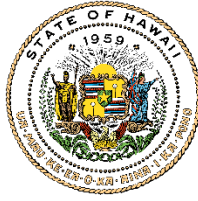


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

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. KAHANE
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 Senate Committee on
JUDICIARY

Wednesday, February 26, 2025
9:40 AM

State Capitol, Conference Room 016 & Videoconference

In consideration of
SENATE BILL 1074 SD1
RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

Senate Bill 1074 SD1 proposes an amendment to Chapter 343, Hawaii Revised Statutes (HRS), also known as the Hawai'i Environmental Policy Act (HEPA), to allow a previously authorized or permitted activity or operations to continue operation while the appropriate agency determines whether the activity or operation is subject to or exempt from the environmental review process when challenged. This bill also allows a person with the oversight of a previously authorized or permitted activity to renew the appropriate permits while under the environmental review process. **The Department of Land and Natural Resources (Department) supports the intent of this measure and offers the following comments.**

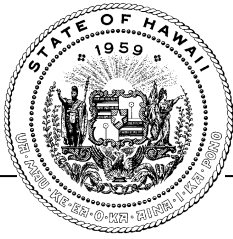
Recent judicial interpretations of HEPA have resulted in significant challenges for the Department and other agencies. Notably, the Hawai'i Supreme Court ruled in Umberger, et al. v. DLNR, 140 Hawai'i 500 (2017), that all Aquarium Fish permits issued by the Department's Division of Aquatic Resources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

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

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

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

Mahalo for the opportunity to testify on 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
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Written Statement of
MARY ALICE EVANS, Director
before the
SENATE COMMITTEE ON JUDICIARY

Wednesday, February 26, 2025, 9:40 AM
State Capitol, Conference Room 016

in consideration of
SB 1074, SD 1
RELATING TO ENVIRONMENTAL IMPACT STATEMENTS.

Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary.

The Office of Planning and Sustainable Development (OPSD) **supports** SB 1074, SD 1, and offers **comments with amendments** on SB 1074, SD1 which intends to clarify and resolve the effect that recent court decisions have had on long-standing historically permitted activities in managed areas. SB 1074, SD 1 would amend HRS Chapter 343 by adding a new paragraph with language establishing that under certain limiting 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.

OPSD notes that the findings section of this bill suggests that **previously permitted or authorized** commercial activities are intended to be the subject of the bill, however, language in the proposed new language (on page 2, line 12, and again on page 3, lines 9 & 10) state that the subject activities include those "... or undertaken by a commercial entity..." This language could allow commercial activities that were "undertaken," but not permitted or authorized to continue pursuant to the bill, which is counter to the intent of the bill.

OPSD suggests the following amendment to page 2, lines 10 - 13 to clarify this confusion:

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

And this similar amendment to page 3, lines 8-10,

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

Thank you for the opportunity to testify on this measure.



**TESTIMONY IN OPPOSITION TO SENATE BILL 1074 SD1
RELATING TO ENVIRONMENTAL IMPACT STATEMENTS**

Senate Committee on Judiciary
Hawai'i State Capitol

February 26, 2025

9:40 AM

Room 016

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Committee on Judiciary:

The Office of Hawaiian Affairs (OHA) respectfully submits this testimony in **OPPOSITION to SB1074 SD1**, 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 the protection of their rights including the exercise of traditional and customary practices. As just one example, the commercial aquarium trade had never been subject to environmental review prior to a 2017 ruling from the Hawai'i Supreme Court, and was subsequently enjoined in certain areas pending HEPA compliance. Traditional Native Hawaiian fishers and cultural practitioners were among the plaintiffs in that landmark ruling to ensure careful consideration of how this extractive commercial enterprise affects others who depend on the same resources for subsistence and cultural practices. This is simply one example of many illustrating the importance of this law to the individuals and communities that OHA represents. However, if the amendment proposed in SB1074 SD1 had been in place in 2017, unchecked commercial extraction would have continued pending environmental review.

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



SIERRA CLUB OF HAWAI'I

SENATE COMMITTEE ON JUDICIARY

February 12, 2025

9:40 AM

Room 016

In **OPPOSITION** to **SB1074 SD1**: RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

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

On behalf of our over 20,000 members and supporters, the Sierra Club of Hawai'i **STRONGLY OPPOSES SB1074 SD1**, 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 and proposed actions are taken. 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 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 environmental review requirements are considered, challenged, and/or rectified - something which may take years or decades - 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, even well-meaning decisionmakers will be inevitably pressured by political and/or monied special interests to disregard their environmental review obligations in favor of expedited approvals to continue unlawfully authorized actions – with no meaningful remedy for the unaccounted-for harms inflicted, as legal review and compliance actions are dragged on for years or indefinitely.**

The Sierra Club understands that the impetus behind this measure has been a court ruling that found the Department of Land and Natural Resources (DLNR) in violation of our environmental review law, in its issuance of commercial operator permits in Ka'anapali. **The Sierra Club urges the Committee to note that the DLNR has not provided an explanation as to whether it has initiated the environmental assessment process in the eight years since the underlying lawsuit was filed; examined whether certain operations can be permitted under a categorical exemption; or offered to negotiate with the plaintiffs to support a stay on the court ruling, subject to the adoption of interim permit conditions to address the wastewater discharge, public access, and other concerns that were raised.**

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 Committee to **HOLD** SB1074 SD1. Thank you very much for this opportunity to testify.

SB-1074-SD-1

Submitted on: 2/25/2025 8:35:06 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Diane Shepherd	Testifying for Sierra Club, Maui Group	Oppose	Written Testimony Only

Comments:

Aloha Senators,

I write in opposition to SB 1074 which would allow commercial entities to evade environmental review laws. Given the degraded condition of both the marine and terrestrial environment in the main Hawaiian Islands, there is no good reason to weaken existing protections.

Please Hold SB1074

Sincerely, Diane Shepherd DVM, Sierra Club, Maui Group



SENATOR KARL RHOADS, CHAIR
SENATOR MIKE GABBARD, VICE CHAIR
SENATE COMMITTEE ON JUDICIARY

TESTIMONY IN **STRONG OPPOSITION** TO SENATE BILL SB 1074, SD1,
RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

February 26, 2025, 9:40 a.m.
Conference Room 016
State Capitol
415 South Beretania Street

Dear Chair Rhoads, Vice-Chair Gabbard, and members of the Senate Committee on Judiciary:

Earthjustice **strongly opposes SB 1074, SD1**, which, if passed, would gut core protections provided by the Hawai'i Environmental Policy Act ("HEPA"), one of Hawai'i's bedrock environmental laws. The proposed measure would allow agencies like the Department of Land and Natural Resources to continue indefinitely rubberstamping approvals to use our public trust land, water, and ocean resources, no matter how environmentally and culturally destructive. This negates HEPA's fundamental purpose to consider and mitigate such impacts *before they occur*. Please reject and hold this bill.

The legislature established HEPA over 50 years ago to mandate the disclosure of environmental impacts and "ensure that environmental concerns are given appropriate consideration in decision making." Hawai'i Revised Statutes ("HRS") § 343-1. This purpose is just as or even more important today as when the law was originally passed. HEPA defines applicable "actions" to include "program[s] or project[s] initiated by an agency or applicant" and specifically identifies the types of actions that trigger the requirement for environmental review. *Id.* § 343-5(a). For decades, HEPA and its public review process have stood as a charter mandate for protecting Hawai'i's environment for the long-term benefit of its citizens. SB 1074, SD 1 cuts to the heart of HEPA's purpose, subordinating the public interest in service to "commercial entit[ies]."¹

SB 1074, SD1's preamble suggests that "the State's environmental review process" is to blame for "commercial operations" being "forced to cease operations." In the boating context underlying this and similar bills this session, we understand that the parties are in the process of working out a settlement that would allow operations to continue. The legislature should respect the court process and not intervene on behalf of specific parties or interests in pending litigation.

¹ See Senate Stand. Com. Rep. No. 570.

The further assertion that “recent court decisions have broadened the definition of ‘action’” misrepresents the law. *See, e.g., Umberger v. Dep’t of Land & Natural Res.*, 140 Hawai’i 500, 515-16, 403 P.3d 277, 292-93 (2017) (listing examples of “the wide range of activities and courses of conduct to which HEPA has been applied”); *see also* HRS § 343-2 (defining “action” broadly as “any program or project to be initiated by an agency or applicant”). The *Umberger* court based its interpretation of the term “action” on the plain, dictionary meanings of the words “program” and “project.” 140 Hawai’i at 513, 403 P.3d at 290. More recently, in 2019, the Office of Environmental Quality Control promulgated specific further definitions for “program” and “project.” Hawai’i Administrative Rules (“HAR”) § 11-200.1-2. If anything, the courts and the 2019 HEPA rules have *narrowed* the definition of “action” by providing greater clarity as to what “action” means.

Having begun from faulty premises, SB 1074, SD 1 then subverts HEPA’s core purpose by proposing to allow ongoing or recurring permitted activities to continue even while undergoing environmental review. This is an overblown response to the stated reasons for the legislation and threatens to cause sweeping damage beyond its intended scope. Giving a free pass to ongoing permitted activities under HEPA would mean that, in instances where such activities are in fact causing environmental damage, they would be allowed to heedlessly continue, even if environmental review is required. Indeed, permittees and agencies would have zero incentive to timely and faithfully comply with the environmental review process, relegating it to a meaningless paper exercise to justify continued harm and zero change in the status quo. Put simply, SB 1074 is gross overkill: it threatens to undo decades of environmental progress in Hawai’i, and it is entirely unnecessary to achieve its stated goals.

HEPA already expressly provides that agencies may exempt from environmental review “specific types of actions, because they will probably have minimal or no significant effects on the environment.” Haw. Rev. Stat. § 343-6(a)(2); *see also* HAR §§ 11-200.1-15, -16, -17 (provisions for general exemptions, agency-specific exemption lists, and procedures for exemption notices). These provisions have been in place and available to state agencies for decades and are still available now to exempt minor activities and allow them to continue. Agency inaction, delay, or recalcitrance in processing appropriate exemptions is no reason to dismantle HEPA. Rather it only highlights the need for the agency to respect the law and process and allow it to work and fulfill its fundamental purpose.

It is by now common knowledge that this and other similar bills this session are purportedly targeted at a specific circumstance on Maui involving commercial tour boat operators in Ka’anapali. Again, we understand that the case is headed toward a resolution that would allow tour operations to continue, with conditions that address the West Maui community’s concerns including ocean safety. In other words, HEPA appears to be fulfilling its purpose in that case.

Indeed, commercial tour boat operators, even more than most commercial entities, rely directly on healthy marine ecosystems for their business. HEPA has been an important and necessary tool for protecting Hawai'i's natural and cultural resources, including specifically our marine ecosystems. Gutting HEPA as proposed in SB 1074, SD 1 will ultimately hurt these businesses along with the rest of the community and public who share in these ocean resources. We urge this Committee to hold this bill and foster real solutions to identifiable and actionable issues, rather than capitulate to overreactions and fearmongering.

For these reasons, Earthjustice strongly opposes SB 1074, SD 1 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.

A handwritten signature in dark ink, appearing to read 'IM', enclosed within a light blue oval border.

Isaac H. Moriwake
Kylie Wager Cruz
Elena L. Bryant
Mahesh Cleveland
Earthjustice,
Mid-Pacific Office



Native Hawaiian LEGAL CORPORATION

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



SB1074 SD1

RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

SENATE COMMITTEE ON JUDICIARY

February 26, 2025

9:40 a.m.

Room 016 & Videoconference

Aloha e Chair Rhoads, Vice-Chair Gabbard, and committee members:

The Native Hawaiian Legal Corporation **opposes SB1074 SD1**, which subverts the fundamental purpose of the Hawai'i Environmental Policy Act ("HEPA"), Hawai'i Revised Statutes ("HRS") chapter 343, by proposing to allow ongoing or recurring permitted activities to continue even while undergoing environmental review.

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

SB1074 does the opposite. By allowing permitted activities to continue while undergoing environmental review, HEPA is turned on its head, rendering the legal requirements of environmental review an afterthought rather than a planning tool to guide agency decision-making.

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

Indeed, turning a blind eye to the impacts of a "previously authorized or permitted activity" contradicts the intent and purpose of HEPA. SB1074 SD1 would allow for the rubberstamping of potentially devastating projects and programs, the perpetuation of harmful agency practices, and the authorization of actions that could harm our environment, culture, and community. Addressing compliance (or lack thereof) with environmental review could take years – years of potentially irreparable impacts that may never be able to be properly mitigated. "Disrupting" ongoing commercial activities should be the least of our state's concerns where our public trust resources are at stake.

Additionally, the proffered justification for SB 1074 SD1 – *i.e.*, that "recent court decisions have broadened the definition of 'action'" – misstates the law. HRS § 343-2 defines "action" as "any program or project to be initiated by an agency or applicant." In looking at the range of activities to which HEPA has been applied, the Hawai'i Supreme Court in *Umberger* relied on "a generally accepted dictionary" for the plain meaning of the words "program" and "project" – ultimately narrowing and clarifying the broader statutory definition. See *Umberger v. Dep't of Land & Natural Res.*, 140

Hawai'i 500, 513, 403 P.3d 277, 290 (2017); *see also* Hawai'i Administrative Rules § 11-200-1.2 (further defining "program" and "project").

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

For these reasons, NHLC opposes SB 1074 SD1 and requests that it be held. Mahalo for the opportunity to testify.

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

Ashley K. Obrey
Senior Staff Attorney
Native Hawaiian Legal Corporation

SB-1074-SD-1

Submitted on: 2/23/2025 6:26:09 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Aloha Chair Rhoads and committee members

We are in opposition to this bill as written due to the effect it may have, concerning Hawaii's reef fish yet again

Mahalo

Mike Moran

Kihei Community Assoc

Maui

SB-1074-SD-1

Submitted on: 2/23/2025 7:39:26 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Christopher Dean	Testifying for Recycle Hawaii, Clean The Pacific	Oppose	Written Testimony Only

Comments:

SB1074

I can't overstate how opposed we are to this bill. This bill is proof that humanity cares more about money than life. Let me see if I have this right. There's a question about whether or not a particular human activity is harmful to the environment and during the lengthy process of discerning the truth, the potentially harmful activity would be allowed to continue? Does that sound rational to you? What if it wasn't the environment, but human health and wellbeing? Would you allow a potentially harmful behavior continue if it was harmful to humans? If a for profit corporation was selling poisonous food and the community was complaining about their loved ones getting sick and dying, would you allow that corporation to continue to poison people while you research whether or not the people are actually being poisoned? I hope not.

Well, let me tell you something, the health and wellbeing of our environment is directly related to the health and wellbeing of humanity. Already our marine eco systems are in crisis. The climate crisis, chemical pollution, over fishing, erosion, sewage, plastics, tourism, development, it's all crushing our fragile coral reefs, the most beautiful thing that has ever existed on Earth. We need to be very careful here. One wrong move could be disastrous. We are pleading with you to err on the side of caution. Any human behavior that even seems remotely harmful to our environment should be suspended while being thoroughly examined. Let's face it, if it's human behavior and someone is trying to make a buck, the chances are extremely high that it's going to be harmful to the environment. Please say no to SB1074

Thank you



**Ko'olauloa
HAWAIIAN CIVIC CLUB**

**P.O. Box 532
Hau'ula, Hawaii 96717**

February 23, 2024

Dear Chair Rhoads, Vice Chair Gabbard, and Committee Members,

WE the membership of the Ko'olauloa Hawaiian Civic Club membership strongly oppose SB 1074, SD1, which would allow agencies to keep rubber stamping environmentally harmful activities (like commercial aquarium collection) until whenever the agencies may get around to actually looking at the impacts and doing anything about it.

- **Commercial aquarium collectors have devastated reef ecosystems around O'ahu and Hawai'i Island, extracting *hundreds of thousands of fish and invertebrates each year* in hotspots including West Hawai'i and Kāne'ohe Bay. Collected species include lau'ipala (yellow tang), kole (goldring surgeonfish), pāku'iku'i (Achilles tang), among many other native and endemic species that are critical for maintaining healthy reefs and supporting Native Hawaiian subsistence fishing and cultural practices.**
- **Our reef life is sold and shipped in plastic bags to the continent and around the world to supply the *global pet market for ornamental reef fish*, instead of staying on the reefs to support ecosystem health and Native Hawaiian fishing practices that have been handed down for generations.**
- **Please let HEPA do its job to *inform agency decision-making beforehand*, rather than handing industry a free pass to continue causing harm for years on end until they get around to completing the environmental review process. This bill would turn HEPA review into an afterthought and meaningless formality to justify harm that's already been done . . . and can't be undone.**

We strongly urge you to VOTE NO on SB 1074, SD1.

Respectfully Submitted,

***Raynae M. Fonoimoana*, Pelekikena**

Ko'olauloa Hawaiian Civic Club



This letter is endorsed by:

*Northwestern Hawaiian Islands hui, Pua Ali'i 'Ilima, Malu 'Aina,
and renowned kūpuna (elders) and Kumu Hula (hula masters) including
Victoria Holt Takamine, winner of the prestigious 2024 Lillian Gish award,
Grammy Award Nominee Kumu Hula Robert Uluwehi Cazimero, and
fishers, scientists, current and former members of the Papahānaumokuākea Monument /
NWHI Coral Reef Ecosystem Reserve Advisory Council*

Opposition to SB 1074 SD1 and HB 661 HD1

Aloha,

We, the undersigned, **strongly oppose HB SB 1074 SD1 and 661 HD1**, which would amend the Hawai'i Environmental Policy Act (HEPA), to allow activities previously “undertaken by an applicant” to continue, while still pending environmental review, even if causing irreversible environmental or cultural damage and challenged under HEPA.

These bills would severely undermine core protections for Native Hawaiian rights and Hawai'i's foundational environmental law, potentially leading to substantial, irreversible environmental and cultural harm.

Stopping an activity from proceeding during HEPA review is a fundamental principle of the law and ensures that precious public and cultural resources are not destroyed before the public has input and “environmental concerns are given appropriate consideration in decision making.” (HRS. 343).

In addition, we have substantial concerns about the enormous loophole created for extractive activities in marine areas, including protected and nearshore areas.

The proposed amendment to HEPA states that the amendment “*shall not apply to activities involving construction, grading, dredging, or other structural modifications to land, waterways, or marine environments*” but would apply to a wide range of potentially permanently damaging commercial and “non-commercial” extractive activities in state waters for which there are already clear examples of irreparable damage. We are deeply concerned about commercial fishing and extractive activities and industrial levels of “non-commercial” extractive activities, including fishing, in state waters.

Papahānaumokuākea

Over a hundred thousand people fought for the establishment of the strongest possible protections for the Northwestern Hawaiian Islands – leading to the creation of the Northwestern Hawaiian Islands (NWHI) State Refuge as well as for protections in federal waters, including the establishment of the NWHI Coral Reef Reserve in 2000 and the Papahānaumokuākea Monument in 2006.

The strong protections of the Reserve, State Refuge, and Monument were established as a result of public outrage over decades of the state's refusal to exercise jurisdiction and refusal to implement HEPA in the state waters of the NWHI. This allowed Wespac lobster fishers and poachers to destroy lobster populations in state waters contributing to the starvation of the nearly extinct Hawaiian monk seals. Past commercial fishing vessels slammed into reefs damaging corals and releasing thousands of gallons of fuel, hydraulic and motor oil, fishing gear and other contaminants into the NWHI marine environment. Sadly, lobster stocks have never recovered.

Allowing significant extractive activities – whether labelled commercial or “non-commercial” – in state waters in the absence of HEPA review has already led to permanent harm. Should protections in fragile Papahānaumokuākea be weakened in the future, this proposed enormous loophole could potentially be used to allow unchecked destruction of precious Papahānaumokuākea natural and cultural resources in state waters.

The proposed changes would allow environmental damage to continue unabated in state waters of the Main Hawaiian Islands while “waiting” - potentially for *decades* - for the completion of an environmental review.¹

Concerns about the negative impact on traditional cultural resources and practices

According to the Office of Hawaiian Affairs (OHA):

“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 ... had been in place in 2017, unchecked commercial extraction would have continued pending environmental review.”

