permits and expedite the environmental assessment process. This approach provides a solution that balances environmental protection with the economic well-being of our community.

For these reasons we **SUPPORT HB661** 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-661

Submitted on: 2/10/2025 5:48:09 PM

Testimony for EEP on 2/11/2025 9:15:00 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 HB661. This bill ensures that businesses operating with valid permits can continue while undergoing environmental review if those permits are challenged. It provides much-needed regulatory stability and prevents unnecessary disruptions for law-abiding businesses.

HB661 upholds environmental protections while eliminating redundant reviews, striking a fair balance between preserving Hawaii's natural resources and supporting long-standing, regulated industries.

Requiring permitted operators to shut down for years and spend hundreds of thousands of dollars on environmental studies will inevitably force businesses to close, leading to job losses across the state. History has shown that once essential industries lose their permits-like the Superferry and aquatic fish collection-they rarely recover. We cannot afford to let this happen again.

I urge you to pass HB661 to protect the livelihoods of the many businesses and families who rely on these activities.

Mahalo Nui Loa for your time and consideration,

Nick Croft

Owner/Operator of Explore Kauai Scuba, LLC

HB-661

Submitted on: 2/10/2025 5:56:33 PM

Testimony for EEP on 2/11/2025 9:15:00 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 HB661.

HB661 is finally a bill that protects hard-working people.

This bill also recognizes the importance of maintaining environmental standards while avoiding redundant reviews. We care about the environment we just wanna come up with some kind of compromise. There has got to be a better and more fair way to approach this. 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 on hard-working taxpayer money is wrong.

Please pass HB661 And finally give small business owner some protection.

Mahalo for considering this testimony.

Sincerely,
Jessie Croft

HB-661

Submitted on: 2/10/2025 5:56:18 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

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-661

Submitted on: 2/11/2025 9:39:50 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Antoinette M Davis	Activities & Attractions Association of Hawaii, Inc.	Support	Written Testimony Only

Comments:

Please support for the same reason to support HB658 - I didn't note the Bill until this morning when showing early for the 10:15am Hearing.

HB-661

Submitted on: 2/1/2025 11:13:03 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Ron Tubbs	Individual	Support	In Person

Comments:

Whereas 80% of all visitors to Hawai‘i 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.

Whereas 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.

Whereas 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.

Whereas the Kā’anapali. The lawsuit allowed Hawaiian groups to blackmail this business over a parking conflict. User conflict was also the basis of the aquarium fish lawsuit, which resulted in the loss of the Hawai‘i model, the most sustainable and valuable fishery.

Whereas with over 15,000 Hawaiians moving away from Hawai‘i 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.

Please pass HB661 it is imperative we protect our Hawai‘i Jobs. Ron Tubbs B.S.N.D.

TESTIMONY HB:661

TESTIMONY IF FULL SUPPORT of HB 1661 – Environmental Review

Aloha Chair and Members of the Committee,

I, Michael T. Kelley am in *complete support of HB661.*

As I interpret HB1661 it provides for an operator to go forward and continue with their operations and services during the process of an environmental review. Services as permitted would be allowed to continue everything for operations as is normal circumstance if / when permits are challenged for environmental or other concerns. Having this continuation of services is very important as it allows the operator to remain in business and continue on until or if reviews show that for any reason operations should be stopped.

Although it is certainly important to protect and be responsible for Hawaii's natural resources it is also important to respect and allow professional businesses to operate safely and withing noted guidelines to remain in business.

If long standing permit holders that have operated within all guidelines and followed all regulations are put into apposition whereby, they need to full-stop all activities of their business during environmental reviews then we will lose strong, dependable operators and punish them for following and abiding by all guidelines. Once they close history shows, and practical understanding reflects *that they are not coming back!* We should not lose valuable Hawaii jobs and reputable community businesses in this manner.

I'm asking you to please vote for and *pass HB 661* for the sake of our communities, families, business investments and small entrepreneurs that are the backbone of our economy.

Thank you for your time in reading and considering my testimony.

Regards,

Micheal T. Kelley
808-385-5585

HB-661

Submitted on: 2/3/2025 12:12:02 PM

Testimony for EEP on 2/11/2025 9:15:00 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 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,

Sonia King

HB-661

Submitted on: 2/5/2025 11:57:30 AM

Testimony for EEP on 2/11/2025 9:15:00 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 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.

Please pass HB661 and support our local families and businesses.

Mahalo for considering this testimony.

Sincerely,
Kristi Murray

HB-661

Submitted on: 2/5/2025 1:49:20 PM

Testimony for EEP on 2/11/2025 9:15:00 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 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 while environmental studies are done will surely lead to local businesses going out of business. Our community on the west side has already lost so much, please lets not lose any more businesses.

Please pass HB661 and support our local families and businesses.

Mahalo for considering this testimony.

Kind regards
Jim Walsh

HB-661

Submitted on: 2/5/2025 4:10:15 PM

Testimony for EEP on 2/11/2025 9:15:00 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 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,
Bard Peterson

HB-661

Submitted on: 2/6/2025 7:20:55 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

I am Michael BenShimon and I strongly support 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,

Michael BenShimon

HB-661

Submitted on: 2/3/2025 12:00:37 PM

Testimony for EEP on 2/11/2025 9:15:00 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 HB661, scheduled for a hearing on February 11 at 9:15 am.

As a long-standing operator in Hawaii's marine tourism industry, I 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.

HB661 proposes allowing previously authorized activities to continue while an environmental assessment or impact statement is conducted. This measure ensures that businesses are not forced into crippling shutdowns during the review process, provided they have been operating legally.

The passage of HB661 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-661

Submitted on: 2/10/2025 7:41:25 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Stephanie Fried	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha,

Mahalo nui for the opportunity to comment on this bill.