Negating HEPA’s fundamental purpose

This amendment of HEPA is being proposed in response to the claim that recent court decisions “have broadened the definition of an environmental ‘action.’” This is untrue.

According to Earthjustice:

“If anything, the courts and the 2019 HEPA rules have narrowed the definition of “action...” 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.”

“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...It threatens to undo decades of environmental progress in Hawai‘i, and it is entirely unnecessary to achieve its stated goals.”

The proposed amendment “would negate HEPA’s fundamental purpose for a broad subset of permitted activities, allowing irreparable environmental harm.”

¹ For example, “the dewatering of East Maui’s streams continued, uninterrupted, for nearly 20 years after an environmental review for long-term diversions was ordered by the circuit court – a practice that has most recently been confirmed as illegal by the Hawai‘i Supreme Court. ... 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.” Sierra Club, testimony on HB 661, January 11, 2025

For the reasons listed above, we, the undersigned, oppose - and urge you to oppose - SB 1074 SD1 and HB 661 HD1.

Mahalo nui loa,

Northwestern Hawaiian Islands hui members:

Isaac "Paka" Harp, fisherman

Former NWHI Reserve Advisory Council Vice-Chair
Former Chair of the NWHI Reserve Enforcement Working Group
Papahānaumokuākea Cultural Working Group,
Founding member

Stephanie Fried, Ph.D.

Former Reserve Advisory Council Alternate Member
Senior Scientist, Environmental Defense Fund, 1995-2009

Cha Smith, Founder

KAHEA: The Hawaiian Environmental Alliance

Victoria Holt Takamine, Kumu Hula

Executive Director, PA'I Foundation
2024 Lillian Gish Award recipient
Papahānaumokuākea Cultural Working Group member

Dave Raney

Former NWHI Reserve Advisory Council Secretary
Former U.S. Coral Reef Task Force Member
Former Chair, Sierra Club Coral Reef Subcommittee

On behalf of:

Kumu Hula Michael Pili Pang

Hālau Hula Ka No‘eau

Kumu Hula Lahela Ka‘aihue

Nā Kumu Hula Vicky and Jeff Kānekaiwilani Takamine

Pua Ali‘i ‘Ilima

Nā Kumu Hula Lono Padilla and Keano Kapu

Hālau Hi‘iaka I Nā Makalehua

Kuhio Lewis

CEO, Council for Native Hawaiian Advancement

Kumu Hula Mehanaokalā Hind

Hālau Nā Pua Mae‘ole o Ka Wai Ola

Kumu Hula Kuana Torres Kahele

Hālau Māluaki‘iwailehua

The Keawekane-Stafford ‘Ohana

Kainoa, Camille, Keaula, Kainoaokana‘iaupuni,
Kili‘apuokuakini

Judith Cucco

Kapi'olani Spencer of Moku O Keawe

Kumu Hula Robert Uluwehi Cazimero

Grammy Nominee
Hālau Nā Kamalei

Kumu Hinaimoana Wong-Kalu

Kumu Hula Tehani Gonzado

Nā Kumu Hula Sonny Ching &

Lopaka Igarta-De Vera

Hālau Nā Mamo o Pu‘uanahulu

James V. Albertini

President, Malu ‘Aina Center for Non-violent Education And Action

Carol Wilcox

Former member, Papahānaumokuākea Advisory Council

Tammy, Jacob, and Cherish Harp

James Kastner

Nature photographer

Claudia Quintanilla



February 24, 2025

COMMITTEE ON JUDICIARY

Chair Rhoads

Vice Chair Gabbard

Wednesday, February 26, 2025 at 9:40Am

Conference Room 016

State Capitol

415 South Beretania Street

Re: TESTIMONY IN STRONG OPPOSITION OF SENATE BILL 1074 - RELATING TO ENVIRONMENTAL IMPACT STATEMENTS.

Aloha e Chair Rhoads, Vice Chair Gabbard, and Committee Members,

Please accept these comments submitted by the Center for Biological Diversity (Center) in **strong opposition of Senate Bill 1074**, which would enable agencies to continue approving environmentally destructive activities, such as commercial aquarium collection, without adequately assessing their impacts until, if ever, the agencies decide to conduct a proper review or take corrective action.

The Center is a non-profit 501(c)(3) membership corporation dedicated to the protection of native, threatened, and endangered species and the habitats they depend on to survive. Through science, policy, and environmental law, the Center is actively involved in endangered, threatened, and native species and habitat protection issues throughout Hawai'i. The Center has more than 88,000 members throughout the United States, including Hawai'i, with a direct interest in ensuring the conservation of our Hawaiian species and waters.

Senate Bill 1074 undermines crucial protections for Hawai'i's native and endemic species and the ecosystems they depend upon for survival. At a time when many of Hawai'i's species are teetering on the brink due to climate change, habitat disruption, invasive species, and human population growth, it is imperative that we redouble our efforts to recover and safeguard the remaining species and marine ecosystems we still have.

However, Senate Bill 1074 would have the opposite effect. The Center is deeply concerned about the harmful effects this bill would have on Hawai'i's fragile reef ecosystems and the traditional lawai'a pono practices that have been passed down for generations. Commercial aquarium collectors have already caused significant ecological damage to reef systems on O'ahu and

Hawai‘i Island, extracting hundreds of thousands of fish and invertebrates annually from critical marine areas, including hotspots like West Hawai‘i and Kāne‘ohe Bay. Among the species targeted for collection are native and endemic species such as the lau‘ipala (yellow tang), kole (goldring surgeonfish), and pāku‘iku‘i (Achilles tang). These species play a fundamental role in maintaining the health and biodiversity of the reefs, and their removal disrupts the delicate ecological balance that is vital for supporting both healthy ecosystems and Native Hawaiian subsistence fishing practices.

Rather than remaining on the reefs to fulfill their ecological role, the reef life that is extracted is sold and shipped around the world, often in plastic bags, to supply the global ornamental fish market. This practice depletes the local marine environment and denies Hawaiians access to the fish they have relied upon for generations. It is not just an environmental issue; it is a cultural and economic one, as the removal of these species undermines the sustainability of traditional fishing practices that are essential to many Native Hawaiian’s culture and livelihoods.

Thanks to the Hawai‘i Environmental Policy Act (HEPA) and recent court rulings, the extraction of aquarium fish has been temporarily halted while the State and collectors are required to engage in a more comprehensive review of the environmental and cultural impacts of the practice. This pause has allowed the public environmental review process to properly assess the long-term consequences of aquarium collection and explore alternatives that could help protect Hawai‘i’s reefs and preserve cultural traditions. This review is an essential step in ensuring that any actions taken do not exacerbate the harm to Hawai‘i’s fragile marine ecosystems.

However, **this bill would severely weaken HEPA’s ability to protect the environment by allowing commercial aquarium collectors to continue their harmful practices without first undergoing a thorough and meaningful environmental review.** It would essentially provide a free pass to industry, allowing them to cause further damage while postponing environmental assessment until it is too late to prevent harm. The bill would render the environmental review process meaningless, turning it into a mere formality rather than a substantive tool for preventing irreversible ecological degradation. The harm caused by continued extraction, once done, cannot be undone, and the long-term impacts on Hawai‘i’s reefs could be devastating.

Moreover, this bill would gut HEPA’s core purpose. The law was designed to ensure that all projects with potential environmental impacts undergo proper review before they proceed, allowing for informed decision-making and public participation. While HEPA does provide for exemptions for activities with truly minor impacts, the scale and nature of commercial aquarium collection make it far from a minor concern. This bill is unnecessary and would undermine the very protections that Hawai‘i’s environment, cultural resources, and future generations depend upon. Instead of weakening HEPA, we should be reinforcing it to ensure that future decisions about the use of Hawai‘i’s natural resources are made with the utmost care and respect for both the environment and the cultural practices that sustain it.

Mahalo for this opportunity to provide testimony in **strong opposition of Senate Bill 1074, SD1.**

/s/ Maxx Phillips
Maxx Phillips, Esq.

Hawai'i and Pacific Islands Director, Staff Attorney
Center for Biological Diversity
1188 Bishop Street, Suite 2412
Honolulu, Hawai'i 96813
(808) 284-0007
MPhillips@biologicaldiversity.org

SB-1074-SD-1

Submitted on: 2/24/2025 9:19:53 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Cathy Goeggel	Testifying for Animal Rights Hawai'i	Oppose	Written Testimony Only

Comments:

Animal Rights Hawai'i strongly objects to SB1074. Protecting the environment should be Job#1 for an agency carrying the name DLNR. As time passes, businesses change, climate changes, and the one constant that doesn't change is the need for vigilant caring for the land and the ocean.

The permitting process is for a set period because of the changing status of the resources requires an extensive, thorough examination of the impact each company exerts on the environment. Please do not pass SB1074SD1. Mahalo

SB-1074-SD-1

Submitted on: 2/24/2025 2:56:21 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Blake McNaughton	Testifying for Makahalanaloa Fishing Association	Oppose	Written Testimony Only

Comments:

Strongly Oppose gutting HEPA.



**Ko'olauloa
HAWAIIAN CIVIC CLUB**

**P.O. Box 532
Hau'ula, Hawaii 96717**

February 23, 2024

Dear Chair Rhoads, Vice Chair Gabbard, and Committee Members,

WE the membership of the Ko'olauloa Hawaiian Civic Club membership strongly oppose SB 1074, SD1, which would allow agencies to keep rubber stamping environmentally harmful activities (like commercial aquarium collection) until whenever the agencies may get around to actually looking at the impacts and doing anything about it.

- **Commercial aquarium collectors have devastated reef ecosystems around O'ahu and Hawai'i Island, extracting *hundreds of thousands of fish and invertebrates each year* in hotspots including West Hawai'i and Kāne'ohe Bay. Collected species include lau'ipala (yellow tang), kole (goldring surgeonfish), pāku'iku'i (Achilles tang), among many other native and endemic species that are critical for maintaining healthy reefs and supporting Native Hawaiian subsistence fishing and cultural practices.**
- **Our reef life is sold and shipped in plastic bags to the continent and around the world to supply the *global pet market for ornamental reef fish*, instead of staying on the reefs to support ecosystem health and Native Hawaiian fishing practices that have been handed down for generations.**
- **Please let HEPA do its job to *inform agency decision-making beforehand*, rather than handing industry a free pass to continue causing harm for years on end until they get around to completing the environmental review process. This bill would turn HEPA review into an afterthought and meaningless formality to justify harm that's already been done . . . and can't be undone.**

We strongly urge you to VOTE NO on SB 1074, SD1.

Respectfully Submitted,

***Raynae M. Fonoimoana*, Pelekikena**

Ko'olauloa Hawaiian Civic Club



Senate Committee on Judiciary

Wednesday, February 26, 2025, 9:40 AM Hearing in Conference Room 016 on
SB 1074, SD1 Relating to Environmental Impact Statements

TESTIMONY

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

Chair Rhoads, Vice Chair Gabbard, and Committee Members:

The League of Women Voters of Hawaii opposes SB 1074, SD1.

Chapter 343, Hawaii Revised Statutes, is “triggered” by private permit applications for “use” of public property or the Conservation District. In April 2024, the Hawaii Intermediate Court of Appeals (ICA) ruled that Chapter 343 required a formal determination as to whether an environmental assessment (EA) must be prepared prior to DLNR approval of 6 permit applications for commercial thrill craft at Kaanapali. Since the ICA ruling the DLNR has not determined whether an EA is required for either new permits or renewal of several dozen existing permits for commercial boating at Kaanapali. The League has no position concerning EA requirements for controversial thrill craft permit applications. However, it would be reasonable, and Chapter 343 rules allow, for the DLNR to publish electronic notice that an EA is not required for renewal of noncontroversial permits for existing commercial boating at Kaanapali.

The primary purpose of SB 1074 was to allow existing Kaanapali boating businesses to renew permits and continue existing commercial activity regardless of whether an EA is required. Unfortunately, this bill is not limited to boating at Kaanapali. SB 1074, SD1 proposes that when a private applicant requests agency approval to renew ANY permit which “triggers” Chapter 343, and does not “... include construction, grading, dredging, or other structural modifications...”, there would be no deadline for the approving agency to determine whether an EA is required and no deadline for completion of an EA. In effect Chapter 343 would no longer require either environmental analysis or the opportunity for informed public comment prior to renewal of controversial, problematic permits which authorize private businesses to continue diverting streams, removing native plants and animals, or dumping polluted wastewater.

Thank you for the opportunity to submit testimony.

SB-1074-SD-1

Submitted on: 2/24/2025 4:01:22 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Kupuna for the Moopuna is in **STRONG OPPOSITION to SB1074 SD1**, which would allow illegally authorized activities to be continued, potentially indefinitely, without a consideration of their environmental, cultural, and social impacts to our islands and our present and future generations. **HEWA!**

By allowing illegally authorized activities to continue while environmental review compliance is pending - 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 irreparable injustices upon our islands and communities. Please **HOLD SB1074 SD1**.

SB-1074-SD-1

Submitted on: 2/24/2025 5:40:21 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, Senator San Buenaventura, and fellow members of the Senate Judiciary Committee,

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

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

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

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

I urge you to **HOLD SB1074 SD1**.

R A Culbertson

member, Big Island Reef Keepers hui

Honokaa

KAUHA KŌ 'OHANA ASSOCIATION

"Solutions not Complaints"

KOA

PO Box 38, Honaunau, HI. 96726

(808) 987-9149

namamo@yahoo.com

Senate Committee on Judiciary,
We are Strongly opposed to SB 1074,

Aloha no kakou,

SB 1074 was crafted to protect tour operators from environmental review. Being a non-extractive industry SB 1074 has its merits, however, to include commercial fishing activities, specifically a severely debilitating practice such as Aquarium Fish Collecting in this bill is extremely inappropriate. If passed it will create significant conflicts between the AQ collectors and the people living here in West Hawaii.

Our reef fish have been depleted to the point where DAR has placed a moratorium on one of our favorite food fishes pāku'iku'i. For the past two years our kupuna and those who catch pāku'iku'i for their families or celebrations have been unable to do so. For the past several years our lawai'a have needed to travel farther and longer to provide mea'ai for their families and neighbors. To not require an extractive practice such as Aquarium Fish Collecting to undergo an environmental review is detrimental to the culture and people of Hawaii whom our government is mandated to serve.

Please do not allow this legislation to contribute to the further degradation of our marine resources which kanaka and malihini depend on for mea'ai and tourism.

Ke Aloha Nunui,



Damien Kenison
Kauhakō 'Ohana Association
ohana@kauhako.org

SB-1074-SD-1

Submitted on: 2/24/2025 5:44:04 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
robert brower	Testifying for Kauai Chapter Surfrider Foundation	Oppose	Written Testimony Only

Comments:

We stronnlly oppose this Bill. It would weaken environmental safeguards at a time when they are under attack at the Federal level.

Mahalo!



February 26, 2025, 940am

Senate Committee on Judiciary

RE: STRONG OPPOSITION SB1074 SD1; Relating to Environmental Review

Dear Chair Rhoads, Vice-Chair Gabbard and Committee Members,

For the Fishes, a Maui-based nonprofit organization dedicated to protecting Hawaii's coral reef wildlife **strongly opposes SB1074 SD1** which would allow previously permitted actions and activities to CONTINUE while an agency, individual or business conducts an environmental analysis.

As proposed, this bill would completely gut our landmark Hawaii Environmental Policy Act (HEPA) that the legislature adopted to ensure actions/activities, especially those that may cause irreparable harm to our marine and terrestrial environments, are appropriately analyzed, given natural resources are held in the public trust for all the peoples of Hawaii, and constitutionally protect against those activities that may impact native Hawaiian cultural practices.

While the original intent of this bill may have been to allow non-extractive activities to continue while a state agency such as DLNR conducts a routine assessment to determine if the activity qualifies for exemption, as written, the bill would have far-reaching implications. In addition, there is no time limit for the preparation of an environmental analysis, so a destructive practice could essentially continue for years, or even decades, if/while an individual or business prepares an environmental assessment.

State agencies routinely review and prepare environmental exemption assessments (i.e. state and county exemption lists are published monthly in the Environmental Notice). We agree that agencies should prepare them promptly, however, blanketly exempting existing permitted activities from HEPA is not the way to address DLNR or other state or county agency dereliction.

Further, exempting existing activities from potential environmental review completely removes the public and the impacted communities from the process, whereby agencies or applicants would not be required to solicit public opinion or hold public hearings to receive feedback from the impacted communities as is required under HEPA.

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



Testimony Before The
Senate Committee on Judiciary (JDC)
IN OPPOSITION TO SB1074 SD1

February 26, 2025, 9:40 a.m., Room 016 & Via Videoconference

We are Olan Leimomi Fisher and Kevin Chang, Kua'āina Advocate and Executive Director, respectively, testifying on behalf of [Kua'āina Ulu 'Auamo \(or KUA\)](#). "Kua'āina Ulu 'Auamo" stands for "grassroots growing through shared responsibility," and our acronym "KUA" means "backbone." **Our mission is to connect and empower communities to improve their quality of life through the collective care for their biocultural (natural and cultural) heritage, serving as a "backbone organization" that supports creative and community-driven solutions to problems stemming from environmental degradation.** Hawai'i's biocultural resources continue to be negatively impacted by political, economic, and social changes, and the increasing dangers of climate change make fostering and empowering resilient communities acutely critical.

Currently KUA supports three major networks of: (1) over 40 mālama 'āina (caring for our 'āina or "that which feeds") community groups collectively referred to as E Alu Pū (moving forward together); (2) over 60 loko i'a (fishpond aquaculture systems unique to Hawai'i) and wai 'ōpae (anchialine pool systems) sites in varying stages of restoration and development, with numerous caretakers, stakeholders, and volunteers known as the Hui Mālama Loko I'a ("caretakers of fishponds"); and (3) the Limu Hui made up of over 50 loea (traditional experts) and practitioners in all things "limu" or locally-grown "seaweed." **Our shared vision is to once again experience what our kūpuna (ancestors) referred to as 'ĀINA MOMONA – abundant and healthy ecological systems that sustain our community resilience and well-being.**

We strongly oppose SB1074 SD1, as a dangerous threat to achieving 'āina momona.

This measure would allow a previously authorized commercial activity to continue regardless of whether it has gone through our time-tested environmental review process. This could allow unsustainable and destructive activities to continue without considering the environmental impacts, mitigation measures, or alternatives. **SB1074 SD1 is unnecessary given that our Hawai'i Environmental Policy Act (HEPA) laws already provide for exemptions for activities with minor impacts.** This bill also threatens the health of our nearshore ecosystems, Native Hawaiian cultural and traditional rights, and community stewardship practices, while undermining the necessary public participation and transparency provided through our established environmental review laws. It would create *more* stress and *more* work for DLNR and communities, not less, and for the benefit of only a small vocal minority of commercial aquarium operators.

The communities in our KUA networks, including Native Hawaiians and kama'āina alike, depend on the health and balance of our nearshore ecosystems in order to continue their traditional and customary practices and to mālama their 'āina. SB1074 SD1's existential undermining of HEPA would make way for far-reaching negative effects on our already suffering i'a (sea life) that do not justify the supposed need to appease the well-documented (and litigated)

exploitation by a small handful of aquarium fishing operators. HEPA serves to ensure public awareness and participation from as many stakeholders as possible, including Native Hawaiian traditional and customary practitioners protected under our Hawai'i State Constitution. HEPA also provides stability for public participation with the constant changes in DLNR leadership and staff.

As the recent Umberger and Kaupiko Supreme Court decisions made clear, DLNR severely lacks capacity to provide proper management and protection of our nearshore resources and Native Hawaiian rights involving aquarium fishing permits alone. Undermining HEPA is *not* the answer, especially with increasing threats (invasive species, pollution, overtourism, natural disasters, etc.) to the fragile biocultural resources that we ALL depend on to live and thrive here in Hawai'i. **This measure is unnecessary and will only lead to more lawsuits, more contested cases, and more community distrust and division.**

SB1074 SD1 works directly against achieving 'āina momona to ensure healthy and thriving biocultural resources for generations to come.

Mahalo for considering our testimony in strong opposition. Please **hold** SB1074 SD1.

Aloha 'Āina Momona no nā kau ā kau.

SB-1074-SD-1

Submitted on: 2/24/2025 8:08:40 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Aloha!

The Free Access Coaliton OPPOSES SB1074. We cannot allow moneyed interests to bully the DLNR. Water diversion in Maui is a sad example of this kind of activity. Let's not cannonize this kind of law.

Mahalo for your consideration.



**TESTIMONY OF THE OCEAN TOURISM COALITION IN SUPPORT OF
SB1074 WITH AMENDMENTS.**

The Ocean Tourism Coalition (OTC) appreciates the opportunity to provide testimony in support of SB1074 with amendments. OTC represents ocean tourism operators across the state, many of whom have been severely impacted by the 2023 Lahaina Fire. We support a framework that allows currently permitted boat operators in Kaanapali to continue operating while environmental review is completed.

However, we have concerns that the broad language of the current bill could create unintended consequences that may prevent it from ultimately helping those on Maui that are currently under threat of being shut down. As written, the measure could be interpreted to allow a wide range of activities far beyond the scope of what we believe the bill intends to address.

OTC believes the bill should be narrowly tailored to ensure that it provides relief to operators who depend on ORMA permits at Kaanapali. Given the unique challenges facing ocean tour operators in this area, we respectfully suggest limiting the bill's application to commercial use permits in Kaanapali waters and would not oppose a sunset date.

By refining the bill's scope, the Legislature can ensure that it provides relief to tour operators currently under threat of losing their livelihood.

Mahalo for the opportunity to testify, and we appreciate your consideration.

Sincerely,

Denver S. Coon
President, Ocean Tourism Coalition



February 24, 2025

Dear Chair Rhoads, Vice Chair Gabbard, and Committee Members,

Surfrider Foundation Hawai'i Region strongly opposes Senate Bill 1074 which would allow state agencies to permit commercial activities even before environmental review is complete. This undercuts the core function of the Hawai'i Environmental Policy Act (HRS Ch. 343), which requires a hard look at environmental impacts *before* a potentially hazardous commercial activity is permitted.

Surfrider Foundation is a grassroots activist network dedicated to the protection of our oceans, waves, and beaches. Our chapters on Maui, O'ahu, and Kaua'i have tirelessly defended and protected Hawai'i's coastal and marine environments for decades. Hawai'i's environmental review process is pivotal to this mission.

We oppose SB 1074 for the following reasons:

This Bill is Unnecessary.

Chapter 343 *already* allows exemptions or streamlined processes for activities that are not likely to be environmentally hazardous. This includes benign permit renewals if a commercial activity has been operated safely in the past.

The Bill Incentivizes Commercial Operators to Challenge Environmental Protections.

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

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

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

Environmental protections are being viciously dismantled and gutted on a national level, Hawai'i needs to stand firm in our environmental laws and protections with the utmost diligence. I urge you to OPPOSE SB 1074 SD 1.

Sincerely,

Hanna Lilley
Hawai'i Regional Manager
Surfrider Foundation

SB-1074-SD-1

Submitted on: 2/24/2025 8:58:43 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Senate Judiciary Committee,

My name is Susan RobertsEmery, and I am Co-chair of the Green Party of Hawai'i. I We offer **STRONG OPPOSOSITION to SB1074 SD1**, which would allow illegally authorized activities to be continued, potentially indefinitely, without a consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

This measure is backwards, when it comes to environmental planning and protection.

Currently our environmental review law works by allowing decisionmakers to make 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 makes sense!

This bill would do the opposite, allowing activities that have been previously, but unlawfully, authorized without environmental review, to continue while environmental review is pending. As we have seen in cases such as East Maui, where stream diversions by a politically connected plantation were allowed to continue for nearly 20 years after an environmental assessment had been ordered, years' or decades' worth of devastating yet potentially avoidable impacts could occur without the benefit of environmental review, should this measure be passed into law.

By allowing illegally authorized activities to continue while environmental review compliance is pending - 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.

Green Party of Hawai'i urges you to **HOLD SB1074 SD1**.

Sincerely,
Susan RobertsEmery

Green Party of Hawai'i

Paauilo

SB-1074-SD-1

Submitted on: 2/24/2025 9:11:58 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Kawika Winter	Testifying for Heʻeia National Estuary Research Reserve	Oppose	Written Testimony Only

Comments:

This is a horrendous bill that would have devastating negative impacts on our environment. I urge you to not pass this bill out of your committee.

Mahalo for your consideration,

Kawika Winter, Ph.D.

Director, Heʻeia National Estuarine Research Reserve

SB-1074-SD-1

Submitted on: 2/24/2025 9:42:48 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Adrie Nossaman	Testifying for UHM Environmental Justice Club, Sierra Club	Oppose	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Senate Judiciary Committee,

My name is Adrie Nossaman and **I STRONGLY OPPOSE SB1074 SD1**, which would allow illegally authorized activities to be continued, potentially indefinitely, without a consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

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

This bill would do the opposite, allowing activities that have been previously, but unlawfully, authorized without environmental review, to continue while environmental review is pending. As we have seen in cases such as East Maui, where stream diversions by a politically connected plantation were allowed to continue for nearly 20 years after an environmental assessment had been ordered, years' or decades' worth of devastating yet potentially avoidable impacts could occur without the benefit of environmental review, should this measure be passed into law.

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

I urge you to **HOLD SB1074 SD1.**

Sincerely,

Adrie Nossaman

SB-1074-SD-1

Submitted on: 2/24/2025 10:29:48 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Melinda Healani Sonoda-Pale	Testifying for Na Kia'i o Wai Ha	Oppose	Written Testimony Only

Comments:

TESTIMONY IN STRONG OPPOSITION TO SB 1074, SD1

Submitted by Nā Kia‘i o Wai Ha

Hearing Date: Wednesday, February 26, 2025, 9:40 AM

Senate Committee on Judiciary

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

Nā Kia‘i o Wai Ha strongly opposes SB 1074, SD1, which would weaken Hawai‘i’s environmental review law (HEPA) and allow government agencies to approve projects without first assessing their environmental and cultural impacts.

A recent ruling by the **Hawai‘i Environmental Court** demonstrates why a **strong HEPA is necessary**. The court **halted the Honokea Surf Village wave pool project** after finding that the **Hawai‘i Community Development Authority (HCDA) failed to properly evaluate water use, cumulative impacts, and resource depletion**. The judge ruled that there was “**insufficient evidence**” to determine whether the project would cause **irreversible harm**, reinforcing the need for environmental review **before** a project moves forward—not after damage has already occurred.

Our **lawsuit against HCDA** further proves that agencies **cannot be trusted to conduct thorough environmental assessments without proper oversight**. SB 1074, SD1 would **allow agencies to permit destructive projects before evaluating their true impact**, undermining HEPA’s entire purpose and **ignoring legal safeguards upheld by our courts**.

Why SB 1074, SD1 is Dangerous

- **The Honokea ruling proves that environmental reviews must happen before projects move forward, not after damage is done.** SB 1074, SD1 would allow agencies to **rubberstamp projects** while delaying the review process.
- **The bill undermines legal accountability.** HEPA already allows exemptions for low-impact projects, and courts have enforced environmental review when agencies fail to do their job—SB 1074, SD1 removes that safeguard.

- **It threatens Hawai‘i’s water resources.** The judge found that the wave pool developers failed to **adequately analyze cumulative water use impacts**, an issue that would be ignored if SB 1074, SD1 were law.

Nā Kia‘i o Wai Ha urges the **Senate Committee on Judiciary to VOTE NO on SB 1074, SD1** and protect Hawai‘i’s environmental review process.

Mahalo for your time and consideration.

Nā Kia‘i o Wai Ha

SB-1074-SD-1

Submitted on: 2/24/2025 11:13:46 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
William Kinney	Testifying for Hui Makaʻainana o Makana	Oppose	Written Testimony Only

Comments:

Dear Chair Rhoads, Vice Chair Gabbard, Senator Chang, Senator San Buenaventura, and Senator Awa,

My name is William "Billy" Kinney and I am from Hanalei and Hāʻena on Kauaʻi. I am currently the Assistant Director of the Hui Makaʻainana o Makana (the "Hui") - a nonprofit organization of lineal descendants stewarding Hāʻena State Park, and Hāʻena nearshore fisheries. In 2015 we became the first Community-based Subsistence Fishing Area with a management plan and rules package signed into law. On behalf of the Hui, our cofounders and members, who are also lawaiʻa and ocean advocates - such as Presley Wann and Kelii Alapai - we strongly oppose SB1074, SD1, which would allow agencies to keep rubberstamping these environmentally harmful activities (like commercial aquarium collection) to our fisheries in which we depend on. Our nearshore fisheries are our "icebox". Detrimental activities such as the ones that have been going on, unfettered and unchecked, need to have an end date or else the structural balance and health of our fisheries will.

We are deeply concerned how this bill would affect our reefs and reefs elsewhere in Hawaiʻi, and moreso, we are extremely concerned at the message this sends to others who don't ascribe to lawaiʻa pono practices to reiterate that it is okay to destroy a communal food source for personal monetary gains.

Commercial aquarium collectors have devastated reef ecosystems around Oʻahu and Hawaiʻi Island, extracting hundreds of thousands of fish and invertebrates each year in hotspots including West Hawaiʻi and Kāneʻohe Bay. Collected species include lauʻipala (yellow tang), kole (goldring surgeonfish), pākuʻikuʻi (Achilles tang), among many other native and endemic species that are critical for maintaining healthy reefs and supporting Native Hawaiian subsistence fishing and cultural practices.

Thanks to HEPA and recent court rulings, our reefs have finally gotten a break from unlimited aquarium extraction while the collectors and State look at environmental and cultural impacts, mitigation measures, and alternatives through the public environmental review process.

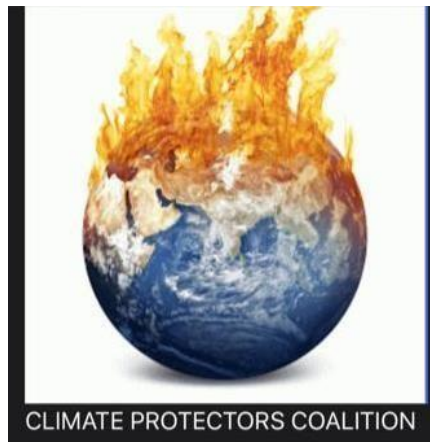
Please let HEPA do its job to inform agency decision-making beforehand, rather than handing industry a free pass to continue causing harm for years on end until they get around to completing the environmental review process. This bill would turn HEPA review into an

afterthought and meaningless formality to justify harm that's already been done . . . and can't be undone.

This bill would gut HEPA's whole purpose and is unnecessary. HEPA provides for exemptions of activities that have truly minor impacts.

I strongly urge you to VOTE NO on SB1074, SD1.

Sincerely,
Billy Kinney and the Hui Maka'āinana o Makana



To: The Honorable Representative Karl Rhoads, Chair, the Honorable Mike Gabbard, Vice Chair, and Members of the Judiciary Committee.

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

Re: **Hearing SB1074 SD1 RELATING TO ENVIRONMENTAL IMPACT STATEMENTS**

Hearing: Wednesday February 26, 2025 9:40 a.m. CR016

Aloha Chair Rhoads, Vice Chair Gabbard, and Members of the Judiciary Committee!

The Hawai'i Reef and Ocean Coalition (HIROC) is a group of scientists, educators, filmmakers and environmental advocates who have been working since 2017 to protect Hawaii's coral reefs and

ocean. We support funding for environmental stewardship. The mission of the Climate Protectors Hawai'i is to educate and engage the local community in climate change action, to help Hawai'i show the world the way back to a safe and stable climate. We support measures to reduce climate warming and its impacts.

Hawai'i Reef and Ocean Coalition and Climate Protectors Hawai'i respectfully but **STRONGLY OPPOSE SB1074 SD1!**

As a Deputy Attorney General, for 14 years I represented the agencies that administer Hawaii's Environmental Policy Act (HRS chapters 343 and 344, aka HEPA), the Office of Environmental Quality Control and the Environmental Council. **It is my considered opinion that this bill would undercut the core purpose of HEPA, to ensure that projects with potential environmental impacts undergo proper review before they proceed, allowing for informed decision-making and public participation.** It would make environmental review an afterthought in many instances instead of a useful planning process.

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

This bill is overbroad and potentially harmful. If litigation over existing charter boat operations has not been settled and an exemption for them is still desired, that situation should be addressed narrowly, not used as a basis to extend, as this bill does, an exemption from environmental review to all previously permitted commercial operations. HEPA already provides for agencies to establish procedures to exempt from environmental assessments "specific types of actions, because they will probably have minimal or no significant effects on the environment." HRS Sec. 343-6(a)(2).

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

Please hold this bill in current overbroad form!

Mahalo!

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

SB-1074-SD-1

Submitted on: 2/24/2025 11:58:46 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Andrew Perry	Testifying for Critical Ocean Rescue Education Hawai'i	Support	Written Testimony Only

Comments:

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

Please support SB1074 for ocean tour boats. This bill is essential for ensuring that ocean tourism operators in Kaanapali can continue their operations while undergoing environmental review. Without this bill, these longstanding, regulated operators face the risk of being shut down for years—even when they have complied with all permitting requirements.

These tour operators allow residents and visitors to experience Hawaii's marine environment with minimal disruption, supporting conservation efforts through education and sustainable tourism practices.

This bill strikes a fair balance between protecting our natural resources through 343 and supporting the small ocean tour businesses that have operated responsibly under state oversight for decades.

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

Testimony in **STRONG OPPOSITION to SB 1074, SD 1
Relating to Environmental Impact Statements**

**Senate Committee on Judiciary
Hearing: February 26, 2025, at 9:40 AM
State Capitol Conference Room 016**

Aloha e Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary,

Nā Kia‘i Kai submits this testimony in **strong opposition to SB 1074, SD 1**. We urge this committee to **reject this bill**.

Nā Kia‘i Kai is a community-based organization established by West Kaua‘i residents, including Native Hawaiian fishers and cultural practitioners, to protect West Kaua‘i’s river and coastal waters, humans, and aquatic life from pollution. For decades, Nā Kia‘i Kai has advocated on behalf of our community against a multitude of environmental harms.

For more than a century, West Kaua‘i has borne the brunt of the island’s environmental and cultural injustices. Beginning in the late 1800s, sugar plantations filled and channelized the Mānā Plain—once home to a thriving network of wetlands and freshwater springs—to artificially create dry land suitable for sugar cultivation. For over a century, these sugar plantations dammed and completely drained the Waimea River and its tributaries to irrigate its crops. This water pumping and water diversion infrastructure is still in operation today and has all but destroyed the complex stream, wetland, and reef ecosystems along West Kaua‘i from mauka to makai.

After the last sugar plantation closed in 2000, it did little to clean up and remediate the land it had once occupied, leaving the soil and water contaminated with long-lasting pesticides. With the end of the plantation era, the biotech industry saw an opening to seize agricultural lands on the Mānā Plain and quickly transformed West Kaua‘i into ground zero for agrochemical “GMO” operations. Rampant pesticide use on the west side came to a head in 2006 and 2008, when students and staff at Waimea Canyon Middle School were taken to the hospital suffering symptoms of pesticide exposure.

West Kaua‘i also hosts numerous industrial uses, including a gravel and asphalt plant, a county wastewater treatment plant, a sand and rock mining operation, and a U.S. Navy base that occupies a vast stretch of coastline. Agricultural and industrial runoff is discharged along the West Kaua‘i coastline and has devastated our once-thriving reef ecosystems and traditional fishing grounds. West Kaua‘i is also home to the island’s only landfill.

Through decades of advocacy, our community has become far more aware of our rights and the legal tools we have to protect our resources, our livelihoods, and the health and

well-being of our future generations. HEPA has been and continues to be a valuable legal tool for our community by ensuring government decision-makers consider the environmental and cultural impacts of activities before they occur. This bill would allow decision-makers to bypass consideration of environmental harms and give a free pass to industries to continue destructive environmental practices without first complying with the law. Our communities have successfully taken agencies like DLNR to court to demand accountability. This bill would eliminate this hard-fought progress and send us back to the days when corporate interests trumped pono stewardship of our lands and resources.

Nā Kia'i Kai strongly urges this Committee to protect the integrity of one of the most valuable legal tools we have to protect our community by voting **NO to SB 1074.**

Mahalo for the opportunity to testify,

Kawai Warren
President, Nā Kia'i Kai



**Department of Land and Natural Resources
Hawaii State Aha Moku
State of Hawaii
Post Office Box 621
Honolulu, Hawaii 96809**

Before the Senate Committee on Judiciary.

Karl Rhodes - Chair
Mike Gabbard – Vice Chair
Stanely Chang
Joy A. San Buanaventure
Brenton Awa

February 26th, 2025

Relating to bill SB1074 on Environmental Impact Statements.

Aloha Kakou:

My name is Charles Young. I reside in the Ahupa'a of Kealia in the Kapalilua region of S. Kona Hawaii Island. I submit this testimony in strong opposition to SB 1074 and its various iterations. I speak on behalf of the Hawaii Island Aha Moku as the current Po'o for Hawaii Island.

The Aha Moku is an advocate for Article XII Section 7 of the Hawaii State Constitution regarding native Hawaiian gathering rights and the Hawaii Supreme Courts 2000 Ka Pa'a Kai O Ka 'Aina vs Land Use Commissions decision that affirmed the State's responsibilities under the Constitution. Indeed the DLNR Chair has on many occasions stressed the importance of that decision and the binding conditions as set out forth in the courts decision. In my opinion it is in this area where the Senate Committee on Judiciary should focus. The multiple testimonies that speak to the consequences for businesses and for-profit enterprises are of secondary importance. The DLNR and Federal agencies such as NOAA agree that Hawaii's marine resources continue to suffer depletion from overuse and an ever expanding demand for access to our marine resources for commercial purposes. Native Hawaiian Customary and Traditional rights and practices are protected under the State's Constitution as referenced above and they are almost exclusively dependent on the health of Hawaii's natural resources. In its' Ka Pa'a Kai decision the Hawaii Supreme Court as provided for in Article XII Section 7 states that when the State makes decisions that may affect these Customary and Traditional rights and practices the State shall affirm and protect them and further the court provided a framework for doing so, the Ka Pa'a Kai analysis.

SB1074 proposes that businesses that have already been granted permits for the commercial access, use and/or extraction of our ocean resources should not be subject to today's more comprehensive permitting requirements particularly in the areas of cultural and environmental impacts.

*Moku O Keawe (Hawaii Island), Moku O Piilani (Maui), Moku O Kanaloa (Kahoolawe), Nana'i Kaula (Lanai)
Molokai Pule Oo (Molokai), Moku O Kakuhihewa (Oahu), Manokalanipo (Kauai), Ka Aina O Kawelonakala (Niihau)
Kalanimoku Bldg., DLNR, 1151 Punchbowl Street, Room 130, Honolulu, HI 96813*



**Department of Land and Natural Resources
Hawaii State Aha Moku
State of Hawaii
Post Office Box 621
Honolulu, Hawaii 96809**

It further proposes permitted activities found to be potentially harmful to the resources can be continued, perhaps indefinitely. The Aha Moku believes that SB1074 as a policy or statute fails to address the fact that each individual permittee contributes to the cumulative effects that have in large part resulted in a reduction in abundance. The Aha Moku also believes that the legislature should consider the health of the resources first, the health of its communities second and not simply provide relief for making profit. The Aha Moku does not object to the commercial use of our natural resources, provided those uses align with native Hawaiian cultural values and practices. However, the permitting process particularly when dealing with non-Hawaiians has and does not recognize the importance of that alignment in the vetting process

The Aha Moku has previously testified that Hawaii's marine resources managed by the State are held in public trust for the benefit of all. The hierarchy of use for the trust places the resources first and commercial last. The Aha Moku has also testified that a Ka Pa'a Kai analysis should be required for all commercial use of the public trust lands and oceans as the health of the trust gives rise to the health of native Hawaiians and their future generations. Hawaii has reached a point and the Aha Moku has great concern that the cumulative effects and continued use of our marine resources in a for-profit business model will continue to add to the depletion of our public trust resources. SB1074 would support the continuation of that business model and should be opposed. The Aha Moku urges the members of the State Judiciary Committee to oppose passage of SB1074 and/or its revisions. The Bill sets a bad precedent and does not go to the root of the issue.