I strongly oppose and urge you to oppose this shocking effort to allow potentially environmentally damaging activities to continue while an agency conducts an environmental assessment or an EIS. Obviously, an EIS must be completed prior to conducting or continuing to conduct any such activity.

You are the trustees of our 'aina. Please protect our 'aina from such recklessness and oppose this bill.

Mahalo nui loa,

Stephanie Fried, Ph.D

Northwestern Hawaiian Islands hui co-founder

HB-661

Submitted on: 2/10/2025 8:59:28 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Klayton Kubo	Individual	Support	Remotely Via Zoom

Comments:

In strong support

HB-661

Submitted on: 2/10/2025 8:57:49 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Kim	Individual	Support	Remotely Via Zoom

Comments:

I support this bill and the reasonable approach to maintaining environmental review without harming business

[COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION](#)

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

In Support of HB 661 and HB123 passage.

I Al Giansanti, Support Both Bills HB661, HB658 and HB 123, which exempt fishermen from HEPA Act 343 laws because Small Nearshore fisheries are worth 16 million annually, the aquarium fishery, when in business, generated 53 million annually, and the Tuna Fishery is worth 100 million annually.

If you read Act 343, it was never intended to apply to DLNR, DAR, or DOBOR well-regulated Ocean-related permits, which are public undersea lands.

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

Act 343 is shutting them down solely because of user conflict, Hawaiian Rights conflict; not because of environmental concerns.

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/>

Whereas 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 for their business, leaving these businesses shut down!

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/>

In addition, another current lawsuit will affect all Commercial Marine License permit holders.

Lawsuit 1CCV-24-0001625 is before the First Circuit Court. A ruling will likely require all commercial fishing permits to undergo environmental reviews. All commercial fishing permits could face the immediate requirement to have their permits revoked and do EIS reviews at great expense to unemployed businesses! Small Nearshore fisheries are worth 16 million annually, and the Tuna Fishery is worth 100 million annually.

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.

Whereas 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. I support the passage of HB661 for this reason.

Whereas lawsuit 1CCV-24-0001625 will likely very soon result in a similar ruling for all commercial Fishing permits. Ensuring a resulting HEPA law precedence requirement for all fishery DLNR-issued permits. The Hawaii seafood industry generates around \$867 million in annual sales impacts, making it a significant contributor to the state's economy, with the majority of this value coming from the high-value, low-volume longline fishery that is considered the largest food-producing industry in Hawaii.

Whereas 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.

Whereas 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 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.

Whereas BLNR has shown bias against the fishery and favoritism toward Hawaiians who oppose it while ignoring Hawaiians who support it.

Therefore, please pass HB661 and HB123!

Thanks,

Al Giansanti

HB-661

Submitted on: 2/4/2025 10:42:29 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

I keynin kretz Support HB661,which would exempt fishermen from HEPA Act 343

HB-661

Submitted on: 2/4/2025 8:26:37 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Theodore Myers	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am in support of this bill, HB661.

I have been a member of the Na Pali Coast Boating community and have made it my career since 1982. I have raised my family thanks to the incredible job opportunities that the Na Pali Coast boating trips have provided. Beyond supporting my family, this industry has attracted visitors from around the world to Kauai. Boating in Hawai‘i is one of the top activities to do and has a significant economic impact on the island. It benefits our economy, employees, and even non-tourism-related businesses that provide goods and services to boat employees. In addition to the general population the state itself realizes huge tax revenues from this industry.

Interruptions of any kind to the boating industry in Hawai‘i can have serious consequences for the population as a whole, and we must ensure its continuance and protection.

My understanding of this bill, HB661, is that it would prevent any disruptions to law-abiding businesses when environmental review challenges arise.

This bill balances business and environmental protection and safeguards our jobs, our families' survival, and other businesses that rely on the boating industry. It benefits the suppliers of the boating industry, from food and transportation to equipment and mechanics. Essentially, the entire sector realizes some advantage, if not complete survival, from the boating industry.

Please pass HB661.

HB-661

Submitted on: 2/4/2025 9:09:50 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
James R Akana III	Individual	Support	Written Testimony Only

Comments:

I strongly encourage a vote in favor to allow myself and my peers to keep working in the marine industry off Kanapalli beach. I would hope that common sense would replace the onslaught of attacks on the marine tourism community. There seems to be a small minority that is calling for the end of small businesses in our boating community.
regards

James R Akana III

HB-661

Submitted on: 2/3/2025 3:34:59 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

Subject: Testimony in Strong Support of HB661 – Relating to Environmental Review

Aloha Chair and Members of the Committee,

I am Maygan Hill 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. Both my husband and I who are born and raised here work for these operators and ultimate would lose both our jobs without the support of this bill.

Please pass HB661 and support our local families and businesses.

Mahalo for considering this testimony.

Sincerely,
Maygan Hill

HB-661

Submitted on: 2/3/2025 12:34:49 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Casey Vanderlaan	Individual	Support	Written Testimony Only

Comments:

I am writing this email in the hopes of having some kind of effect on the current decision for the renewals of permits for Ka'anapali beach. My name is Casey VanderLaan I am the daughter of Greg VanderLaan who is the owner of UFO Parasail. This company is the reason I am lucky enough to say I am born and raised on the beautiful island of Maui. We have always followed the rules put in place for good reason by the state and DLNR. This decision to halt renewals of permits during the EA I heavily disagree with. Permits should be able to be renewed - otherwise said companies that operate off of Ka'anapali beach will not be able to afford the proposition of performing environmental assessments and the businesses that staff hundreds of Maui employees will end up being shut down. With all that we have been through in the last few years fighting to stay afloat (no pun intended) after Coronavirus and the wild fires that ripped through our town in 2023 I cannot say I begin to imagine the State of Hawaii ultimately being the ones to ultimately end businesses that has always positively provided for the people of this island; by donating to local schools, fundraisers and UFO personally having had the opportunity to brighten the lives of hundreds of Lahaina residents by being able to offer them free flights in 2023 to try to make their lives a little bit brighter. I humbly ask with the power that you have with this decision to please review the negative impacts and how many lives you will be changing by not allowing us to renew our permits. Thank you for your time. Casey VanderLaan

HB-661

Submitted on: 2/5/2025 2:17:44 PM

Testimony for EEP on 2/11/2025 9:15:00 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 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.

Please pass HB661 and support our local families and businesses.

Mahalo for considering this testimony.

Sincerely,
Ashley Pimentel

HB-661

Submitted on: 2/5/2025 5:46:11 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

Subject: Strong Support for HB661 – Relating to Environmental Review

Aloha Chair and Members of the Committee,

I am writing in strong support of **HB661**, which provides necessary regulatory stability by allowing previously permitted activities to continue operating while undergoing environmental review if their permits are challenged. This bill is essential for preventing undue disruptions to lawful, compliant businesses.

HB661 strikes a fair and responsible balance between **protecting Hawaii’s natural resources** and **ensuring the stability of longstanding, regulated operations**. It upholds environmental standards while avoiding redundant reviews that create unnecessary financial and operational burdens.

Requiring businesses with lawful permits to cease operations for years while undergoing expensive environmental studies—often costing hundreds of thousands of dollars—will ultimately lead to closures and job losses. **The economic ripple effects would be devastating, impacting not only business owners but also thousands of local workers and their families.**

History has shown that when permitted activities are shut down due to legal challenges—such as the **Hawaii Superferry** and **aquatic fish collection industry**—they do not return. If similar disruptions occur again, **Hawaii risks permanently losing hundreds of businesses and the livelihoods of countless residents who depend on them.**

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 **HB661** to **support Hawaii's local businesses, protect jobs, and uphold a fair and stable regulatory framework.**

Mahalo for your time and consideration.

Sincerely,
Ed Sultan
CEO
Na Hoku, Inc.
dba Na Hoku - Hawaii's Finest Jewelers Since 1924
dba Pearl Factory - Hawaii's Original Pearl-in-the-Oyster

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-661

Submitted on: 2/5/2025 6:23:04 PM

Testimony for EEP on 2/11/2025 9:15:00 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-661

Submitted on: 2/6/2025 11:19:53 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
david W olney	Individual	Support	Written Testimony Only

Comments:

Testimony for HB661

Subject: Testimony in Strong Support of HB661 – Relating to Environmental Review

Aloha Chair and Members of the Committee,

My name is David Olney 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.

My wife and I am are avid recreational scuba divers with over 700 dives logged on Maui and over 1,400 dives worldwide (Indonesia, Bahamas & Central America). In addition, I have worked for the Hyatt Regency Maui for the past nine years. I can attest that if HB661 is declined it will have an immediate and irreparable impact on the Lahaina tourism industry which already has been crippled during Covid and after the Lahaina fire. Hyatt Regency Maui already has already lost the majority of our 3rd party shops due to the impact from the fore mentioned (Macy’s, Marilyn Monroe Spas, Sunglass Hut, Maui Hands, Ululani’s, Red Dahlia, Maui Jim Sunglasses just to name a few). In my experience over the past nine years, the compliant businesses have been extremely cautious not to impact the coral and sea life as it is their and our livelihood.

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.

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,
David Olney

Resident and Director of Finance & I.T. for the Hyatt Regency Maui Resort and Spa

HB-661

Submitted on: 2/6/2025 11:27:13 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

Testimony in support of HB 661

I am fully supportive of *HB661* and urge you to please pass this as it is a critical matter for continued successful operations for Hawaii’s permitted activities both in and on the ocean as well as land-based companies.

The State has permitted, sanctioned, insured and professionally operated companies providing goods and services. I am suggesting we support and encourage the success of these permitted operators. The State should not dictate or mandate closure if or when conditions may change, and any form of environmental assessment is thought necessary. Businesses that now or in the future are already operating, and in many cases have been for decades, that for some reason fall under a new scrutiny necessitating an environmental assessment should be allowed to continue in operation while and until a survey is fully completed.

I’ve lived in Hawaii for 50 years and cherish most everything about our great State including environmental stewardship and also the many great ways we, as well as our visitors, access and enjoy our natural resources, activities and adventures. Please do everything you can to instill confidence in those companies that provide this access and activities and not discourage or shut them down. HB 661 makes total sense, and I hope you’ll support its passing.

Thank you,

Herb Conley

808-595-5100

HB-661

Submitted on: 2/6/2025 2:28:55 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

Testimony for HB661

Subject: Testimony in strong support of HB661

Aloha Chair and Members of the Committee

I Strongly Support HB661

HB661 is about keeping things fair and stable for businesses that are already permitted. If their permits get challenged, this bill allows them to keep operating while going through the environmental review process—preventing unnecessary shutdowns and uncertainty for businesses that follow the rules.

Without HB661, legally operating businesses could be forced to close for years, spending huge amounts of money on environmental studies. Many won't survive that kind of setback, which means more businesses shutting down for good and more hardworking people losing their jobs.

HB661 is a fair solution—it protects Hawaii's environment while making sure businesses aren't unfairly forced to shut down. This would allow Hawaii Residents to have jobs which we desperately need to support ourselves living here.

Please support HB661 to keep local businesses running and protect the livelihoods of thousands of Hawaii residents.

Mahalo for your time and consideration.

Sincerely,

Arielle de Versterre

adeversterre@gmail.com

HB-661

Submitted on: 2/6/2025 2:59:52 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

Subject: Testimony in Strong Support of HB661

Aloha Chair and Members of the Committee,

My name is Anita Sweet, and I am a Maui resident, 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, which is very important to me. This bill protects Hawaii's natural resources while also supports long-standing, regulated operations.

Forcing lawfully permitted boat operators, like my employer, to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies will lead to the closure of local business and the loss of jobs.

Please pass HB661 and support our local families and businesses. Our community is relying on your support.