We appreciate this opportunity to provide testimony opposing the passage of SB1074.

Respectfully


Charles Young
Po'o Hawaii Island Aha Moku
PO Box 505
Honaunau, HI 96726

Cc:

Leimana DaMate, Luna Alaka'i/Executive Director Hawaii State Aha Moku
808-640-1214

Leimana.k.damate@hawaii.gov <<mailto:Leimana.k.damate@hawaii.gov>>

*Moku O Keawe (Hawaii Island), Moku O Piilani (Maui), Moku O Kanaloa (Kahoolawe), Nana'i Kaula (Lanai)
Molokai Pule Oo (Molokai), Moku O Kakuhihewa (Oahu), Manokalanipo (Kauai), Ka Aina O Kawelonakala (Niihau)
Kalanimoku Bldg., DLNR, 1151 Punchbowl Street, Room 130, Honolulu, HI 96813*

SB-1074-SD-1

Submitted on: 2/25/2025 7:24:12 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Mike Nakachi	Testifying for Moana Ohana	Oppose	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, Senator Chang, Senator San Buenaventura, and Senator Awa,

Kakahiaka no, My name is Mike Nakachi from Moku O Keawe, in the district of Kekahawaiola and I strongly oppose SB1074, which would allow a vast range of illegally authorized activities to continue, potentially indefinitely, without a required consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

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

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

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

I urge you to HOLD SB1074. Mahalo nui loa, Mike Nakachi

Moana Ohana

SB-1074-SD-1

Submitted on: 2/25/2025 7:48:18 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
David McGuire	Testifying for Shark Stewards	Oppose	Written Testimony Only

Comments:

Dear Senate Committee on Judiciary,

On behalf of over 1000 divers, surfers and swimmers, we oppose SB1074. This dangerous bill would gut the Hawai'i Environmental Policy Act (HEPA) and allow potentially destructive activities such as commercial Aquarium reef fish collection to continue during any required environmental review.

The Aquarium industry has lobbied hard to bypass court decisions and state rulings to continue the harmful trade of removing millions of Hawai'i fish from their habitat for profit, with great damage and loss to Hawaiian reefs.

There is strong evidence and public support against the Aquarium trade of wild fish including:

- Scientists forecast that we'll lose 70% of our reefs by 2030 due to climate change
- Scientists agree that reefs need more herbivores if they are to have a fighting chance; and, that DARs herbivore rules for food fish are not strong enough
- The trade inherently conflicts with local culture and native Hawaiian values, including pono fishing practices to only take what is needed
- Hawai'i's 46 moku that make up the entire state Aha Moku oppose AQ collecting
- A published cost/benefit analysis shows Hawai'i residents receive ZERO benefits from the AQ trade, but suffer the costs

The people of Hawai'i, the dive tourism mindustry and a healthy all rely on a a healthy reef system, that includes important herbivores. Please do not include the dangerous exemptions for the collection of in this bill.

Senate Committee on Judiciary
Hearing: February 26, 2025, at 9:40 AM
State Capitol Conference Room 016

Pō'ai Wai Ola's Testimony in STRONG OPPOSITION to SB 1074, SD 1

Aloha e Chair Rhoads, Vice Chair Gabbard, and Committee Members,

Pō'ai Wai Ola submits this testimony in strong opposition to SB 1074, SD 1.

Pō'ai Wai Ola is a community-based organization of residents in West Kaua'i. Pō'ai Wai Ola members are cultural practitioners, maha'ai (farmers), and fresh water and reef lawai'a (fishers). Our roots in the West Kaua'i ahupua'a span many generations. Our hui is dedicated to managing and conserving water resources for present and future generations and protecting the long-term sustainability and health of our watershed, from its mauka headwaters to makai nearshore marine areas.

Waimea River is the lifeblood of our community and supports a host of protected instream public trust uses—such as kalo cultivation and subsistence gathering. For generations, our community has watched as the Waimea River's waters were diverted, first to feed plantations, and then by corporate farms who took over operation of the outdated and inefficient plantation-era water diversion infrastructure. For decades, tens of millions of gallons of water were diverted from the river every day, often causing large stretches of the river to run dry, cutting off the connection between the mountains and the sea. Throughout our lives, those with power and money have decided what to do with Waimea River's precious water resources, which are supposed to belong to all of us. This is a power dynamic our community continues to combat as we seek to restore Waimea River flows to support public trust uses and restore dwindling populations of native streamlife that have been devastated by decades of wholesale water diversion.

Through decades of advocating to restore Waimea River flows to protect our community's resources and preserve our traditional and customary practices, our community has become far more aware of our rights, and we have remained vigilant to make sure those rights are respected. The Hawai'i Environmental Policy Act, or HEPA, has been a necessary and valuable legal tool for our community to protect our resources, our practices, our livelihoods, and the health and well-being of our future generations.

This bill threatens one of the few legal tools rural communities like West Kaua'i has to protect itself from corporate greed. SB 1074 would turn HEPA on its head, allowing destructive activities to continue for years on end without any prior look at the action's environmental impacts, mitigation measures, and alternatives. This is moving us backwards, to where we were a century ago when corporate diverters were allowed to make wholesale diversions of valuable water resources without regard to the disastrous impacts it would have on our communities, our livelihoods, and our environment.

Pō'ai Wai Ola is deeply concerned about how this bill would give a blanket free pass to commercial users of our public trust land, water, and ocean resources, no matter what the harms. We strongly urge this committee to protect one of our bedrock environmental laws and uphold fundamental principles of pono environmental stewardship. **Please vote 'A'OLE to SB 1074.**

Mahalo for the opportunity to testify on this important bill.

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

SB-1074-SD-1

Submitted on: 2/25/2025 9:21:38 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
John Kaneko	Testifying for Hawaii Seafood Council	Support	Written Testimony Only

Comments:

In strong support SB1074 SD1 and the effective management of Hawai'i's fisheries for sustainability.

SB-1074-SD-1

Submitted on: 2/25/2025 9:42:23 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Mahealani Cypher	Testifying for Koʻolau Foundation	Oppose	Written Testimony Only

Comments:

Aloha, Chair and Committee Members:

I **strongly oppose** SB 1074, SD1, which would allow agencies to keep rubber stamping environmentally harmful activities (like commercial aquarium collection) until whenever the agencies may get around to actually looking at the impacts and doing anything about it.

I am deeply concerned how this bill would affect Hawaiʻi's reefs and lawaiʻa pono practices.

· Commercial aquarium collectors have devastated reef ecosystems around Oʻahu and Hawaiʻi Island, extracting ***hundreds of thousands of fish and invertebrates each year*** in hotspots including West Hawaiʻi and Kāneʻohe Bay. Collected species include lauʻipala (yellow tang), kole (goldring surgeonfish), pākuʻikuʻi (Achilles tang), among many other native and endemic species that are critical for maintaining healthy reefs and supporting Native Hawaiian subsistence fishing and cultural practices.

· This reef life is sold and shipped in plastic bags to the continent and around the world to supply the ***global pet market for ornamental reef fish***, instead of staying on the reefs to support ecosystem health and Native Hawaiian fishing practices that have been handed down for generations.

· Thanks to the Hawaii Environmental Policy Act (HEPA) and recent court rulings, our reefs have ***finally gotten a break from unlimited aquarium extraction*** while the collectors and State look at environmental and cultural impacts, mitigation measures, and alternatives through the public environmental review process.

· Please let HEPA do its job to ***inform agency decision-making beforehand***, rather than handing industry a free pass to continue causing harm for years on end until they get around to completing the environmental review process. This bill would turn HEPA review into an afterthought and meaningless formality to justify harm that's already been done . . . and can't be undone.

· This bill would ***gut HEPA's whole purpose*** and is unnecessary. HEPA provides for ***exemptions of activities that have truly minor impacts***.

I strongly urge you to **VOTE NO on SB 1074, SD1.**

Mahalo for your consideration of our mana`o.



This letter is endorsed by:

Northwestern Hawaiian Islands hui, Pua Ali'i 'Ilima, Malu 'Aina, and renowned kūpuna (elders) and Kumu Hula (hula masters) including Dr. Pualani Kanahēle Kanakaʻole, who named Papahānaumokuākea, Victoria Holt Takamine, winner of the prestigious 2024 Lillian Gish award, Grammy Award Nominee Kumu Hula Robert Uluwehi Cazimero, and fishers, scientists, current and former members of the Papahānaumokuākea Monument / NWHI Coral Reef Ecosystem Reserve Advisory Council

Opposition to SB 1074 SD1 and HB 661 HD1

Aloha,

We, the undersigned, **strongly oppose HB SB 1074 SD1 and 661 HD1**, which would amend the Hawai'i Environmental Policy Act (HEPA), to allow activities previously “undertaken by an applicant” to continue, while still pending environmental review, even if causing irreversible environmental or cultural damage and challenged under HEPA.

These bills would severely undermine core protections for Native Hawaiian rights and Hawai'i's foundational environmental law, potentially leading to substantial, irreversible environmental and cultural harm.

Stopping an activity from proceeding during HEPA review is a fundamental principle of the law and ensures that precious public and cultural resources are not destroyed before the public has input and “environmental concerns are given appropriate consideration in decision making.” (HRS. 343).

In addition, we have substantial concerns about the enormous loophole created for extractive activities in marine areas, including protected and nearshore areas.

The proposed amendment to HEPA states that the amendment “*shall not apply to activities involving construction, grading, dredging, or other structural modifications to land, waterways, or marine environments*” but would apply to a wide range of potentially permanently damaging commercial and “non-commercial” extractive activities in state waters for which there are already clear examples of irreparable damage. We are deeply concerned about commercial fishing and extractive activities and industrial levels of “non-commercial” extractive activities, including fishing, in state waters.

Papahānaumokuākea

Over a hundred thousand people fought for the establishment of the strongest possible protections for the Northwestern Hawaiian Islands – leading to the creation of the Northwestern Hawaiian Islands (NWHI) State Refuge as well as for protections in federal waters, including the establishment of the NWHI Coral Reef Reserve in 2000 and the Papahānaumokuākea Monument in 2006.

The strong protections of the Reserve, State Refuge, and Monument were established as a result of public outrage over decades of the state's refusal to exercise jurisdiction and refusal to implement HEPA in the state waters of the NWHI. This allowed Wespac lobster fishers and poachers to destroy lobster populations in state waters contributing to the starvation of the nearly extinct Hawaiian monk seals. Past commercial fishing vessels slammed into reefs damaging corals and releasing thousands of gallons of fuel, hydraulic and motor oil, fishing gear and other contaminants into the NWHI marine environment. Sadly, lobster stocks have never recovered.

Allowing significant extractive activities – whether labelled commercial or “non-commercial” – in state waters in the absence of HEPA review has already led to permanent harm. Should protections in fragile Papahānaumokuākea be weakened in the future, this proposed enormous loophole could potentially be used to allow unchecked destruction of precious Papahānaumokuākea natural and cultural resources in state waters.

The proposed changes would allow environmental damage to continue unabated in state waters of the Main Hawaiian Islands while “waiting” - potentially for *decades* - for the completion of an environmental review.¹

Concerns about the negative impact on traditional cultural resources and practices

According to the Office of Hawaiian Affairs (OHA):

“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 ... had been in place in 2017, unchecked commercial extraction would have continued pending environmental review.”

Negating HEPA’s fundamental purpose

This amendment of HEPA is being proposed in response to the claim that recent court decisions “have broadened the definition of an environmental ‘action.’” This is untrue.

According to Earthjustice:

“If anything, the courts and the 2019 HEPA rules have narrowed the definition of “action...” 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.”

“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...It threatens to undo decades of environmental progress in Hawai‘i, and it is entirely unnecessary to achieve its stated goals.”

¹ For example, “the dewatering of East Maui’s streams continued, uninterrupted, for nearly 20 years after an environmental review for long-term diversions was ordered by the circuit court – a practice that has most recently been confirmed as illegal by the Hawai‘i Supreme Court. ... 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.” Sierra Club, testimony on HB 661, January 11, 2025

The proposed amendment “*would negate HEPA’s fundamental purpose for a broad subset of permitted activities, allowing irreparable environmental harm.*”

For the reasons listed above, we, the undersigned, oppose - and urge you to oppose - SB 1074 SD1 and HB 661 HD1.

Mahalo nui loa,

Northwestern Hawaiian Islands hui members:

Isaac "Paka" Harp, fisherman

Former NWHI Reserve Advisory Council Vice-Chair
Former Chair of the NWHI Reserve Enforcement Working Group
Papahānaumokuākea Cultural Working Group, Founding member

Stephanie Fried, Ph.D.

Former Reserve Advisory Council Alternate Member
Senior Scientist, Environmental Defense Fund, 1995-2009

Cha Smith, Founder

KAHEA: The Hawaiian Environmental Alliance

Victoria Holt Takamine, Kumu Hula

Executive Director, PA'I Foundation
2024 Lillian Gish Award recipient
Papahānaumokuākea Cultural Working Group member

Dave Raney

Former NWHI Reserve Advisory Council Secretary
Former U.S. Coral Reef Task Force Member
Former Chair, Sierra Club Coral Reef Subcommittee

On behalf of:

Dr. Pualani Kanaka'ole Kanahele

Kumu Hula who named Papahānaumokuākea Cultural Working Group member

Kumu Hula Michael Pili Pang

Hālau Hula Ka No‘eau

Kuhio Lewis

CEO, Council for Native Hawaiian Advancement

Nā Kumu Hula Vicky and Jeff Kānekaiwilani Takamine

Pua Ali‘i ‘Ilima

Nā Kumu Hula Lono Padilla and Keano Kapu

Hālau Hi‘iaka I Nā Makalehua

Kumu Hula Mehanaokalā Hind

Hālau Nā Pua Mae‘ole o Ka Wai Ola

Kumu Hula Kuana Torres Kahele

Hālau Māluaki‘iwailehua

The Keawekane-Stafford ‘Ohana

Kainoa, Camille, Keaula, Kainoakana’iaupuni, Kili’apuokuakini

Kumu Hula Robert Uluwehi Cazimero

Grammy Nominee
Hālau Nā Kamalei

Kumu Hula Hinaleimoana Wong-Kalu

Kumu Hula Tehani Gonzado

Kumu Hula Lahela Ka‘aihue

Nā Kumu Hula Sonny Ching & Lopaka Igarta-De Vera

Hālau Nā Mamo o Pu‘uanahulu

James V. Albertini

President, Malu ‘Aina Center for Non-violent Education And Action

Carol Wilcox

Former member, Papahānaumokuākea Advisory Council

Tammy, Jacob, and Cherish Harp

James Kastner

Nature photographer

Judith Cucco

Kapi'olani Spencer of Moku O Keawe

Claudia Quintanilla

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 9:46:29 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Yvette Anderson	Testifying for Sea Sports Distributors	Support	Written Testimony Only

Comments:

Sea Sports Distributors a locally owned vendor supplying Hawaii's diving community for over 40 years strongly support SB1074.

West Maui has already endured so many hardships. Please support us while we continue to recover by passing SB1074.

We are for the environment and SB1074 simply allows our Ka'anapali ohana to continue earning a living while undergoing any required environmental reviews if permits are challenged.

This bill strikes a fair balance between protecting Hawaii's natural resources while supporting long-standing, regulated ocean activities operation.

Forcing lawfully permitted operators to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies will inevitably lead to the closure of local business and the loss of jobs of our West Maui residents.

History has shown that activities that have lost their permits and been shut down don't come back. Please do not let this be the case for the hundreds of businesses and thousands of residents that depend on these activities for their livelihoods.

Please pass SB1074 and support our local families and businesses.

Mahalo for considering our testimony.

-Sea Sports Distributors

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 9:50:07 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Friends of Hanauma Bay Strongly opposes this bill because it permits agencies to allow environmentally harmful activities like commercial aquarium collecting before agencies decide to actually look at the impacts of that activity, thereby gutting HEPA.

The impacts should be evaluated before the activity is allowed to occur, especially when we are addressing public trust assets.

Please defer this bill so that HEPA can continue to inform agency decision making before it allows disastrous behaviors to occur, not after irreparable damage has occurred.

With aloha,

Lisa Bishop, MS

President

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 10:57:33 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

We support.



LATE

Hawai'i State Capitol
415 S Beretania Street
Honolulu, HI 96813

RE: SB1074 SD1

February 25, 2025

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Senate Judiciary Committee,

My name is Jonnetta Peters and I am the Executive Director of Conservation Council for Hawai'i (CCH). **CCH strongly opposes SB1074 SD1**, which would allow the continuation of illegally authorized activities without the consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

Environmental review law works to fully inform the decision-makers of potential long-term impacts to the public interest from proposed activities before those activities are allowed to proceed. This ensures thoughtful planning, conflict reduction, minimizing adverse outcomes, and safeguarding the health and well-being of present and future generations.

This bill would do the opposite, allowing activities that have previously been occurring without environmental review to continue while the environmental review is pending. Rushing this process defeats its entire purpose. As we have seen in cases such as East Maui, where stream diversions by a politically connected plantation were allowed to continue for nearly 20 years after the environmental assessment had been ordered, years' or decades' worth of devastating yet potentially avoidable impacts could occur without the benefit of environmental review, should this measure be passed into law.

By allowing illegally authorized activities to continue before the environmental review is complete – 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. We need to uphold the process.

CCH urges you to HOLD SB1074 SD1.

Sincerely,

Jonnetta Peters
Executive Director

Telephone/Fax: 224.338-6511 | email: info@conservehi.org
web: www.conservehawaii.org | P.O. Box 2923, Honolulu, HI 96802

President: Colleen Heyer | Vice President: Bret Nainoa Mossman | Secretary: Makaala Kaaumoana
Treasurer: Mashuri Waite, PhD |

Directors: Puanani Anderson-Fung, Steven Lee Montgomery, PhD, Emily Sarasa, Les Welsh, Sunshine Woodford |

Executive Director: Jonnetta "Jonee" Peters Operations and Events Manager: Leah Kocher

National Wildlife Federation Region 12 Director: Rachel Sprague

National Wildlife Federation Pacific Region Associate Director: Emily Martin

Kō Hawai'i leo no nā holoholona lōhiu – Hawai'i's voice for wildlife | State Affiliate of the National Wildlife Federation



Maui Hotel & Lodging
ASSOCIATION

COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

February 22, 2025 - Testimony in **Strong Support of SB1074 SD1**

Aloha Chair Rhoads, Vice Chair Gabbard and Committee members,

The Maui and Hotel Lodging Association is providing written testimony in **STRONG SUPPORT** of SB1074 SD1. 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@mauihla.org

SB-1074-SD-1

Submitted on: 2/23/2025 2:20:44 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

I am Tanner Vaughn and I strongly support SB1074. Lahaina and West Maui have already endured so many hardships. Please support us while we continue to recover. SB1074 allows previously permitted activities to continue operating while undergoing environmental review if permits are challenged. This bill strikes a fair balance between protecting Hawaii's natural resources while supporting long-standing, regulated ocean activities operation. Forcing lawfully permitted operators to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies will inevitably lead to the closure of local business and the loss of job for even more. History has shown that activities that have lost their permits and been shut down (e.g., the Super Ferry, Aquatic Fish Collectors, etc.,) don't come back. Please do not let this be the case for the hundreds of businesses and thousands of residents that depend on these activities for their livelihoods. Please pass SB1074 and support our local families and businesses. Mahalo for considering my testimony,

SB-1074-SD-1

Submitted on: 2/23/2025 2:51:47 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Luana Teixeira	Testifying for Island Dream Productions	Support	Written Testimony Only

Comments:

Draft Testimony for SB1074

– Relating to Environmental Review

Aloha Chair and Members of the Committee,

My name is Luana Teixeira, and I am the owner of Island Dream Productions, a local business that provides photography services on Teralani vessels. I employ over 45 hardworking people and have been a part of Maui’s community for over 20 years.