Thank you for allowing me to submit this testimony.

Mahalo,
Anita Sweet

1-808-214-4217 cell

Testimony in Strong Support of HB 661

[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-661

Submitted on: 2/7/2025 1:56:20 PM

Testimony for EEP on 2/11/2025 9:15:00 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 HB661.

I agree with the bill's objective to allow operators to continue with their operations during the process of environmental review.

Although I support the need to protect Hawaii's natural resources, I believe it is as important to allow professional businesses to continue to operate in a permitted way. By staying in business, these operators will secure livelihoods of their families and employees, as well as continue to help maintaining Hawaii's reputation as a premier travel destination.

Thank you for considering my testimony.

Aloha, Christopher Z Resich

HB-661

Submitted on: 2/7/2025 4:40:13 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

Stop illegally authorized activities that threaten Hawaii's culture and environment. Hold HB661

HB-661

Submitted on: 2/7/2025 3:50:44 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

I am strongly in support of HB 661.

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 661 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 HB661 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". HB661 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.

We are struggling to recover from the effects of the Lahaina fire in 2023. Our small business has nowhere near recovered to where we were before the fires, or before the COVID pandemic. We need to encourage economic activity and provide for jobs so that locals may make a living, and small business may survive. Thank you for your consideration.

HB-661

Submitted on: 2/8/2025 10:57:30 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

I strongly oppose HB661. Please hold the bill.

HB-661

Submitted on: 2/7/2025 5:51:50 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

Don't allow unauthorized activities to continue without consideration of their negative impacts.
Thank you.

HB-661

Submitted on: 2/8/2025 4:03:08 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

Testimony in Strong Support of HB 661

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-661

Submitted on: 2/9/2025 6:16:11 PM

Testimony for EEP on 2/11/2025 9:15:00 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 Hawai'i'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

HB-661

Submitted on: 2/10/2025 9:14:08 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Uilani Naipo	Individual	Oppose	Written Testimony Only

Comments:

REPRESENTATIVE NICOLE E. LOWEN, CHAIR REPRESENTATIVE AMY A. PERUSO,
VICE CHAIR

HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

REPRESENTATIVE MARK J. HASHEM, CHAIR REPRESENTATIVE RACHELE F.

LAMOSAO, VICE CHAIR HOUSE COMMITTEE ON WATER & LAND

I strongly opposes HB 661, which, if passed, would severely undermine 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 for a broad subset of permitted activities, allowing irreparable environmental harm in instances where environmental review is determined to be necessary. Please reject and hold this bill.

Our environmental review law allows decision makers 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.

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 661’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 also untrue and unsupported. See, e.g.,

Umberger v. Dep’t of Land & Natural Res., 140H Having begun from faulty premises, HB 661 then subverts HEPA’s core requirements by

proposing to allow ongoing or recurring permitted activities to continue even while undergoing environmental review. This is a 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. Exempting ongoing permitted activities under HEPA would mean that, in instances where such activities are in fact causing environmental damage, they would be allowed to continue unabated, even if environmental review is required or completed. Put simply, HB 661 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 undercut HEPA’s core requirements and fundamentally alter the landscape of environmental protection in Hawai‘i Nei.

I strongly oppose HB 661 and respectfully request it be held.

Aloha,

- U‘ilani Naipo

HB-661

Submitted on: 2/8/2025 10:07:16 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

Subject: Testimony in Strong Support of HB661 – Relating to Environmental Review Aloha Chair and Members of the Committee,

I am Robert Wo 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,
Robert Wo

HB-661

Submitted on: 2/9/2025 12:45:00 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

I am opposed to any legislation that will weaken our already weak environmental laws. This bill will create a situation where we are trying to close the barn door after the foxes have been allowed into the hen house. Please vote no. Mahalo, Laura J Gray RN

HB-661

Submitted on: 2/9/2025 10:29:38 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Carmela Resuma	Individual	Oppose	Written Testimony Only

Comments:

I oppose this measure

HB-661

Submitted on: 2/8/2025 5:14:34 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

Aloha Chair and Members of the Committee,

I am Amanda Tremel and I strongly support HB661.

HB611 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.

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 too many people.

The last thing the people of Maui need is a loss of money. Many are recuperating from the loss of their homes, businesses, and more after the devastating wildfires in Lahaina on August 8, 2023. Please do not shut down the vessels operations, for hundreds and thousands of the people of Maui depend on these activities for our livelihoods.

Please pass HB611 and support our local families and businesses.

Mahalo for considering this testimony.

Sincerely,
Amanda Tremel

HB-661

Submitted on: 2/9/2025 12:27:58 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

Aloha Committee Members,

I strongly support HB 661.

HEPA (Hawaii's environmental review process) also known as chapter 343, will have a major impact on both the tourist industry and Hawaii's local commercial fishery.

This review process is complicated and costly...often costing hundreds of thousands of dollars. If the review process were to go forward, many of Hawaii's companies and people would be shut down unnecessarily incurring financial collapse.

Please allow these activities to continue while the agency conducts the environmental review or EIS.

Plse pass HB 661

Many thanks for your time and consideration

HB-661

Submitted on: 2/10/2025 8:04:41 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Susie Davis	Individual	Oppose	Written Testimony Only

Comments:

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

My name is Susie Davis, I am a resident of Kapaa, HI, and **I oppose HB661.**

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

Unfortunately, the failure of certain departments to comply with this law before authorizing certain actions - such as in the take of an unlimited number of of ecologically critical marine specimens for the aquarium trade, or the decades-long dewatering of streams in East Maui - has resulted in severe and in some cases irreparable ecological, cultural, social, and economic harms that could and should have been avoided through the prudent planning embodied in our environmental review law.

By allowing illegally authorized activities to continue while environmental review challenges are resolved - something that has taken literal decades in the dewatering of East Maui's streams - this bill would turn our environmental review process into an afterthought, legitimizing unlawful and irresponsible agency practices that have inflicted and that will continue to inflict tremendous generational harms and injustices upon our islands and communities.

The bill would allow a vast range of illegally authorized activities to continue, potentially indefinitely, without a required consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

I urge you to **HOLD HB661.**

Sincerely,
Susie Davis

HB-661

Submitted on: 2/9/2025 5:17:00 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Callister Gayadeen	Individual	Support	Written Testimony Only

Comments:

Testimony in Strong Support of HB 661

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

Callister Gayadeen
The Reef Collector

Draft Testimony for HB661

Subject: Testimony in Strong Support of HB661 – Relating to Environmental Review

Aloha Chair and Members of the Committee,

I am Michael A. Snow 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,
Michael A. Snow

193B Awaiku St. Lahaina, Hi 96761

TESTIMONY HB:661

TESTIMONY IF FULL SUPPORT of HB 1661 – Environmental Review

Aloha Chair and Members of the Committee,

I am Gregg Yamanaka, and am in *complete support of HB661*.

HB1661 provides a critical lifeline for businesses in Kaanapali and Lahaina. Allowing operators to continue their operations and services during the process of an environmental review is very important as it allows the operator to remain in business and continue.

Although it is important to protect and be responsible for Hawaii's natural resources it is also important to respect and allow professional businesses to operate safely and withing noted guidelines to remain in business.

If long standing permit holders that have operated within all guidelines and followed all regulations are put into apposition whereby, they need to full-stop all activities of their business during environmental reviews then we will lose strong, dependable operators and punish them for following and abiding by all guidelines. Once they close history shows, and practical understanding reflects *that they are not coming back!* We should not lose valuable Hawaii jobs and reputable community businesses in this manner.

I'm asking you to please vote for and *pass HB 661* for the sake of our communities, families, business investments and small entrepreneurs that are the backbone of our economy.

Thank you for your time in reading and considering my testimony.

Regards,

/s/ Gregg Yamanaka

Gregg Yamanaka
915 Waiiki Street
Honolulu, Hawaii 96821

HB-661

Submitted on: 2/9/2025 12:37:12 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

Hewa. Continue to uphold the environmental review law.

HB-661

Submitted on: 2/10/2025 8:40:12 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

TESTIMONY HB:661

TESTIMONY IF FULL SUPPORT of HB 1661 – Environmental Review

Aloha Chair and Members of the Committee,

I, Peter O Riordan am in *complete support of HB661*.

As I interpret HB1661 it provides for an operator to go forward and continue with their operations and services during the process of an environmental review. Services as permitted would be allowed to continue everything for operations as is normal circumstance if / when permits are challenged for environmental or other concerns. Having this continuation of services is very important as it allows the operator to remain in business and continue on until or if reviews show that for any reason operations should be stopped.

Although it is certainly important to protect and be responsible for Hawaii’s natural resources it is also important to respect and allow professional businesses to operate safely and withing noted guidelines to remain in business.

If long standing permit holders that have operated within all guidelines and followed all regulations are put into apposition whereby, they need to full-stop all activities of their business during environmental reviews then we will lose strong, dependable operators and punish them for following and abiding by all guidelines. Once they close history shows, and practical understanding reflects *that they are not coming back!* We should not lose valuable Hawaii jobs and reputable community businesses in this manner.

I’m asking you to please vote for and *pass HB 661* for the sake of our communities, families, business investments and small entrepreneurs that are the backbone of our economy.

Thank you for your time in reading and considering my testimony.

Regards,

Peter O Riordan

HB-661

Submitted on: 2/9/2025 4:01:22 PM

Testimony for EEP on 2/11/2025 9:15:00 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 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,
Rick Williamson

Puananionaona Patria Thoene

onaona.thoene@gmail.com

Tuesday, February 11, 2025

9:15 am

Conference Room 325 &
videoconference

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

testimony providing **COMMENTS** on HB 661
RELATING TO ENVIRONMENTAL REVIEW

February 10, 2025

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

I submit the following comments on House Bill (HB) 661, which would amend Hawai'i Revised Statutes (HRS) Section 343-5 to add a new subsection (j) to permit, except in certain circumstances, a previously authorized activity challenged as being subject to environmental review to continue while the applicable agency conducts an environmental assessment, prepares an environmental impact statement, or determines whether the activity is exempt.

As drafted, subsection (j) is limited to agency actions, but should equally apply to applicant actions subject to HRS Chapter 343. Suggested revised language is added below and bolded.

(j) Notwithstanding any provision of this chapter to the contrary, when an activity that has been previously permitted, authorized, or undertaken by a state or county agency **or applicant** is challenged as being subject to the requirements of this chapter, the activity may continue while the agency **or applicant** conducts an environmental assessment, prepares an environmental impact statement, or determines whether the activity is exempt under this chapter; provided that this subsection shall not apply to activities involving construction, grading, dredging, or other structural modifications to land, waterways, or marine environments.

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

HB-661

Submitted on: 2/10/2025 7:29:25 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

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

My name is Robert Culbertson. I live on Hawaii island and I **strongly oppose HB661**, which would allow a vast range of illegally authorized activities to continue, potentially indefinitely, without a required consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

Please HOLD HB 661

Mahalo!

HB-661

Submitted on: 2/9/2025 5:58:38 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

I strongly oppose HB661. 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 and injustices upon our islands and communities.

I urge you to **HOLD HB661**

HB-661

Submitted on: 2/5/2025 12:22:02 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

I was a tropical fish collector for 28 years; had my own business and have over 11,000 dives. I strongly oppose any renewal of permits for collecting fish. The divers who are left and want to go back to diving are unscrupulous and will cheat on their forms and will go far over the limits on the takes and will collect fish on the white list regardless of what they agree to. The destruction of the reef while going after any of these reef fish is significant regardless of what they say. Many thousands of these fish will die alone in China and Europe due to the ignorance of the buyers. Many other thousands will die in transit to the foreign destinations. Leave these fish in Hawaii where they are born. They keep the reefs healthy. I know more about this situation than any of these divers who are trying to get permits back!