I have spent my entire career in the tourism industry, starting from the ground up—taking photos at a surf school in Ka’anapali and working tirelessly to build this business. But this bill could change everything. If these long-standing, legally operating boats lose their permits, not only will my business be at risk, but so will the livelihoods of my employees and their families.

We’ve already been through so much. As a business owner, I’ve had to navigate the uncertainty of COVID, not knowing if I could keep my business running and continue employing people who depend on me. Then came the fires—our office burned down, and one of the boats we work on was completely lost. Again, we faced months of uncertainty, struggling to rebuild, hoping we could keep going. And now, this bill presents yet another massive challenge.

Please do not take away the permits of boats that have been operating for decades. These businesses support local families, and the people who work for them show up every day and work incredibly hard just to make a living in Hawai‘i—where we all know it is already difficult

enough to afford life. If this bill forces these boats to shut down, many of us will be left with nothing. People who have already lost their homes to the fire may now also lose their jobs.

I beg you to find a solution that protects the environment without destroying the lives of local families who have already suffered so much. We have faced one crisis after another, and this bill threatens to be the next. Please, consider the impact this will have on real people who just want to continue doing their jobs and supporting their families.

Mahalo for your time and consideration.

Sincerely,

Luana Teixeira

Owner, Island Dream Productions

SB-1074-SD-1

Submitted on: 2/23/2025 3:44:55 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Aloha,

My name isd George F. Garnes III and I am co-owner of Sailing Shipps Ltd. nad have been in operation in Kaanapali since 1990. I very STRONGLY SUPPORT this bill. We have tremendous county, state, and federal support for the rebuilding of Lahaina after the fires. We desperately need your support to pass this bill so the 22 Lahaina families that work with us have a job to help rebuild their homes. In total, the State of Hawaii faces over \$100 million in annual decreased revenue and the loss of over 300 Lahaina jobs if this bill is not passed. We absolutely support an Environmental Study, but our small business will be forced to close our business if we can not operate while this lengthy study is performed.

Mahalo for your time

-George

SB-1074-SD-1

Submitted on: 2/23/2025 3:31:09 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

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

We strongly urge you to **support SB1074**, which is critical to ensuring that **ocean tour operators in Kā'anapali** can continue operating while undergoing environmental review. Without this bill, long-established, fully regulated operators risk being **shut down for years**, despite complying with all required permits and regulations.

Ocean tourism businesses like ours play an essential role in **connecting residents and visitors to Hawai'i's marine environment** in a responsible, low-impact way. Through **education, conservation efforts, and sustainable tourism practices**, we help protect what makes our waters so special while also contributing to the local economy.

SB1074 provides a **balanced solution**—ensuring that businesses remain operational under **state oversight** while continuing to meet environmental review requirements. This is about fairness and stability for the **small businesses, employees, and families** who depend on this industry.

We ask for your support in passing **SB1074** to protect **Maui's ocean tourism industry, the livelihoods it sustains, and the responsible stewardship of our marine resources**.

Mahalo for your time and consideration.

Don Prestage
Sail Maui

SB-1074-SD-1

Submitted on: 2/23/2025 8:45:34 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Emily Krakoff	Testifying for Island Dream Productions	Support	Written Testimony Only

Comments:

Aloha, my name is Emily Krakoff and I'm here to voice my strong support for the continued operation of the boat companies on Kaanapali Beach. I work as a photographer on the boats launching from kaanapali. Our presence plays a vital role in the local economy, providing jobs and supporting surrounding businesses. More importantly, we enhance the experience for visitors, allowing them to immerse themselves in the stunning beauty of our ocean and surroundings. We are deeply committed to preserving the environment, and our efforts in conservation reflect our dedication to sustainable practices that protect the marine life we cherish. Kaanapali Beach is not just a place of work for us; it's a cherished community hub where we cultivate connections, appreciation, and a shared love for the natural wonders of our island. I kindly ask for your support in ensuring our continued presence here, for the benefit of both our local community and the countless visitors who come to enjoy our paradise. Mahalo.

SB-1074-SD-1

Submitted on: 2/24/2025 12:31:47 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Sands Dyer	Testifying for Sailing Shipps, LTD.	Support	Written Testimony Only

Comments:

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

Please support SB1074 for ocean tour boats. This bill is essential for ensuring that ocean tour operators in Kaanapali can continue their operations while undergoing environmental review. Without this bill, these longstanding, regulated operators face the risk of being shut down for years—even when they have complied with all permitting requirements.

These tour operators allow residents and visitors to experience Hawaii’s marine environment with minimal disruption, supporting conservation efforts through education and sustainable tourism practices.

This bill strikes a fair balance between protecting our natural resources through 343 and supporting the small ocean tour businesses that have operated responsibly under state oversight for decades.

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

TESTIMONY SB:1074

TESTIMONY IF FULL SUPPORT of SB 1074 – Environmental Review

Aloha Chair and Members of the Committee,

My name is Philippe Le Blanc, and I've been working in the ocean recreation and boating sector on Maui for over a decade. I am writing to express my **STRONG** support for SB1074, which provides critical protection for long-standing operators in Kaanapali to continue to work during the environmental review processes.

As I understand it, SB1074 would allow operators to continue their services and day-to-day operations while undergoing environmental reviews. This continuation is essential because it enables businesses to remain operational unless or until reviews show that changes are necessary. Halting operations prematurely would cause severe financial strain and a high risk of permanently closing businesses that have diligently followed all guidelines and regulations for decades.

While protecting Hawaii's natural resources is essential, it's equally important to support responsible businesses that operate within established guidelines. Many of these businesses have been serving the community for years and contribute significantly to the local economy. Forcing them to shut down during the review process would punish operators who have played by the rules and will result in hundreds to even thousands of jobs lost, financial instability, and a negative impact on the broader community. **West Maui is still recovering from the wildfires and we're hanging on by a thread. Without this bill's help, many businesses will face their final death blow and never recover.**

If experienced and dependable operators are forced to close due to delays or lengthy environmental reviews, history shows they are unlikely to return. The loss of these businesses would be catastrophic to Hawaii's economy and community resilience. SB1074 helps ensure that we don't unnecessarily lose valuable operators by allowing them to continue operations while reviews are conducted.

I urge you to vote in favor of SB1074 to protect our local businesses, preserve jobs, and support small entrepreneurs who are the backbone of our economy.

Thank you for your time and consideration.

Mahalo,
Philippe Le Blanc
(808) 344-5887

SB-1074-SD-1

Submitted on: 2/24/2025 8:46:32 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Mike Marcol	Testifying for Exclusive Limousine and Transportation Services	Oppose	Written Testimony Only

Comments:

This is a very bad idea. Proceeding with this will cause many Maui businesses to close or be severely damaged. It will cause massive unemployment and hurt Maui even more after the already devastating fires. This must be stopped. We do not support it at all.

SB-1074-SD-1

Submitted on: 2/24/2025 9:18:26 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Peter o riordan	Testifying for Fun Charters Inc	Support	Written Testimony Only

Comments:

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

I am a lahaina fire survivor who has lost everything but my business. This catamaran company has afforded me the ability to now only help my island and my community but has put food on my table for my keiki and so many other families since its inception. We are stewards of the sea and love what we do. The goal or intent of this bill is not to solve the 343 problem state wide but should be looked at from an isolated position of Ka'anapali - especially as the last point of commerce on the west side of maui a side that has been absolutely desimated. And now what ? we are all of a sudden the collatoral damage.

Please support SB1074 for ocean tour boats. This bill is essential for ensuring that ocean tourism operators in Kaanapali can continue their operations while undergoing environmental review. Without this bill, these longstanding, regulated operators face the risk of being shut down for years—even when they have complied with all permitting requirements.

These tour operators allow residents and visitors to experience Hawaii's marine environment with minimal disruption, supporting conservation efforts through education and sustainable tourism practices.

This bill strikes a fair balance between protecting our natural resources through 343 and supporting the small ocean tour businesses that have operated responsibly under state oversight for decades.

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

Sincerely

Peter O Riordan

SB-1074-SD-1

Submitted on: 2/24/2025 9:39:06 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

This directly impacts my business. Without the ocean activities in Kaanapali, I would need to lay off more than half of my staff.

Testimony in Strong Support of SB1074 SD1 – Relating to Environmental Review

February 24, 2025

Aloha Chair and Members of the Committee,

OUTRIGGER Hospitality Group strongly supports SB1074 SD1, a critical measure that safeguards the livelihoods of countless workers and the stability of long-standing, lawfully permitted businesses while ensuring Hawai'i's environmental review process remains robust and effective.

Hawai'i's people are the heart of our economy, and for more than 75 years, OUTRIGGER has been committed to responsible business practices that support both environmental stewardship and community well-being. We fully support strong environmental regulations and compliance measures. However, forcing businesses that have already met all regulatory requirements to shut down during permit challenges—before any final determination is made—has severe and destabilizing consequences, especially in a time when so many are already struggling.

In the wake of the devastating wildfires and ongoing economic hardships, families and businesses alike are fighting to stay afloat. Jobs lost due to unnecessary shutdowns don't just affect businesses; they ripple through communities, impacting local families who depend on steady employment to make ends meet. SB1074 SD1 provides a necessary safeguard, allowing permitted businesses to continue operations while environmental reviews are conducted—ensuring that workers are not left without income and businesses are not unfairly forced to close their doors permanently.

We have seen firsthand the long-term consequences of previous shutdowns on industries that were never able to recover, such as the commercial aquarium fishing industry. When businesses are driven out due to prolonged bureaucratic processes, they do not come back. Hawai'i cannot afford to continue down a path where lawful businesses, which follow all regulations, are shuttered, leaving workers jobless and communities without vital economic resources.

By passing SB1074 SD1, the Legislature can provide regulatory consistency, uphold environmental accountability, and, most importantly, protect the people of Hawai'i who rely on these businesses for their livelihoods. We urge you to support this bill in the interest of Hawai'i's families, businesses and economic sustainability.

Mahalo for your time and consideration.



Mike Shaff

Senior Vice President Operations, The Americas
OUTRIGGER Hospitality Group

SB-1074-SD-1

Submitted on: 2/24/2025 12:34:17 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Steve Edwards	Testifying for Teralani Sailing Adventures	Support	Written Testimony Only

Comments:

My name is **Steven Edwards**, and I am writing to express my **strong support for SB1074**. As an employee of **West Maui**, our community and I have already faced unimaginable hardships. While we work tirelessly to rebuild and recover, I urge you to stand with us by passing this bill.

Like many in our community, I care deeply about protecting Hawai‘i’s environment. **SB1074 strikes a fair and necessary balance—ensuring that environmental concerns are addressed while allowing our Ka’anapali employees to continue earning a living.** This bill does not eliminate environmental oversight but instead prevents hardworking locals from losing their jobs while required reviews are conducted in the case of permit challenges.

Our industry has operated for over 40 years under **strict regulations enforced by the U.S. Coast Guard and existing state administrative rules.** Every operator on Ka’anapali Beach has remained compliant, yet without SB1074, businesses could be forced to shut down indefinitely while enduring costly, time-consuming environmental studies—potentially wiping out local businesses and livelihoods in the process.

History has shown that once an operation loses its permits and is forced to close, it rarely returns. If we allow this to happen, it will devastate **hundreds of businesses and thousands of local residents** who depend on these ocean activities for their income

We cannot afford to let **West Maui’s recovery be hindered by unnecessary closures.** Please support **SB1074** to ensure that our community remains resilient, our businesses stay afloat, and our families can continue to call West Maui home

Mahalo for your time and consideration.

SB-1074-SD-1

Submitted on: 2/24/2025 12:38:27 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Ivy Vinayaga	Testifying for Cafe Jai, LLC	Support	Written Testimony Only

Comments:

Halting permit renewals during environmental assessments with an undisclosed period of time, will in turn halt boat operations inevitably. This would severely impact the business of the boats but also hurt the supporting local business providers including food, alcohol, music, dancers etc. The ripple effect would bring financial harm to the businesses and employees who depend on this interconnected network of services.

SB-1074-SD-1

Submitted on: 2/24/2025 12:42:50 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Hank Dorrance	Testifying for AAMP Agency	Support	Written Testimony Only

Comments:

My name is Hank Dorrance and I strongly support SB1074.

As someone who is born and raised in Hawaii, I'm for the environment and SB1074 simply allows our Ka'anapali employees to continue earning a living while undergoing any required environmental reviews if permits are challenged.

The industry has operated for over 40 years and is highly regulated by the USCG and existing State administrative rules; which all of the operations on Ka'anapali Beach are and have been in compliance with.

This bill strikes a fair balance between protecting Hawaii's natural resources while supporting long-standing, regulated ocean activities operation.

Forcing lawfully permitted operators to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies will inevitably lead to the closure of local business and the loss of jobs for so many of the West Maui residents.

History has shown that activities that have lost their permits and been shut down don't come back. Please do not let this be the case for the hundreds of businesses and thousands of residents that depend on these activities for their livelihoods.

Please pass SB1074 and support our local families and businesses.

Mahalo for considering my testimony.

SB-1074-SD-1

Submitted on: 2/24/2025 1:43:05 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Molly McMillen	Testifying for Blue Planet Pro	Support	Written Testimony Only

Comments:

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

urge you to support SB1074, a crucial bill for ocean tour operators in Kaanapali. This legislation ensures that these longstanding, regulated businesses can continue operating while undergoing environmental review, preventing unnecessary shutdowns that could last for years even when they have met all permitting requirements.

Ocean tour operators provide residents and visitors with responsible access to Hawaii's marine environment, fostering conservation through education and sustainable tourism practices. Their operations, conducted under strict state oversight, contribute to the local economy and help preserve our natural resources.

SB1074 strikes a fair balance between environmental protection under Chapter 343 and the continued operation of small ocean tour businesses that have long adhered to state regulations. Passing this bill will safeguard local jobs, sustain Hawaii's ocean tourism industry, and support the families who depend on it.

Please pass SB1074 to ensure a fair and sustainable future for Hawaii's ocean tour operators.

Mahalo for your consideration.

Molly McMillen

SB-1074-SD-1

Submitted on: 2/24/2025 2:08:22 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

I support S.B. No. 1074 because it ensures that longstanding, permitted commercial operations can continue while their environmental review status is clarified. As the President of Captain Andy's on Kauai, with over 70 employees depending on our company, I understand the importance of strict enforcement of environmental regulations while also ensuring job security and community stability.

I firmly believe in enforcing these standards; however, they should be applied judiciously. This bill differentiates between new projects and established activities, allowing operations with a proven track record of compliance to renew permits and continue running during the review process. Shutting down these operations during an environmental impact statement (EIS) review could not only lead to significant job losses but also increase road congestion, as people will still come to the area regardless of the operational status. By keeping these activities running under temporary continuation, we can maintain essential services, minimize traffic disruptions, and protect the economic wellbeing of our community, all while ensuring that proper environmental assessments are carried out.

SB-1074-SD-1

Submitted on: 2/24/2025 11:34:39 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
RUDOLF S KING	Testifying for KING SCREEN PRINTING	Support	Written Testimony Only

Comments:

I am in favor of allowing commercial activities to continue without disruption. While I am a strong advocate for protecting natural resources, concessions need to be made in order to live in a functioning resort destination. So many businesses rely on the beach activities at Ka'anapali for their livelihood. Not just the activity operators running businesses in the area. We are a small screen printing business on the westside, already facing challenges in the aftermath of the fire and the loss of so many businesses. Taking away another revenue stream we see from Ka'anapali activity companies at a time when the westside needs it more than ever, seems premature. Nothing should be considered prior to any environmental review, and even then consideration should be made as to the precedent it would set. What about the golf courses, hotels, parking lots, foot traffic? All these things have an impact, the rules created to limit those impacts should be reasonable and fair.

SB-1074-SD-1

Submitted on: 2/24/2025 11:54:54 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Aloha,

My name is Stephen Bennett. I am President of Trilogy Excursions. I am writing in vehement support of bill **SB1074** because our permission to operate from Kaanapali enables us to provide employment to 135 Maui residents, many of whom support families. We safely serve tens of thousands of guests every year. This revenue generates millions of dollars in tax revenue for the state and directly or indirectly supports hundreds of local businesses including caterers, linen services, pest control, food & beverage vendors, shuttle/transportation services, photographers, florists, marine naturalists, Hawaiian cultural advisors, fuel companies, local hardware stores, marine supply, and the list goes on..

After the Lahaina fire, many of our employees lost their homes. Operating from Kaanapali has been one of the few ways to rebuild and support our families. Our boats operate with minimal impact—leaving only bubbles and taking only photos—while providing jobs and keeping our community afloat.

If boat operators are forced to shut down due to lengthy environmental reviews, we will be forced to lay off dozens of employees who may lose their ability to stay on Maui. **Please pass SB1074** to protect our livelihoods and help our community recover.

Mahalo,

Stephen Bennett

President

Trilogy Excursions

SB-1074-SD-1

Submitted on: 2/24/2025 2:22:58 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Darren	Testifying for Kauai Sea Tours	Support	Written Testimony Only

Comments:

Aloha,

My name is Darren Paskal, General Manager for Kauai Sea Tours, we have been a long -standing permit holder and family business for over 40 years on Kauai.

I am writing to express my strong support for SB 1074, and I respectfully request that you also vote in favor of and pass SB 1074.

SB 1074 provides businesses with necessary safeguards, 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 to conduct extensive environmental studies, it could lead to business closures and devastating job losses.

The passage of SB 1074 would greatly benefit our community, including families and the small businesses that are so vital to our economy. Local businesses are the backbone of our community, providing good jobs and services that we all rely on. By supporting SB 1074, you are demonstrating your commitment to the well-being of our community and its economic future.

It is important to allow permitted operations to continue without being hindered by SB 1074. While it is important to protect Hawai'i's natural resources, it is also important to allow professional businesses to operate safely and within guidelines.

Thank you for your time and consideration. I urge you to vote "yes" on SB 1074.

Sincerely,

Darren Paskal

General Manager, Kauai Sea Tours



TESTIMONY SB:1074 SD1
TESTIMONY IN FULL SUPPORT of SB 1074 – Environmental
Review

February 5, 2025

Aloha Chair and Members of the Committee,

I, Inca Robbin, am in complete support of SB 1074 SD1. As I interpret SB 1074 SDI it enables an operator to continue with their operations and services during the process of an environmental review. Services as “permitted,” would be allowed to continue normal operations if or when permits are challenged for environmental or other concerns. Having this continuation of services is crucial as it allows the operators to remain in business until or if reviews show that for any reason operations should be discontinued due to environmental concerns.

Although significant importance should be given to protecting and being responsible for Hawaii’s natural resources, it is also important to respect and allow professional businesses to operate safely and within regulations to remain in business. So many businesses on Maui depend on the Kaanapali ORMA to provide jobs, from catering companies, fuel suppliers, liquor wholesalers, literally thousands of Maui residents income depend on tourism in West Maui. To shut down the operators will be devastating and far reaching for local families.

We will lose dependable operators, punished despite abiding by the guidelines and obeying the authorities, if these long-standing permit holders are put into a position where they would be forced to halt all activities of their business during an environmental review. We should not lose more valuable Hawaii jobs and reputable community businesses in this preventable manner. I’m asking you to please vote for and pass SB 1074 SD1 for the sake of our communities, families, business investments and small entrepreneurs that are the backbone of our economy.

Mahalo for considering my testimony.



TESTIMONY SB:1074 SD1
TESTIMONY IN FULL SUPPORT of SB 1074 – Environmental
Review

February 5, 2025

Aloha Chair and Members of the Committee,

I, PeterWood, am in complete support of SB 1074 SD1. SB 1074 SD1 enables an operator to continue with their operations and services during the process of an environmental review. Services as “permitted,” would be allowed to continue normal operations if or when permits are challenged for environmental or other concerns. Having this continuation of services is crucial as it allows the operators to remain in business until or if reviews show that for any reason operations should be discontinued due to environmental concerns. Instead of cancelling permits good law abiding operators who have been in business for 40-50 years.

Although significant importance should be given to protecting and being responsible for Hawaii’s natural resources, it is also important to respect and allow professional businesses to operate safely and within regulations to remain in business. So many businesses on Maui depend on the Kaanapali ORMA to provide jobs, from catering companies, fuel suppliers, liquor wholesalers, literally thousands of Maui residents income depend on tourism in West Maui. To shut down the operators will be devastating and far reaching for local families.