HB-661

Submitted on: 2/8/2025 9:26:03 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

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

*My name is Bo Breda and I **strongly oppose HB661**, which would allow a vast range of illegally authorized activities to continue, potentially indefinitely, without a required consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.*

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

Unfortunately, the failure of certain departments to comply with this law before authorizing certain actions - such as in the take of an unlimited number of of ecologically critical marine specimens for the aquarium trade, or the decades-long dewatering of streams in East Maui - has resulted in severe and in some cases irreparable ecological, cultural, social, and economic harms that could and should have been avoided through the prudent planning embodied in our environmental review law.

By allowing illegally authorized activities to continue while environmental review challenges are resolved - something that has taken literal decades in the dewatering of East Maui's streams - this bill would turn our environmental review process into an afterthought, legitimizing unlawful and irresponsible agency practices that have inflicted and that will continue to inflict tremendous generational harms and injustices upon our islands and communities.

*I urge you to **HOLD HB661**.*

*Sincerely,
Bo Breda*

HB-661

Submitted on: 2/7/2025 3:22:50 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

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

My name is Leah Kocher and I **strongly oppose HB661**, which would allow illegally authorized activities to continue, potentially indefinitely, without a required consideration of their environmental impacts to our islands and our present and future generations.

Our environmental review law forces our decision-makers and the public to think about the potential consequences and effects of any large-scale projects. This ensures prudent planning while reducing conflict, minimizing adverse outcomes, and safeguarding the health and well-being of present and future generations.

Unfortunately, the failure of certain departments to comply with this law before authorizing certain actions - such as in the take of an unlimited number of of ecologically critical marine specimens for the aquarium trade, or the decades-long dewatering of streams in East Maui - has resulted in severe and in some cases irreparable ecological, cultural, social, and economic harms that could and should have been avoided through the prudent planning embodied in our environmental review law.

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I urge you to **HOLD HB661**.

Sincerely,
Leah Kocher

HB-661

Submitted on: 2/7/2025 5:03:48 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

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

*My name is Mary True and I **strongly oppose HB661**, which would allow a vast range of illegally authorized activities to continue, potentially indefinitely, without a required consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.*

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

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By allowing illegally authorized activities to continue while environmental review challenges are resolved - something that has taken literal decades in the dewatering of East Maui's streams - this bill would turn our environmental review process into an afterthought, legitimizing unlawful and irresponsible agency practices that have inflicted and that will continue to inflict tremendous generational harms and injustices upon our islands and communities.

*I urge you to **HOLD HB661**.*

*Sincerely,
Mary True*

HB-661

Submitted on: 2/8/2025 9:37:59 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

*I strongly oppose **HB661**, which would allow a vast range of illegally authorized activities to continue, potentially indefinitely, without a required consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.*

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

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By allowing illegally authorized activities to continue while environmental review challenges are resolved - something that has taken literal decades in the dewatering of East Maui's streams - this bill would turn our environmental review process into an afterthought, legitimizing unlawful and irresponsible agency practices that have inflicted and that will continue to inflict tremendous generational harms and injustices upon our islands and communities.

*I urge you to **HOLD HB661**.*

Shay Chan Hodges

Maui, Hawaii

HB-661

Submitted on: 2/8/2025 4:52:20 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

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

*My name is [Jodi Rodar I **strongly oppose HB661**, which would allow a vast range of illegally authorized activities to continue, potentially indefinitely, without a required consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.*

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

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By allowing illegally authorized activities to continue while environmental review challenges are resolved - something that has taken literal decades in the dewatering of East Maui's streams - this bill would turn our environmental review process into an afterthought, legitimizing unlawful and irresponsible agency practices that have inflicted and that will continue to inflict tremendous generational harms and injustices upon our islands and communities.

*I urge you to **HOLD HB661**.*

Sincerely,

HB-661

Submitted on: 2/8/2025 7:28:33 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

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

*My name is [Your name] and I **strongly oppose HB661**, which would allow a vast range of illegally authorized activities to continue, potentially indefinitely, without a required consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.*

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

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*I urge you to **HOLD HB661**.*

*Sincerely,
Andrew Isoda
Lahaina, Mau'i*

HB-661

Submitted on: 2/8/2025 7:31:45 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

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

*My name is Diane Ware and I **strongly oppose HB661**, which would allow a vast range of illegally authorized activities to continue, potentially indefinitely, without a required consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.*

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

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By allowing illegally authorized activities to continue while environmental review challenges are resolved - something that has taken literal decades in the dewatering of East Maui's streams - this bill would turn our environmental review process into an afterthought, legitimizing unlawful and irresponsible agency practices that have inflicted and that will continue to inflict tremendous generational harms and injustices upon our islands and communities.

*I urge you to **HOLD HB661**.*

*Sincerely,
Diane Ware*

Volcano 96785

HB-661

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

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

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

*My name is Peter Wilson and I **strongly oppose HB661**, which would allow a vast range of illegally authorized activities to continue, potentially indefinitely, without a required consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.*

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

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By allowing illegally authorized activities to continue while environmental review challenges are resolved - something that has taken literal decades in the dewatering of East Maui's streams - this bill would turn our environmental review process into an afterthought, legitimizing unlawful and irresponsible agency practices that have inflicted and that will continue to inflict tremendous generational harms and injustices upon our islands and communities.

*I urge you to **HOLD HB661**.*

*Sincerely,
Peter Wilson*

HB-661

Submitted on: 2/10/2025 8:17:53 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

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

My name is George Patterson and I strongly oppose HB661, which would allow a vast range of illegally authorized activities to continue, potentially indefinitely, without a required consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

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

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By allowing illegally authorized activities to continue while environmental review challenges are resolved - something that has taken literal decades in the dewatering of East Maui's streams - this bill would turn our environmental review process into an afterthought, legitimizing unlawful and irresponsible agency practices that have inflicted and that will continue to inflict tremendous generational harms and injustices upon our islands and communities.

I urge you to HOLD HB661.

Sincerely,
George Patterson

HB-661

Submitted on: 2/10/2025 10:11:02 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Carli Gardner-Lomont	Individual	Oppose	Written Testimony Only

Comments:

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

*My name is Carli Gardner-Lomont and I **oppose HB661**, which would allow a vast range of illegally authorized activities to continue, potentially indefinitely, without a required consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.*

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

Unfortunately, the failure of certain departments to comply with this law before authorizing certain actions - such as in the take of an unlimited number of ecologically critical marine specimens for the aquarium trade, or the decades-long dewatering of streams in East Maui - has resulted in severe and in some cases irreparable ecological, cultural, social, and economic harms that could and should have been avoided through the prudent planning embodied in our environmental review law.

By allowing illegally authorized activities to continue while environmental review challenges are resolved - something that has taken literal decades in the dewatering of East Maui's streams - this bill would turn our environmental review process into an afterthought, legitimizing unlawful and irresponsible agency practices that have inflicted and that will continue to inflict tremendous generational harms and injustices upon our islands and communities.

*I urge you to **HOLD HB661**.*

*Sincerely,
Carli Gardner-Lomont*

HB-661

Submitted on: 2/10/2025 10:40:42 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Caitlin Maratea	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am writing in support of HB661. While I support the use of environmental assessments to keep safety and environmental standards current, EA's take a long time to complete and it would be crippling to small businesses to cease operations during such assessments. After covid and the Maui fires businesses are still recovering. I believe it is possible to complete required EA's without harming small businesses. Mahalo for your time.

HB-661

Submitted on: 2/10/2025 10:48:19 AM

Testimony for EEP on 2/11/2025 9:15:00 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 HB 661.**

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-661

Submitted on: 2/10/2025 12:31:16 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

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

My name is Kimmer Horsen and I **strongly oppose HB661**, which would allow a vast range of illegally authorized activities to continue, potentially indefinitely, without a required consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

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

Unfortunately, the failure of certain departments to comply with this law before authorizing certain actions - such as in the take of an unlimited number of of ecologically critical marine specimens for the aquarium trade, or the decades-long dewatering of streams in East Maui - has resulted in severe and in some cases irreparable ecological, cultural, social, and economic harms that could and should have been avoided through the prudent planning embodied in our environmental review law.

By allowing illegally authorized activities to continue while environmental review challenges are resolved - something that has taken literal decades in the dewatering of East Maui’s streams - this bill would turn our environmental review process into an afterthought, legitimizing unlawful and irresponsible agency practices that have inflicted and that will continue to inflict tremendous generational harms and injustices upon our islands and communities.

I urge you to **HOLD HB661**.

Sincerely,

Kimmer Horsen
Nahonu

HB-661

Submitted on: 2/10/2025 1:21:43 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

I strongly oppose HB661, which would allow a vast range of illegally authorized activities to continue, potentially indefinitely, without a required consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

TESTIMONY IN SUPPORT OF HB661
Hearing Date: February 11, 2025
Conference Room 325 & Videoconference

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

Aloha,

I am submitting testimony in strong support of HB661, which is essential to protecting Hawaii's small, locally owned maritime businesses. These aren't faceless corporations; they are the family-run boat tours and recreational operators that make Hawaii's waters accessible while providing employment for hundreds of local families. If we allow bureaucratic delays to shut them down over uncertain environmental reviews, we aren't protecting the environment—we're gutting local livelihoods.

Ocean activities and boat tours are some of the biggest draws for visitors. If these experiences become unavailable, tourists will look elsewhere, taking their spending with them.

Denying HB661 would cripple not just our maritime operators but also the entire local economy—hotels will see fewer bookings, restaurants will have fewer customers, and small businesses that rely on tourism will suffer. Hawaii cannot afford to drive visitors away by overregulating the very industries that make our islands unique.

Without HB661, a single challenge to a permit could force responsible, permitted businesses to halt operations indefinitely, killing jobs and devastating entire communities. Forcing them to close while reviews drag on does nothing but hand the market to out-of-state operators (with deep financial reserves) who don't reinvest in our islands. Additionally, without HB661, visitors may experience disruptions in available ocean-based activities, pushing them toward less-regulated alternatives.

Hawaii has long been a leader in sustainable tourism, and our local maritime operators have a vested interest in protecting our oceans—after all, our livelihoods depend on it. The intent of HB661 is not to bypass environmental oversight but to ensure that the review process is fair and does not unfairly punish small businesses that have followed all existing permitting regulations. This bill is a lifeline for hardworking families and a shield against unfair, destabilizing uncertainty.

I urge you to pass HB661 to keep our economy strong, our communities working, and our maritime tourism local.

Mahalo for your time and consideration.

Respectfully,

Jaye Moreau
jaye.moreau@gmail.com
(808) 335-6833

HB-661

Submitted on: 2/10/2025 5:38:52 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Ali Grimes	Individual	Support	Written Testimony Only

Comments:

As a Lahaina firefighter, sailor and commercial operator who cares deeply for the ocean and its preservation, I support this bill. Environmental asesements are important, however to shut down, long-standing, compliant businesses is completely unfair. 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 local and visting community who enjoy ocean excursions.

HB-661

Submitted on: 2/10/2025 5:40:05 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

As a Lahaina firefighter, sailor and commercial operator who cares deeply for the ocean and its preservation, I support this bill. Environmental asesments are important, however to shut down, long-standing, compliant businesses is completely unfair. 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 local and visting community who enjoy ocean excursions.