We will lose dependable operators, punished despite abiding by the guidelines and obeying the authorities, if these long-standing permit holders are put into a position where they would be forced to halt all activities of their business during an environmental review. We should not lose more valuable Hawaii jobs and reputable community businesses in this preventable manner. I’m asking you to please vote for and pass SB 1074 SD1 for the sake of our communities, families, business investments and small entrepreneurs that are the backbone of our economy.

PeterWood 808-870-3672
Sailing Maui Inc.

SB-1074-SD-1

Submitted on: 2/24/2025 9:57:42 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Aloha Chair and Committee Members,

I'm Gabe Miranda from Island Scuba Inc. With over a decade in Maui's ocean recreation, I strongly support SB1074. This bill lets established Kaanapali permit holders continue daily operations during environmental reviews, ensuring that businesses stay open unless changes are necessary.

Shutting down operations now risks severe financial strain, permanent closures, and job losses. We are still recovering from wildfires, and forcing a shutdown will put us out of business. SB1074 protects responsible operators who follow the rules and are vital to our local economy.

Please vote in favor of SB1074 to safeguard our businesses, jobs, and community.

Mahalo,
Gabe Miranda
Island Scuba Inc.

SB-1074-SD-1

Submitted on: 2/24/2025 10:01:13 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Kayle Fancher	Testifying for Maui Catamaran LLC.	Support	Written Testimony Only

Comments: Dear Chair and Committee Members, I'm Kayle Fancher, Business Manager at Maui Catamaran LLC. With deep ties to Maui's marine recreation scene, I urge your support for SB1074. This bill is vital because it allows established Kaanapali operators to continue their daily activities throughout the environmental review process, keeping our services running until any changes are truly necessary. As we continue to recover from the recent wildfires, forcing a shutdown now would impose crippling financial burdens and potentially drive us out of business. Our operations consistently meet all regulatory requirements, and SB1074 is essential for protecting our economic stability and preserving local jobs. Thank you for considering this important measure. Sincerely, Kayle Fancher Business Manager, Maui Catamaran LLC

SB-1074-SD-1

Submitted on: 2/24/2025 10:09:17 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Phil Le Blanc	Testifying for Fun Charters Inc.	Support	Written Testimony Only

Comments:

Dear Committee Members,

I'm Phil Le Blanc, partner of Fun Charters Inc. I am writing in strong support of SB1074, a measure that ensures our established operators can continue working while undergoing environmental reviews.

Our community has already faced devastating challenges—from the wildfires that ravaged our land to the enduring impacts of the COVID pandemic. These events have strained our local economy, and forcing additional business closures now would be a disaster. Every day, our operations not only provide vital maritime services but also support a network of local businesses that employ thousands of people. Shutting down our operations could trigger a cascade of job losses and economic hardship across the entire community.

At Fun Charters, we have consistently met every regulatory and safety standard. SB1074 offers a critical lifeline, allowing us to maintain essential services without jeopardizing the ongoing environmental review process. By keeping our operations running, we help secure the livelihoods of our employees and safeguard the interconnected local businesses that depend on our industry.

I urge you to support SB1074 so that we can continue to rebuild and protect our community during these challenging times.

Sincerely,
Phil Le Blanc
Fun Charters Inc.

SB-1074-SD-1

Submitted on: 2/24/2025 10:30:49 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Tets Yamazaki	Testifying for Kaanapali Beach Resort Association	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

I, Tets Yamazaki, General Manager of Sheraton Maui Resort & Spa, am in ***support of SB 1074 SD1***.

I am writing on behalf of management and associates at the resort community.

Maui and Lahaina / Ka'anapali continues to be in critical condition. Recovery for us following the horrendous fires as residents, employees and businesspeople has been at a snail's pace that does not seem to be moving forward with any real pace now or for the foreseeable future.

Not having ocean activity will create a difficulty in tourists and visitors choosing Kaanapali as a destination and this will further set us behind in our recovery. We have already lost local residents working in our industry; we will anticipate more loss should the recovery of visitor further delays.

Hotels, tourism and the businesses related to the hospitality industry are struggling to regain any level of occupancy and productivity. Exacerbating this by any measure to remove, eliminate or further take away business or activities for our guests to participate in while staying in Ka'anapali or West Maui seems unconscionable. Due to a position taken recently by Judge Cahill "*ALL*" businesses in Kaanapali for ocean recreation, boating and watersports will cease to exist once their current permits expire and remain closed until an environmental assessment is conducted.

My interpretation of SB 1074 SD1 is that it provides for an operator to go forward and continue with their operations and services during the process of an environmental review. Services as permitted would be allowed to continue everything for operations as is normal circumstance if/when permits are challenged for environmental or other concerns. Having this continuation of services is very important as it allows the operator to remain in business and continue until or if reviews show that for any reason operations should be stopped. If narrowing this Bill to apply to Ka'anapali ORMA permit operators as was the intention assist in moving forward towards approval that would be fully acceptable.

I'm asking you to please vote for and *pass SB 1074 SD1* for the sake of our communities, families, business investments and small entrepreneurs that are the backbone of our economy.

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

Mahalo,

Tets Yamazaki

General Manager

Sheraton Maui Resort & Spa

President, Kaanapali Beach Resort Association

Testimony in support of SB 1074 – SD1

Aloha Chair and Members of the Committee,

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

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

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

Mahalo,

Josh Hargrove

General Manager – The Westin Maui Resort & Spa

Chairman – The Maui Hotel & Lodging Association

SB-1074-SD-1

Submitted on: 2/24/2025 10:40:42 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Sam Gary	Testifying for Rigging Hawaii LLC	Support	Written Testimony Only

Comments:

I am writting in strong support of the bill [SB1074](#), to allow the permitted Kaanapali tour operators to continue working while the EIS is conducted. The 5 charter boat business' that operate on the beach are repeat cutomers, and generate roughly 30% of our total revenue. If they are forced to stop my 2 employees and our families will all be greatly impacted. Please allow the permitted business' to continue operating while the study is conducted.

SB-1074-SD-1

Submitted on: 2/24/2025 11:13:17 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Kevin Cooke	Testifying for Meili Vodka	Support	Written Testimony Only

Comments:

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

I am writing to request your support of SB1074 for ocean tour boats. Sea Maui is a critical partner to Meili Vodka and is aligned with our values on running a sustainable and environmentally friendly business. In addition, this bill is essential for ensuring that all ocean tourism operators in Kaanapali can continue their operations while undergoing environmental review. Without this bill, these longstanding, regulated operators face the risk of being shut down for years—even when they have complied with all permitting requirements.

These tour operators allow residents and visitors to experience Hawaii’s marine environment with minimal disruption, supporting conservation efforts through education and sustainable tourism practices.

This bill strikes a fair balance between protecting our natural resources through 343 and supporting the small ocean tour businesses that have operated responsibly under state oversight for decades.

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



COMMITTEE ON JUDICIARY

DATE: Wednesday, February 26, 2025

TIME: 9:40 AM

Strongly Support SB1074 WITH CHANGES

Aloha Chairs Rhodes and Vice Chair Gabbard and committee members,

My name is Antoinette Davis. It has been my honor to represent the Activities and Attractions Association of Hawaii (A3H), a not-for-profit 501c6 trade organization, as its executive director since 1997 (28 years). A3H strongly supports **SB1074 with changes.**

SB1074 allows previously permitted activities to continue operating while undergoing environmental assessment, or an environment impact statement is required. This is critical for ensuring regulatory stability and preventing unnecessary interruptions for compliant businesses. **In no way is this Bill meant to undermine the Umberger Ruling.**

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

Recommendation:

Add exceptions to Hawaii Environmental Policy Act (HEPA) for:

- Areas where commercial, permitted and government oversight exists, and these activities have been ongoing for over 30 years.
- This exception is ONLY for non-consumptive permitted activities

Without this determination, over 230 families will directly be out work and countless other vendors which serves these businesses will also be impacted, due to a recent ruling regarding Ka'anapali Beach's ORMA district.

Mahalo for your time,

Toni Marie Davis

SB-1074-SD-1

Submitted on: 2/24/2025 1:52:47 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

The Hawaii Longline Association supports SB1074SD1. DLNR should be authorized to continue to administer the Commercial Marine License program while determining to what activities HEPA applies.

SB-1074-SD-1

Submitted on: 2/24/2025 3:12:32 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Frank Caparso	Testifying for Tech Partners Hawaii Inc.	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

My name is Frank Caparso, and I am writing in strong support of SB1074.

This bill is essential in ensuring that previously permitted activities can continue operating while undergoing environmental review if their permits are challenged. By allowing businesses to remain open during this process, SB1074 helps maintain regulatory stability and prevents unnecessary disruptions for compliant operators.

SB1074 upholds environmental protections while also preventing redundant reviews that can impose excessive financial and operational burdens on longstanding, law-abiding businesses. It strikes a fair balance between preserving Hawaii's natural resources and supporting regulated commercial activities that have been an integral part of our local economy for years.

Requiring lawfully permitted operators to cease operations while waiting years for environmental studies to be conducted coupled with significant financial resources required for the maintenance of these vessels will inevitably result in business closures and job losses. History has shown that once certain industries lose their permits and are shut down, they do not return, which negatively impacts the revenue generated from commercial operators (HB649 suggests to increase gross receipt fees from 3% to 5% - which is irrelevant if commercial operators have to cease operations). We cannot afford to let this happen again, especially when so many businesses and residents depend on these activities for their livelihoods.

I respectfully urge the committee to pass SB1074 and help protect Hawaii's local businesses and working families.

STRONGLY SUPPORT Senate Bill 1074 (SB1074).

February 24, 2025

Aloha Hawaii State Senate,

Thank you for taking the time to read this testimony.

As a proud resident and small business owner here on Maui, we have already faced numerous challenges in recent years. We ask for your support as we continue to recover by passing SB1074.

I am deeply committed to protecting the environment, and SB1074 simply ensures that our Ka'anapali employees can continue to earn a living while any necessary environmental reviews are conducted, should permits be challenged.

The boating industry has operated responsibly for many years and is highly regulated by both the U.S. Coast Guard and existing State administrative rules. All operations on Ka'anapali Beach have consistently complied with these regulations.

This bill strikes a crucial balance between preserving Hawaii's natural beauty and supporting long-standing, regulated ocean activities. Forcing lawfully permitted operators to cease operations for extended periods—while investing hundreds of thousands of dollars in environmental studies—will undoubtedly result in the closure of local businesses and the loss of countless jobs for our West Maui residents.

The ripple effect of this shutdown would devastate many small businesses that rely on the ocean industry here on Maui. The closure of Ka'anapali tour boats would bring financial hardship not only to the operators, but also to the numerous businesses that depend on them for support.

We respectfully urge you to allow permitted boats to continue operating and to preserve the positive impact they bring to our beloved island of Maui.

Thank you for your time and consideration.

Jerry & Eryn Cook

Custom Metal Creations

831 Eha street

Wailuku, Hawaii 96793

SB-1074-SD-1

Submitted on: 2/24/2025 4:53:35 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Travis Morrin	Testifying for Three's Bar & Grill	Support	Written Testimony Only

Comments:

Subject: Support for SB1074 – Protecting Local Businesses and Jobs

Aloha,

My name is Travis Morrin, and I am writing to express my strong support for SB1074.

As a resident and employee here on Maui, I have seen firsthand the challenges our community has faced, especially in recent times. We need legislation like SB1074 to help us recover and continue growing. This bill provides important support, and I urge you to pass it so that we can continue on our path to recovery.

At Three's Bar & Grill, we've been serving locals and visitors for over 15 years, offering a welcoming place for everyone. Our success is directly tied to the health of the local economy, and SB1074 will allow us to keep operating without the threat of unnecessary delays or forced closures due to environmental reviews.

We also operate a catering service that supports Teralani Sailing Charters, serving tens of thousands of meals each year to guests aboard their boats. This partnership has been a key part of our business, helping us reach more people and contribute to the local tourism industry. With more than 80 employees, many of whom are family members, we depend on the business we provide through both the restaurant and our catering service. Passing SB1074 will help protect these jobs and allow us to continue supporting our dedicated team.

I believe in protecting Hawaii's environment, and SB1074 strikes a fair balance by allowing businesses like ours to continue operating while undergoing necessary environmental reviews if permits are contested.

Passing SB1074 will protect both the environment and the livelihoods of families who depend on businesses like ours. Forcing lawfully permitted businesses to shut down for years to conduct costly studies would hurt the local economy, lead to job losses, and decrease the number of customers we rely on.

History shows that businesses that lose their permits and shut down rarely recover. This bill is essential to ensuring that Three's Bar & Grill, our catering service, and other local businesses remain strong parts of Maui's economy for years to come.

Please pass SB1074 to support the businesses and families that are the heart of West Maui.

Mahalo for considering my testimony and for your continued support of our community.

Sincerely,

Travis Morrin

Owner/Employee, Three's Bar & Grill

TESTIMONY SB:1074 SD1

Subject: **TESTIMONY IN SUPPORT of SB 1074 SD1 – Environmental Review**

Aloha Chair and Members of the Committee,

I, Jon Gersonde, General Manager of The Ritz-Carlton Maui, Kapalua strongly **support of SB 1074 SD1** as it allows ocean recreation and boating businesses in Ka'anapali to keep operating during the environmental review. This bill prevents the shutdown of 27 longstanding businesses, protecting 260 jobs and millions in community revenue. These operators have always followed regulations, and their continued operation is crucial for our community's recovery and economic stability. Please vote in favor of **SB 1074 SD1**.

Mahalo for considering this testimony.

Sincerely,

A handwritten signature in dark ink, appearing to read 'J. Gersonde', with a stylized flourish at the end.

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

SB-1074-SD-1

Submitted on: 2/24/2025 4:16:56 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Matt Talbot	Testifying for Kaanapali Kai Charters	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

I, Matthew Talbot strongly support of SB 1074 SD1

Upon writing this today Maui and Lahaina / Ka'anapali remain devastated following the horrendous fires. Smination of ocean activities in West Maui would be a nail in the coffin as residents, employees and businesspeople try to move forward.

Hotels, tourism and the businesses related to the hospitality industry are struggling to regain any level of occupancy and productivity. Exacerbating this by any measure to remove, eliminate or further take away business or activities for our guests to participate in while staying in Ka'anapali or West Maui seems unconscionable.

Due to a position taken recently by Judge Cahill "ALL" businesses in Kaanapali for ocean recreation, boating and watersports will cease to exist once their current permits expire and remain closed until an environmental assessment is conducted. This is untenable and would immediately bankrupt and force 27 professional operations to close. Again, this is beyond thinkable and puts 260 families out onto the street. In fact, it seems like those of us in the boating and ocean recreation industry have been unreasonably caught up as "collateral damage" with other ongoing conservation and environmental related challenges elsewhere.

The Ka'anapali ORMA permit holders and ocean recreation operators provide sunset sails, whale watching, kayaking, suf lessons and other experiences without the taking, harvesting, gathering or any potential negative impact to natural resources.

This Bill was created and submitted to recognize and help the Ka'anapali operators with pending full closure and aid those operators as they attempt to yet again recover from disaster. Please do not punish longstanding, professional operators that in many cases have been safely and respectfully operating in Ka'anapali for two generations.

My interpretation of SB 1074 SD1 is that it allows currently permitted operators that conduct business within the bounds of local state and federal laws to continue to operate while environmental assessments are conducted. We encourage environmental assessments, but we believe both can happen at the same time.

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

Beyond the immediate impact to our valuable Ka'anapali and West Maui visitors and our employees and business many, many support operators and businesses will be crushed. Please consider:

Shutting down Ka'anapali ocean activities would have a ripple affect. Approximately \$60M in annual revenues would be lost. The vast majority of which is spent again in Hawaii to employees, vendors, etc.... The ocean activities are a huge draw for tourism, Without the ocean activities we believe West Maui will see a large downturn in tourism impacting hotels, restaurants and nearly every household on Maui.

Mahalo,

Matthew Talbot



February 24, 2025

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Senate Judiciary Committee,

Kanaeokana, the Kula Hawai'i Network, **STRONGLY OPPOSES** SB1074 SD1, which would allow illegally authorized activities to be continued, potentially indefinitely, without a consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

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

This bill would do the opposite, allowing activities that have been previously, but unlawfully, authorized without environmental review, to continue while environmental review is pending. As we have seen in cases such as East Maui, where stream diversions by a politically connected plantation were allowed to continue for nearly 20 years after an environmental assessment had been ordered, years' or decades' worth of devastating yet potentially avoidable impacts could occur without the benefit of environmental review, should this measure be passed into law.

By allowing illegally authorized activities to continue while environmental review compliance is pending - 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.

We urge you to **HOLD** SB1074 SD1.

Sincerely,

Kanaeokana, the Kula Hawai'i Network

SB-1074-SD-1

Submitted on: 2/24/2025 4:33:53 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Julie Lewer	Testifying for Island Dream Productions	Support	Written Testimony Only

Comments:

Aloha,

My name is Julie Lewer, I am the manager for Island Dream Productions and I strongly support SB1074.

Please support business on Maui while we continue to recover from all that we already lost by passing SB1074.

I am for the environment and SB1074 simply allows our Ka'anapali employees to continue earning a living while undergoing any required environmental reviews if permits are challenged.

This industry has operated for over 40 years and is highly regulated by the USCG and existing State administrative rules; all of the operations on Ka'anapali Beach are and have been in compliance with.

This bill strikes a fair balance between protecting Hawaii's natural resources while supporting long-standing, regulated ocean activities operation.

Forcing lawfully permitted operators to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies will inevitably lead to the closure of local business and loss of jobs for so many Maui residents.

History has shown that activities that have lost their permits and been shut down don't come back. Please do not let this be the case for the hundreds of businesses and thousands of residents that depend on these activities for their livelihoods.

Please pass SB1074 and support our local families and businesses.

Mahalo for considering my testimony,

Julie Lewer, Manager, Island Dream Productions

February 24, 2025

In opposition: SB 1074

Aloha Chair & Committee,

I live on Maui, no ka oi, where the aquarium thugs got run off on County Ordinance, above mean high water.

I oppose SB 1074. It's another sleazy grab at THE REEF STATE'S reef wildlife and habitat. The aquarium industry is a mainland amusement, banking exponentially on Hawaii reef wildlife, destroying reef habitat in the process.

As a reef conservationist and reef business person, Snorkel Bob's for 40 years, I can't believe the legislature would entertain this transparent grab.

SB 1240 to phase out aquarium collecting in Hawaii passed the House and Senate in 2017. Governor at that time, David Ige, vetoed on directive from DLNR Chair, Suzanne Case, formerly chair of The Nature Conservancy. TNC & DLNR share the same goal: commercial ocean extraction as long as it stays "sustainable." Neither outfit has ever defined sustainable and cannot.

Enough. Naked greed is embarrassing, corrupt and deathly to any survival potential for Hawaii. Every survey and poll in Hawaii for years shows: Hawaii people want NO AQUARIUM COLLECTING. Aquarium interests want SB 1074. Why?

Hawaii reef tourism generates exponentially more revenue than aquarium extraction. Hawaii reef tourism generates aloha across the nation and world. Aquarium carnage cannot. Please kill this obnoxious bill, SB 1074. Environmental review is for review only, not subjugation or time-killing tactics for more suspect activity.

Robert Wintner, Maui
Snorkel Bob's Hawaii

SB-1074-SD-1

Submitted on: 2/24/2025 5:21:13 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Jessica Tralka	Testifying for Three's Bar and Grill	Support	Written Testimony Only

Comments:

Aloha,

My name is Jessica Tralka, and I am writing to express my strong support for SB1074.

As a resident and employee here on Maui, I have seen how much our community has struggled, especially in the past few years. Our families and neighbors have faced many challenges, and we need help to recover. SB1074 offers that support, and I urge you to pass this bill so we can continue to provide for our ohana and keep our jobs.