HB-661

Submitted on: 2/10/2025 7:41:23 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

I am a Hawai'i resident & Native Hawaiian from a long line of lawai'a (fishers) on both my mother's & husband's 'ohana sides. I strongly oppose this measure as an attempt to sidestep an important supreme court decision without proper vetting, environmental review, and stakeholder input as to the broad ramifications. Please HOLD this measure.

Mahalo nui loa.

HB-661

Submitted on: 2/10/2025 9:16:06 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
JON BRODZIAK	Individual	Oppose	Written Testimony Only

Comments:

Aloha Senator Dela Cruz,

SB661 threatens to undermine Hawaii’s environmental review laws by allowing a wide range of illegally authorized activities to continue indefinitely, without first considering their environmental, cultural, and social consequences. Our current review process exists to ensure responsible decision-making, preventing irreversible damage before it occurs. Without these safeguards, we risk repeating past mistakes, such as the unrestricted extraction of ecologically vital marine life for the aquarium trade and the decades-long dewatering of East Maui’s streams—both of which have caused severe and avoidable harm to local ecosystems and communities.

By permitting unlawfully approved activities to persist while legal challenges drag on, SB661 would weaken accountability, turning environmental oversight into an afterthought rather than a necessity. This bill legitimizes poor governance practices that have already inflicted long-term damage and would set a dangerous precedent for future decisions. Protecting Hawaii’s resources requires proactive planning, not retroactive fixes. I urge you to hold SB661 and uphold the integrity of our environmental laws.

Mahalo,

Jon Brodziak

HB-661

Submitted on: 2/11/2025 5:21:21 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

I STRONGLY OPPOSE this bill.

HB-661

Submitted on: 2/11/2025 5:23:10 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

Please DO NOT pass this bill.

HB-661

Submitted on: 2/11/2025 6:58:06 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Lauren Ballesteros-Watanabe	Individual	Oppose	Written Testimony Only

Comments:

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

My name is Lauren Ballesteros-Watanabe and I **strongly oppose HB661**, which would allow a vast range of illegally authorized activities to continue, potentially indefinitely, without a required consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

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

Unfortunately, the failure of certain departments to comply with this law before authorizing certain actions - such as in the take of an unlimited number of of ecologically critical marine specimens for the aquarium trade, or the decades-long dewatering of streams in East Maui - has resulted in severe and in some cases irreparable ecological, cultural, social, and economic harms that could and should have been avoided through the prudent planning embodied in our environmental review law.

By allowing illegally authorized activities to continue while environmental review challenges are resolved - something that has taken literal decades in the dewatering of East Maui’s streams - this bill would turn our environmental review process into an afterthought, legitimizing unlawful and irresponsible agency practices that have inflicted and that will continue to inflict tremendous generational harms and injustices upon our islands and communities.

I urge you to **HOLD HB661**.

Sincerely,

Lauren Ballesteros-Watanabe

HB-661

Submitted on: 2/11/2025 7:01:04 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

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

My name is Breanne Fong, and I **strongly oppose HB661**, which would allow a vast range of illegally authorized activities to continue, potentially indefinitely, without a required consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

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

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By allowing illegally authorized activities to continue while environmental review challenges are resolved - something that has taken literal decades in the dewatering of East Maui's streams - this bill would turn our environmental review process into an afterthought, legitimizing unlawful and irresponsible agency practices that have inflicted and that will continue to inflict tremendous generational harms and injustices upon our islands and communities.

I urge you to **HOLD HB661**.

Sincerely,

Breanne Fong

HB-661

Submitted on: 2/11/2025 8:25:24 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

To whom it may concern,

I stand in **OPPOSITION** to the provision that allows a previously authorized activity, which is challenged as being subject to environmental review, to continue while an environmental assessment (EA) or environmental impact statement (EIS) is prepared, or while determining whether the activity is exempt.

This provision undermines the very essence of environmental safeguards and accountability. Allowing such activities to proceed while they are under scrutiny creates the potential for irreversible damage, particularly to sensitive ecosystems, cultural sites, and resources that cannot be undone. The ongoing harm to these environments would be a direct consequence of permitting development or actions before adequate review is conducted.

We must demand a process where no activity is allowed to proceed without first ensuring it does not negatively impact our communities, culture, or environment. It is essential that all activities, regardless of prior authorization, be subject to proper and thorough environmental review to protect the health and well-being of current and future generations. Our responsibility is to ensure the land, water, and resources remain protected—not to allow the continuation of potentially harmful activities while reviews are pending.

Allowing activities to continue without the benefit of full environmental oversight, especially when those activities may pose long-term environmental risks, is a decision that prioritizes short-term expediency over long-term sustainability.

This provision is contrary to the principles of precautionary action and accountability that should govern environmental and cultural stewardship. I urge you to reconsider this measure and stand for a future where all activities are fully reviewed before they are allowed to proceed.

Thank you for your time and consideration.

Tara Rojas

HB-661

Submitted on: 2/11/2025 10:13:37 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Madison Owens	Individual	Oppose	Written Testimony Only

Comments:

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

My name is Madison Owens and I **strongly oppose HB661**, which would allow a vast range of illegally authorized activities to continue, potentially indefinitely, without a required consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

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

Unfortunately, the failure of certain departments to comply with this law before authorizing certain actions - such as in the take of an unlimited number of of ecologically critical marine specimens for the aquarium trade, or the decades-long dewatering of streams in East Maui - has resulted in severe and in some cases irreparable ecological, cultural, social, and economic harms that could and should have been avoided through the prudent planning embodied in our environmental review law.

By allowing illegally authorized activities to continue while environmental review challenges are resolved - something that has taken literal decades in the dewatering of East Maui's streams - this bill would turn our environmental review process into an afterthought, legitimizing unlawful and irresponsible agency practices that have inflicted and that will continue to inflict tremendous generational harms and injustices upon our islands and communities.

I urge you to **HOLD HB661**.

Sincerely,
Madison Owens