I work at Three's Bar & Grill, a place that has been a part of Maui for over 15 years, offering a welcoming space for both locals and visitors. For me and many others, Three's isn't just a job—it's part of my life. We take care of each other like family, and our success is tied to the health of the local economy. Passing SB1074 will allow us to keep working without the threat of unnecessary delays or closures that would hurt our community even more.

In addition to the restaurant, we also provide catering for Teralani Sailing Charters, serving tens of thousands of meals to guests each year. This partnership helps us reach more people, brings business to our community, and helps support the tourism industry. With over 80 employees, many of us are family members, and we depend on the work we do to provide for ourselves and our loved ones. Passing SB1074 will protect these jobs and make sure we can continue supporting each other.

I care deeply about protecting Hawaii's environment, and SB1074 strikes a fair balance. It allows businesses like ours to continue running while going through any necessary environmental reviews if permits are contested.

If we are forced to shut down for years while costly studies are conducted, it will hurt the local economy, cause job losses, and create more uncertainty for families like mine. History shows that businesses that lose their permits often never reopen, and that's something none of us want to see. This bill is critical to ensure that Three's Bar & Grill, our catering service, and other local businesses can continue supporting their employees and the Maui community for years to come.

Please pass SB1074 to support the people and families who are the heart of West Maui. We need your help to keep our jobs and continue taking care of our ohana.

Mahalo for considering my testimony and for your support of our community.

Sincerely,
Jessica Tralka
Ast. Manager, Three's Bar & Grill



February 25, 2025

[COMMITTEE ON JUDICIARY](#)

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Re: Support SB1074 SD1:

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

My name is Garrett W. Marrero, and I am writing in strong support of SB1074 SD1, a crucial measure to protect Maui businesses, jobs, and overall economic stability.

Maui's economy is still struggling to recover from the devastating impacts of COVID-19 and the Maui wildfires. Many local businesses, including those in hospitality, manufacturing, and retail, continue to operate on razor-thin margins. Without the passage of this bill, we risk further economic decline, business closures, and significant job losses—consequences our communities simply cannot afford. Ka'anapali would be further devastated.

The reality of this economic downturn has already hit us hard. Due to the sharp decline in visitors and tourism to West Maui, we were forced to close one of our locations on the west side—an extremely difficult decision that resulted in job losses for our team members. If this bill does not pass, we will undoubtedly see more closures across the island, affecting not just businesses but the hardworking people who rely on them to support their families.

Small and independent businesses are the backbone of Hawaii's economy, providing thousands of jobs and supporting local supply chains. If we fail to act now, we will see increased unemployment, further strain on families already facing high costs of living, and an exodus of businesses seeking more stable environments elsewhere. This bill is not just about protecting businesses; it's about protecting livelihoods and preserving the economic future of our state.

I urge you to support SB1074 SD1 to prevent further economic hardship and job loss on Maui.

Mahalo for your time and consideration!

Sincerely,

Garrett W. Marrero
CEO/Founder

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

SB-1074-SD-1

Submitted on: 2/24/2025 6:40:09 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Amanda Wolf	Testifying for Gemini Charters	Oppose	Written Testimony Only

Comments:

Aloha-

I have been a Maui resident for almost 10 years, and living on the Westside has been a sincere privilege. The culture, people, and beauty is just part of the unique landscape that allows me to call Lahaina home.

As a local, getting out on the water becomes difficult due to access to equipment, affordability and availability; however that is not the case when it comes to Gemini Charters. The owners are continually giving back to our community by supporting our local events such as: The Sentry, Maui Invitational, Lahaina Yacht Club Keiki Fishing. They are also always offering great Kama'aina rates which they do not have to do.

If we take away boating on the Westside it will not only impact the obvious tourists, hotels, and the like, but also those of us that want to support our community and the boating suborganization that was already impacted through the loss of Lahaina Harbor.

Why hurt the catamarans even further by expiring their leases in Ka'anapali Bay, but lets get more forceful with fines for those that are not following the laws that are required by the DLNR, Coast Guard and the like; don't punish them all. By getting rid of the entire boating community in Ka'anapali--your rid the Westside of ocean access altogether.

I implore all those involved to thoroughly look at our ways and come to a solution so that our west Maui Ka'anapali boats can still run charters as they have for many years. They are just as much a part of this community as Front Street, and without them it would be an unbearable loss to our community that would ultimately change the landscape of West Maui as a whole.

Much mahalo,

Amanda Wolf

SB-1074-SD-1

Submitted on: 2/24/2025 6:46:43 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Gregory VanderLaan	Testifying for UFO Chuting of Hawaii, Inc, Central Pacific Marine & Supply	Support	Written Testimony Only

Comments:

I support allowing ocean activity business, most generational for 4 decades with flawless safety and community ties, to be permitted to operate if and when EA or EIS is deemed required by recent court rulings. Not sure how the purview of environmental impacts have been stretched to include vehicle parking and industry safety.

Regards,

Greg VanderLaan,

First generation owner UFO Parasail & Adventures since 1985

SB-1074-SD-1

Submitted on: 2/24/2025 7:24:09 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Chancey Juska	Testifying for trilogy excursions	Support	Written Testimony Only

Comments: My name is chancey juska, and I work for Trilogy Excursions. I strongly support SB1074 because Kaanapali is vital to my job and many others who rely on ocean tourism to stay on Maui. After the Lahaina fire, many of us lost our homes and livelihoods. Working in Kaanapali has been one of the few ways to rebuild and support our families. Our boats operate with minimal impact—leaving only bubbles and taking only photos—while providing jobs and keeping our community afloat. If boat operators are forced to shut down due to lengthy environmental reviews, many of us will lose our jobs and our ability to stay on Maui. Please pass SB1074 to protect our livelihoods and help our community recover.



Jaron Blosser

1279 south Kihei rd.

Kihei, HI 96753

2/24/25

To Whom It May Concern,

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

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

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

Please pass SB1074 to support local businesses and families.

Mahalo,

Jaron Blosser

Owner/Employee, Three's Bar & Grill

SB-1074-SD-1

Submitted on: 2/24/2025 8:12:20 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
nicholas	Testifying for Island Dreams, Teralani, Lahaina Intermediate School	Support	Written Testimony Only

Comments:

My name is Nicholas Russo

I'm a dedicated teacher in Lahaina, and like many in our community, I wear multiple hats to keep our way of life alive. After the devastating fires, life here has been challenging. I not only teach our future leaders but also work on the boats to help sustain my livelihood. The Kaanapali charter boats have become more than just a means of transport—they're a crucial lifeline. These boats enable teachers and other community members to afford living here, even when times are tough.

I believe that keeping these charter boats operational is vital. They support our local economy, create opportunities for work, and keep our community connected during difficult times. Every day, as I work both in the classroom and on the water, I see firsthand the difference these boats make. They are a testament to the resilience and spirit of Lahaina, helping us rebuild and move forward after the fires. I urge local decision-makers to continue supporting and maintaining this essential service, ensuring that people like me can continue to live, teach, and contribute to our beloved community.

If you choose to not allow us to continue working, myself and many others will simply not be able to afford to live here. Please help and do not shut out the backbones of this community.

Nicholas Russo

Lahaina Intermediate Schools

SB-1074-SD-1

Submitted on: 2/24/2025 10:47:41 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments: Aloha Chair, Vice Chair, and Members of the Committee, My name is Captain Kyler Myers, and I am writing to express my strong support for SB 1074. This bill is critical not only to the thousands of individuals directly employed in Hawaii's marine tourism industry but also to the tens of thousands of community members whose livelihoods depend on the businesses that support it. Opposing SB 1074 is, in effect, opposing the jobs and economic stability of hardworking people across our state. There is a growing misconception that the marine tourism industry in Hawaii exists solely for profit, with little regard for the environment. I am here to testify that nothing could be further from the truth. In reality, those of us in this industry are some of the strongest advocates for ocean conservation and responsible stewardship. As a captain, I witness this firsthand every day. We take visitors along our coastlines, educate them about Hawaii's ecosystems and wildlife, and instill in them a deep appreciation for the natural beauty of these islands. When people experience this environment up close, they leave with a stronger commitment to protecting it. SB 1074 is a balanced and reasonable measure. It ensures that longstanding, compliant businesses can continue operating while environmental reviews are conducted—reviews that can and should be performed in coordination with these operations, rather than through blanket shutdowns that disrupt livelihoods unnecessarily. I urge you to support SB 1074 to protect both our environment and the economic stability of our community. With aloha, Captain Kyler Myers

SB-1074-SD-1

Submitted on: 2/25/2025 6:25:45 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Ryan Hickey	Testifying for Salty Dog Sailing, Wake Maui LLC	Support	Written Testimony Only

Comments:

Hundreds of fellow employees and I depend on the tourism industry in Ka'anapali. I respectfully urge you to schedule SB1074. This bill is critical to our ability to continue working and providing for our families. We sincerely ask for your support and allow us to continue the services we provide to our community. We are not only activity providers but active members in our community who helped after the fire, regularly donate to causes and are good neighbors.

Thank you for your time and consideration,

Ryan Hickey

808-269-5645

SB-1074-SD-1

Submitted on: 2/25/2025 6:53:49 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Tony Coscia	Testifying for Captain Andy's Sailing Inc	Support	Written Testimony Only

Comments:

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

My name is Tony Coscia, and I am an operations manager in Hawai‘i’s marine tourism industry. I’m also the proud father of an 8-month-old son, which makes me even more invested in the kind of future we are shaping. Like many families in our community, my wife and I both make our living in this industry, and we understand firsthand the importance of balancing environmental preservation with economic sustainability.

For years, responsible tour operators have adhered to strict regulations designed to protect natural treasures like the Na Pali Coast and the marine life that depends on it. We take this responsibility seriously. However, recent legal rulings have introduced unnecessary confusion, lumping long-established businesses like ours in with entirely new developments. This uncertainty puts compliant businesses at risk despite years of operating responsibly.

S.B. 1074 is a practical solution that ensures businesses can continue running while navigating the environmental review process. Without this safeguard, companies face potential shutdowns or extended delays, jeopardizing jobs and livelihoods. We can and must protect both our environment and the families who depend on this industry.

I want my son to grow up in a Hawai‘i that values its natural resources while also supporting the people who call this place home. I urge you to support S.B. 1074, so we can continue preserving what makes Hawai‘i special without putting hardworking local families in jeopardy.

Mahalo for your time and consideration.

Tony Coscia
Operations Manager, Captain Andy’s Sailing Adventures

SB-1074-SD-1

Submitted on: 2/25/2025 8:17:54 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Teresa Lynn	Testifying for 3two3 Promotions	Support	Written Testimony Only

Comments:

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

We understand the importance of an environmental review, but we ask that you support SB1074. It is the only fair option to protect our natural resources through 343 and support SB1074, which allows the ocean tourism to continue in Kaanapali while the review takes place.

Small ocean tour businesses have always operated responsibly and continue to do so. This industry and its tour operators allow visitors and residents to immerse themselves in the majesty of Hawaii's marine environment which only educates and deepens the respect and desire for conservation.

If this bill does not pass and operators are forced to shut down, the repercussions on the tourism industry, the businesses that support it and the families that rely on it will be devastating on a community that is still trying to recover from the fire.

We support and request that you please pass SB1074 .

Best regards

Teresa Lynn

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 10:38:57 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Aloha,

I strongly support this bill.

Mahalo

Testimony in Strong Support of SB1074 – Relating to Environmental Review

Aloha Chair and Members of the Committee,

My name is Alexis Akeo, and I am writing in **strong support of SB1074**.

This bill is essential in ensuring that previously permitted activities can continue operating while undergoing environmental review if their permits are challenged. By allowing businesses to remain open during this process, SB1074 helps maintain regulatory stability and prevents unnecessary disruptions for compliant operators.

SB1074 upholds environmental protections while also preventing redundant reviews that can impose excessive financial and operational burdens on longstanding, law-abiding businesses. It strikes a fair balance between preserving Hawaii's natural resources and supporting regulated commercial activities that have been an integral part of our local economy for years.

Requiring lawfully permitted operators to cease operations while waiting years for environmental studies to be conducted coupled with significant financial resources required for the maintenance of these vessels will inevitably result in business closures and job losses. History has shown that once certain industries lose their permits and are shut down, they do not return, which negatively impacts the revenue generated from commercial operators (HB649 suggests to increase gross receipt fees from 3% to 5% - which is irrelevant if commercial operators have to cease operations). We cannot afford to let this happen again, especially when so many businesses and residents depend on these activities for their livelihoods.

I respectfully urge the committee to pass SB1074 and help protect Hawaii's local businesses and working families.

Mahalo for your time and consideration.

Sincerely,
Alexis Akeo

SB-1074-SD-1

Submitted on: 2/22/2025 9:44:15 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Bianca Isaki	Individual	Oppose	Written Testimony Only

Comments:

Aloha Senators,

Please oppose SB1074. I have represented community groups seeking environmental review of DLNR's issuances of commercial use permits to Kaanapali commercial ocean operators.

The Kaanapali commercial operators don't need this bill. These community groups and the boat operators have a framework for settlement and the attorneys are just fine tuning the language. This bill will unnecessarily disrupt the environmental review process and it's not needed because the groups have been able to work out a resolution tailored to their situation.

Yours,

Bianca Isaki

SB-1074-SD-1

Submitted on: 2/22/2025 2:37:22 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Isaac "Paka" Harp	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice-Chair Gabbard, and members of the Judiciary Committee,

I strongly oppose SB1074 SD1. It is an unnecessary and dangerous proposal to weaken the Hawaii Environmental Policy Act. There are alternatives to solving what SB 1074 SD1 seeks to accomplish without weakening HEPA. Please read on.

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.

If SB 1074 SD1 is approved, state waters of Papahanaumokuakea could see the return of Wespac bottomfishing, lobster fishing, precious coral harvesting, a coral reef fishery, etc. in waters out to 3-miles if NOAA's proposed Papahanaumokuakea commerce sanctuary is approved by Congress in a few weeks.

Representing the Hawaiian Islands Humpback Whale Sanctuary, I attended a National Marine Sanctuaries Advisory Council Chair's meeting in Florida over a decade ago. I was surprised to hear horror stories across the board on how sanctuary designation resulted in massive commercial activities but very little if any additional protection. United States Marine Sanctuaries are not designed to protect the marine environment but to promote multiple uses including commercial tourism and extractive activities like fishing. Our kupuna islands are not for sale!

Mahalo, Isaac "Paka" Harp

SB-1074-SD-1

Submitted on: 2/22/2025 3:55:16 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
claudia c k quintanilla	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB1074!

Reason it will severely undermine core protection for Native Hawaiian rights and cultural practices and Hawai'i's foundational environmental law, potentially leading to substantial, irreversible environmental and cultural harm.

WTL/AEN, JDC

DATE: Wednesday, February 26, 2025

TIME: 9:40 AM

Testimony in Strong Support for SB 1074, by Ron Tubbs B.S.N.D. UHM

Aloha Senators,

The National Environmental Policy Act (NEPA) has never been applied to fisheries or ocean tourism permits in any state in the United States of America.

No state in the United States has ever applied EIS requirements to any fishery or ocean tourism other than Hawaii's aquarium fishery.

Fisheries and Ocean tourism permits are permits that are highly regulated and managed by complete government divisions of each state that are highly effective. NEPA or its EIS requirements have never been applied to state fisheries, so why start now?

No state in the US requires fisheries to make an EIS Environmental Impact Statement! Management is the governments job.

If Hawaii follows this path, it will threaten all sustainable, highly renewable, low-environmental-impact fisheries.

Hawaii has effectively managed fisheries with its DLNR Department of Land and Natural Resources for decades.

The California Department of Fish and Game (CDFG) effectively manages California fisheries and has implemented MPA Marine Protected Area systems like Hawaii's.

The Alaska Board of Fisheries also regulated the Alaska fisheries effectively with many management techniques as well.

The Florida Fish and Wildlife Conservation Commission (FWC) manages Florida's marine fisheries. The FWC uses various methods, including monitoring, data collection, and regulations.

No fishery has ever resulted in the [extinction of any marine fish species](#)!

Hawaii Supreme Court ruled based on user conflict-biased unscientific testimony and enacted EIS requirements for the Hawaii aquarium fishery. Because of this erroneous ruling, all Hawaii tourism and fishing permits are at risk!

Please correct this with SB 661 and HB 1074.

Please pass HB 661 and SB 1074 with amendments to cover all ocean use permits for fisheries and ocean tourism.

Thanks, Ron Tubbs B.S.N.D UHM

SB-1074-SD-1

Submitted on: 2/23/2025 10:54:58 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Toni Colombo	Individual	Support	Written Testimony Only

Comments:

In Support of this bill-

Post fire, our economy and the small businesses that depend on ocean tourism on the west coast of Maui have struggled to recover. Supporting this bill will ensure there is one less obstacle for small businesses, jobs and life to rebuild after the losses of the fire-

Also based on precedent, impact studies are done while activities continue operating and this has shown to be an effective way to research the impact.

Thank you,

SB-1074-SD-1

Submitted on: 2/23/2025 10:59:04 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

In support of this bill,

Post fire, our economy and the small businesses that depend on ocean tourism on the west coast of Maui have struggled to recover. Supporting this bill will ensure there is one less obstacle for small businesses, jobs and life to rebuild after the losses of the fire-

Also based on precedent, impact studies are done while activities continue operating and this has shown to be an effective way to research the impact.

Sincerely,

Peter Colombo

SB-1074-SD-1

Submitted on: 2/23/2025 2:13:46 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Rod Nichols	Individual	Support	Written Testimony Only

Comments:

I am Rod Nichols and I strongly support SB1074.

Lahaina and West Maui have already endured so many hardships. Please support us while we continue to recover.

SB1074 allows previously permitted activities to continue operating while undergoing environmental review if permits are challenged.

This bill strikes a fair balance between protecting Hawaii's natural resources while supporting long-standing, regulated ocean activities operation.

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

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

Please pass SB1074 and support our local families and businesses.

Mahalo for considering my testimony,

Rod Nichols

SB-1074-SD-1

Submitted on: 2/23/2025 2:17:56 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Dylan Stelly	Individual	Support	Written Testimony Only

Comments:

I am Dylan Stelly and I strongly support SB1074.

Lahaina and West Maui have already endured so many hardships. Please support us while we continue to recover.

SB1074 allows previously permitted activities to continue operating while undergoing environmental review if permits are challenged.

This bill strikes a fair balance between protecting Hawaii's natural resources while supporting long-standing, regulated ocean activities operation.

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

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

Please pass SB1074 and support our local families and businesses.

Mahalo for considering my testimony,

SB-1074-SD-1

Submitted on: 2/23/2025 2:38:22 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Brooke Hauguel	Individual	Support	Written Testimony Only

Comments:

Below is a draft of your testimony incorporating your support for SB1074:

Testimony in Support of SB1074 SD1

Brooke Hauguel

101 Luluka place

Kihei, HI, 96753

Brookelynnhauguel@me.com

02/21/25

Aloha Chair, Vice Chair, and Committee Members,

My name is Brooke Hauguel, and I am a professional photographer working on the tour boats in Maui. I am writing to express my strong support for SB1074 SD1. This bill is critical for ensuring that our boat tour operations are allowed to continue functioning while undergoing the necessary environmental review.

Boat tours are among the few commercial activities remaining on Maui's west side, especially after the devastating impacts of the Lahaina fire. With tourism significantly diminished in Lahaina, these boat operations are not only a lifeline for those directly employed—including myself and many close colleagues—but they also serve as a crucial draw for visitors, helping to sustain the local economy during these challenging times.

Without the protections provided by SB1074, boat operators risk losing their permits, which would result in widespread job losses and further damage to our tourism industry. This bill

ensures that businesses like ours can maintain operations and support the livelihoods of countless Maui residents who depend on this sector.

I respectfully urge you to support SB1074 SD1 to safeguard these essential operations and help secure a future for our community.

Mahalo for your time and consideration.

Sincerely,

Brooke Hauguel

Brookelynnhauguel@me.com

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SB-1074-SD-1

Submitted on: 2/23/2025 3:10:44 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Craig Boyd	Individual	Support	Written Testimony Only

Comments:

I am Craig Boyd and I strongly support SB1074.

Lahaina and West Maui have already endured so many hardships. Please support us while we continue to recover.

SB1074 allows previously permitted activities to continue operating while undergoing environmental review if permits are challenged.

This bill strikes a fair balance between protecting Hawaii's natural resources while supporting long-standing, and well regulated ocean activities operations.

Mahalo for considering my testimony.

Married on Maui and feel my family is ohana.

Craig Boyd

SB-1074-SD-1

Submitted on: 2/23/2025 5:17:22 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Marjorie Bonar	Individual	Oppose	Written Testimony Only

Comments:

Our imperilled reefs have had a short time to recover from the devastating effects of aquarium collecting. There is no justification for changing rules to protect our reefs.

SB-1074-SD-1

Submitted on: 2/23/2025 5:23:46 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

I strongly oppose this bill.

SB-1074-SD-1

Submitted on: 2/23/2025 5:39:00 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Glenn Casil	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,I, Glenn Casil, am *in support of SB 1074 SD1*.***I have been a Maui resident for most of my life, and I am currently the General Manager for The Westin Nanea Ocean Villas.***

Upon writing this today Maui and Lahaina / Ka'anapali remain in critical condition. Recovery for us following the horrendous fires as residents, employees and businesspeople has been at a snail's pace that does not seem to be moving forward with any real pace now or for the foreseeable future. Hotels, tourism and the businesses related to the hospitality industry are struggling to regain any level of occupancy and productivity. Exacerbating this by any measure to remove, eliminate or further take away business or activities for our guests to participate in while staying in Ka'anapali or West Maui seems unconscionable. Due to a position taken recently by Judge Cahill "*ALL*" businesses in Kaanapali for ocean recreation, boating and watersports will cease to exist once their current permits expire and remain closed until an environmental assessment is conducted. This is untenable and would immediately bankrupt and force 27 professional operations to close. Again, this is beyond thinkable and puts 260 families out onto the street! In fact, it seems like those of us in the boating and ocean recreation industry have been unreasonably caught up as "*collateral damage*" with other ongoing conservation and environmental related challenges elsewhere. The Ka'anapali ORMA permit holders and ocean recreation operators provide a service and experience without the taking, harvesting, gathering or any potential negative impact to natural resources. Simply hosting a guest on a sunset or whale watch sail or offering a surfing lesson or even outrigger canoe ride is vastly different than other challenges the State may have. This Bill was created and submitted to recognize and help the Ka'anapali operators with pending full closure and aid those operators as they attempt to yet again recover from disaster. Please do not punish longstanding, professional operators that in many cases have been safely and respectfully operating in Ka'anapali for nearly two generations.

My interpretation of SB 1074 SD1 is that it provides for an operator to go forward and continue with their operations and services during the process of an environmental review. Services as permitted would be allowed to continue everything for operations as is normal circumstance if / when permits are challenged for environmental or other concerns. Having this continuation of services is very important as it allows the operator to remain in business and continue until or if reviews show that for any reason operations should be stopped. If narrowing this Bill to apply to

Ka'anapali ORMA permit operators as was the intention assist in moving forward towards approval that would be fully acceptable.

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

Beyond the immediate impact to our valuable Ka'anapali and West Maui visitors and our employees and business many, many support operators and businesses will be crushed. Please consider:

- *Estimated \$60M in annual revenues generated by all Ka'anapali ORMA permit operators goes away*
- *3% of \$60M in revenue now goes to DLNR or \$1.8 M to their budget, that goes away. NOTE: A Bill is now also being proposing a bill in legislature to raise this to 5%. Whether 5% or 3 % if no revenue no %*
- *\$1.00 per passenger to DAR (program just started in 2024) that would be \$750K-\$1M, that all goes away*
- *4.172% sales tax on \$60M or \$2.83M in state tax revenue, that all goes away*
- *\$9M (estimated) in commissions paid to travel agents, concierge, and activity desk operators on \$60M, that all goes away**
- *All pre and post revenue to restaurants and shops in the Ka'anapali area by tens of thousands of annual boating and ocean recreation participants, that all goes away**
- *More than 225,000 meals prepared by local restaurants or caterers for use on all boating operation, that all goes away-and the jobs of those people preparing them!*
- *Mechanics, fuel providers, maintenance personnel, transportation, ice deliveries, Uber drivers and countless others impacted with massive drop in needs and then loss of need for those jobs. That all goes away*
- *\$500K or more in beverage purchase and delivery of those items. This all goes away*
- *With a tremendous reduction of activities, experience and things to do in Ka'anapali / West Maui literally thousands of vacationers and tourist may choose elsewhere and then they go away.*

There are multiple points of further impact and collateral damage to other industries, jobs, livelihood, and commerce. These are important, however the human impact, as noted above remains a direct loss of 260 ocean activity and boating related jobs, family upheaval, removal from schools, inability to afford staying on Maui and families then moving to the mainland. This all would be unacceptably tragic.

I'm asking you to please vote for and *pass SB 1074 SD1* for the sake of our communities, families, business investments and small entrepreneurs that are the backbone of our economy, and **specifically here on Maui** where concentration for support, and urgent consideration is needed at this post-fire, rebuilding time of our community.

Respectfully,

Glenn Casil

SB-1074-SD-1

Submitted on: 2/23/2025 5:45:48 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

I do not support this bill as it will give the aquarium industry a way back into our waters to collect and rob our reefs of the natural gifts that are for everyone to enjoy. Not for a few to pillage. I oppose this bill and hope you will do the right thing for the next generation.

SB-1074-SD-1

Submitted on: 2/23/2025 5:46:57 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Strong opposition.

If the issue is money more can be made via tourism keeping the fish alive.

SB-1074-SD-1

Submitted on: 2/23/2025 6:02:53 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

I am Amy Dewbre and I strongly support SB1074.

Lahaina and West Maui have already endured so many hardships. Please support us while we continue to recover.

SB1074 allows previously permitted activities to continue operating while undergoing environmental review if permits are challenged.

This bill strikes a fair balance between protecting Hawaii's natural resources while supporting long-standing, and well regulated ocean activities operations.

Mahalo for considering my testimony,

Amy Dewbre

SB-1074-SD-1

Submitted on: 2/23/2025 6:04:52 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
ane takaha	Individual	Oppose	Written Testimony Only

Comments:

Aloha

I am writing in strong opposition to the bill. We live on the south shore and swim almost everyday. The fish popluation is getting more sparse everyday. The last time we really had reef fish was during the covid years with no fishing and no tourists.

Please protect the reef and do not allow fishing for retail trade.

Thank you. Ane Takaha

SB-1074-SD-1

Submitted on: 2/23/2025 6:27:10 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

STRONGLY OPPOSE

This bill would allow these destructive activities, with their potential to irreparably damage our fragile environment, to go on indefinitely, with nothing mitigating their harmful impacts, because there are no laws/rules setting time constraints on preparing or completing environmental studies.

**IT'S TIME TO RESPECT THE CULTURAL PRACTITIONERS ONCE AND FOR ALL.
NO MORE PRO AQ INDUSTRY BILLS.**

SAVE OUR REEFS!!!!

SB-1074-SD-1

Submitted on: 2/23/2025 6:50:28 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Arabella Chen	Individual	Support	Written Testimony Only

Comments:

Aloha, I am someone who's entire livelihood relies on the commercial vessels and organizations being able to operate off of Kaanapali Beach. Stopping all of this activity would affect so many people and businesses in the surrounding area, not just the commercial vessels. The boats bring in so much foot traffic to the surrounding restaurants and stores and halting that would mean that so many would experience either a heavy reduction or entire loss of income in an economy where none of us can afford for this to happen. Please permit the vessels to continue running while the environmental impact issues are being addressed and resolved.

SB-1074-SD-1

Submitted on: 2/23/2025 7:06:36 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

I support this bill. The damage to the west side economy would suffer even more since the fire. We need to keep people working.

SB-1074-SD-1

Submitted on: 2/23/2025 7:42:44 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Philip akeo IV	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of SB 1074 SD1

Aloha Chair and Members of the Committee,

My name is Philip Akeo IV, and I strongly support SB 1074 SD1. The recent decision to shut down all Ka'anapali ocean recreation businesses until environmental assessments are completed is devastating. This will force 27 businesses to close, eliminate 260 jobs, and cripple an already struggling Maui economy still recovering from the wildfires.

These businesses—whale watching, sunset sails, surf lessons, and canoe rides—operate responsibly and do not harm natural resources. Yet, they are being unfairly caught up in broader environmental issues. If shut down, they may never reopen, leading to:

- \$60 million in lost annual revenue
- \$1.8 million in lost DLNR fees
- Up to \$1 million in lost passenger fees for conservation efforts
- \$2.83 million in lost state tax revenue
- Hundreds of job losses, forcing families to leave Maui

SB 1074 SD1 allows these businesses to continue working during environmental reviews, preventing economic collapse and unnecessary job losses. Without this bill, we risk permanent closures and further damage to our community.

I urge you to pass SB 1074 SD1 to protect Maui's tourism industry, jobs, and families.

Mahalo for your time and consideration.

Philip Akeo IV

SB-1074-SD-1

Submitted on: 2/23/2025 7:45:30 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Monica Stone	Individual	Oppose	Written Testimony Only

Comments:

Mahalo for receiving my testimony in opposition to bill SB1074. Please do not let the aquarium trade back onto Hawai'i reefs!

Monica Stone 96740

SB-1074-SD-1

Submitted on: 2/23/2025 8:08:42 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Erica Bauer	Individual	Support	Written Testimony Only

Comments:

My name is Erica Bauer and I am here to express my support for the continued operation on Kaanapali Beach. Our presence not only brings economic benefits by providing jobs and supporting local businesses, but it also enriches the visitor experience, allowing people to connect with the breathtaking beauty of our waters. We are passionate about protecting the environment and actively engage in conservation efforts to ensure our operations are sustainable and respectful of the marine ecosystem. Kaanapali Beach is more than just a workplace for us; it is a beloved community space where we foster connections, appreciation, and a love for our island's natural treasures. I kindly urge you to support our continued presence here for the benefit of our community and all who visit. Thank you.

SB-1074-SD-1

Submitted on: 2/23/2025 8:11:30 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Chris Butler	Individual	Support	Written Testimony Only

Comments:

My name is Chris Butler, and I am here to express my support for the continued operation of our boat companies on Kaanapali Beach. Our presence not only brings economic benefits by providing jobs and supporting local businesses, but it also enriches the visitor experience, allowing people to connect with the beauty of our waters. We are passionate about protecting the environment and actively engage in conservation efforts to ensure our operations are sustainable and respectful of the marine ecosystem. Kaanapali Beach is more than just a workplace for us; it is a beloved community space where we foster connections, appreciation, and a love for our islands. I kindly urge you to support our continued presence here for the benefit of our community and all who visit. Thank you.

SB-1074-SD-1

Submitted on: 2/23/2025 8:40:16 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
patcharaporn saldivar	Individual	Support	Written Testimony Only

Comments:

My name is Patcharaporn Saldivar, and I wish to convey my earnest support for the sustained operation of our boating enterprises on Kaanapali Beach. Our presence not only yields economic advantages by creating employment opportunities and bolstering local businesses, but it also enhances the experience of visitors, enabling them to engage with the stunning natural beauty of our waters. We are deeply committed to environmental protection and actively participate in conservation initiatives to ensure that our operations remain sustainable and considerate of the marine ecosystem. Kaanapali Beach transcends mere employment for us; it is a cherished community space where we cultivate connections, appreciation, and a profound admiration for our island's natural wonders. I respectfully urge you to endorse our continued presence here for the benefit of both our community and all visitors. Thank you.

SB-1074-SD-1

Submitted on: 2/23/2025 8:44:56 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
aimee harrison	Individual	Support	Written Testimony Only

Comments:

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

Please support SB1074 for ocean tour boats. This bill is essential for ensuring that ocean tour operators in Kaanapali can continue their operations while undergoing environmental review. Without this bill, these longstanding, regulated operators face the risk of being shut down for years—even when they have complied with all permitting requirements.

These tour operators allow residents and visitors to experience Hawaii’s marine environment with minimal disruption, supporting conservation efforts through education and sustainable tourism practices.

This bill strikes a fair balance between protecting our natural resources through SB343 and supporting the small ocean tour businesses that have operated responsibly under state oversight for decades.

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

SB-1074-SD-1

Submitted on: 2/23/2025 9:40:12 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

There isn't time to sit and contemplate and study.

SB-1074-SD-1

Submitted on: 2/23/2025 10:15:58 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Jaime Campbell	Individual	Support	Written Testimony Only

Comments:

To whom it may concern,

My name is Jaime Campbell and I support SB1074. I believe it is critical to protecting our communities ability to continue working in Kaanapali. Hundreds of us depend on the tourism industry to provide for our families. I respectfully urge you to pass SB1074 to protect our established commercial ocean operations while conducting an environmental impact survey.

SB-1074-SD-1

Submitted on: 2/23/2025 10:19:49 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Jason Campbell	Individual	Support	Written Testimony Only

Comments:

Esteemed Counsel Members,

My name is Jason Campbell and I support SB1074. I believe it is critical to protecting our communities ability to continue working in Kaanapali. Hundreds of us depend on the tourism industry to provide for our families. I respectfully urge you to pass SB1074 to protect our economy while conducting an environmental impact survey. Thank you for your consideration on this bill.

SB-1074-SD-1

Submitted on: 2/23/2025 11:52:31 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Aloha,

I was taught as a child to respect my elders, those who came before me. The earth and its non human residents are to me my elders, and deserve our respect and protection.

We, the undersigned, **strongly oppose HB 661 HD1 and SB 1074 SD1**, which would amend the Hawai'i Environmental Policy Act (HEPA), to allow activities previously "undertaken by an applicant" to continue, while still pending environmental review, even if causing irreversible environmental damage and challenged under HEPA.

These bills would severely undermine core protections for Native Hawaiian rights and Hawai'i's foundational environmental law, potentially leading to substantial, irreversible environmental and cultural harm.

Stopping an activity from proceeding during HEPA review is a fundamental principle of the law and ensures that precious public and cultural resources are not destroyed before the public has input and "environmental concerns are given appropriate consideration in decision making." (HRS. 343).

In addition, we have substantial concerns about the enormous loophole created for extractive activities in marine areas, including protected and nearshore areas.

The proposed amendment to HEPA states that the amendment "*shall not apply to activities involving construction, grading, dredging, or other structural modifications to land, waterways, or marine environments*" but would apply to a wide range of potentially permanently damaging commercial and "non-commercial" extractive activities in state waters for which there are already clear examples of irreparable damage. We are deeply concerned about commercial and industrial levels of "non-commercial" extractive activities, including fishing, in state waters.

Papahānaumokuākea

Over a hundred thousand people fought for the establishment of the strongest possible protections for the Northwestern Hawaiian Islands – leading to the creation of the Northwestern Hawaiian Islands (NWHI) State Refuge as well as for protections in federal waters, including the establishment of the NWHI Coral Reef Reserve in 2000 and the Papahānaumokuākea Monument in 2006.

The strong protections of the Reserve, State Refuge, and Monument were established as a result of public outrage over decades of the state’s refusal to exercise jurisdiction and refusal to implement HEPA in the state waters of the NWHI. This allowed Wespac lobster fishers and poachers to destroy lobster populations in state waters contributing to the starvation of the nearly extinct Hawaiian monk seals, the most endangered pinniped in the world! Past commercial fishing vessels slammed into reefs damaging corals and releasing thousands of gallons of fuel, hydraulic and motor oil, fishing gear and other contaminants into the NWHI marine environment. Sadly, lobster stocks have never recovered.

Allowing significant extractive activities – whether labelled commercial or “non-commercial” – in state waters in the absence of HEPA review has already led to permanent harm. Should protections in fragile Papahānaumokuākea be weakened in the future, this proposed enormous loophole could potentially be used to allow unchecked destruction of precious Papahānaumokuākea natural and cultural resources in state waters.

The proposed changes would allow environmental damage to continue unabated in state waters of the Main Hawaiian Islands while “waiting” - potentially for *decades* - for the completion of an environmental review.[1]

Concerns about the negative impact on traditional cultural resources and practices

According to the Office of Hawaiian Affairs (OHA):

“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.”

Negating HEPA’s fundamental purpose

This amendment of HEPA is being proposed in response to the claim that recent court decisions “have broadened the definition of an environmental ‘action.’” This is untrue. According to Earthjustice:

“If anything, the courts and the 2019 HEPA rules have narrowed the definition of ‘action...”

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.”

“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...It threatens to undo decades of environmental progress in Hawai‘i, and it is entirely unnecessary to achieve its stated goals.”

The proposed amendment “*would negate HEPA’s fundamental purpose for a broad subset of permitted activities, allowing irreparable environmental harm.*”

We strongly urge you to oppose these amendments to HEPA.

Mahalo for the opportunity to submit this testimony.

With aloha, James Kastner

SB-1074-SD-1

Submitted on: 2/24/2025 5:01:29 AM

Testimony for JDC on 2/26/2025 9:40:00 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 SB 1074 SD1.

My interpretation of SB 1074 SD1 is that it provides for an operator to go forward and continue with their operations and services during the process of an environmental review. Services as permitted would be allowed to continue everything for operations as is normal circumstance if / when permits are challenged for environmental or other concerns. Having this continuation of services is very important as it allows the operator to remain in business and continue until or if reviews show that for any reason operations should be stopped. If narrowing this Bill to apply to Ka'anapali ORMA permit operators as was the intention assist in moving forward towards approval that would be fully acceptable. 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 SB 1074 SD1 and support our local families and businesses.

Mahalo for considering this testimony.

Sincerely,
Rick Williamson

SB-1074-SD-1

Submitted on: 2/24/2025 5:12:22 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Aloha Chair and Members of the Committee,

I am Cris Williamson and I strongly support SB 1074 SD1.

My interpretation of SB 1074 SD1 is that it provides for an operator to go forward and continue with their operations and services during the process of an environmental review. Services as permitted would be allowed to continue everything for operations as is normal circumstance if / when permits are challenged for environmental or other concerns. Having this continuation of services is very important as it allows the operator to remain in business and continue until or if reviews show that for any reason operations should be stopped. If narrowing this Bill to apply to Ka'anapali ORMA permit operators as was the intention assist in moving forward towards approval that would be fully acceptable. 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 SB 1074 SD1 and support our local families and businesses

Mahalo for considering this testimony.

Sincerely,
Cris Williamson

SB-1074-SD-1

Submitted on: 2/24/2025 5:56:08 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Sandy Shimmon	Individual	Oppose	Written Testimony Only

Comments:

I HIGHLY oppose this Bill. I've seen the decimation of Fish and the coral reefs become sick as a result.

SB-1074-SD-1

Submitted on: 2/24/2025 6:32:10 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

I am Michael BenShimon and I strongly **support SB1074**.

SB1074 allows previously permitted activities to continue operating while undergoing environmental review if permits are challenged. This is critical for ensuring regulatory stability and preventing unnecessary interruptions for compliant businesses.

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

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

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

Please pass SB104 and support our local families and businesses.

Mahalo for considering this testimony.

Sincerely,
Michael BenShimon

SB-1074-SD-1

Submitted on: 2/24/2025 6:35:04 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

I am Madison BenShimon and I strongly **support SB1074**.

SB1074 allows previously permitted activities to continue operating while undergoing environmental review if permits are challenged. This is critical for ensuring regulatory stability and preventing unnecessary interruptions for compliant businesses.

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

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

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

Please pass SB104 and support our local families and businesses.

Mahalo for considering this testimony.

Sincerely,
Madison BenShimon

SB-1074-SD-1

Submitted on: 2/24/2025 6:56:21 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Anthony DelleFave	Individual	Support	Written Testimony Only

Comments:

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

Please support SB1074 for ocean tour boats. This bill is essential for ensuring that ocean tourism operators in Kaanapali can continue their operations while undergoing environmental review. Without this bill, these longstanding, regulated operators face the risk of being shut down for years—even when they have complied with all permitting requirements.

These tour operators allow residents and visitors to experience Hawaii’s marine environment with minimal disruption, supporting conservation efforts through education and sustainable tourism practices.

This bill strikes a fair balance between protecting our natural resources through 343 and supporting the small ocean tour businesses that have operated responsibly under state oversight for decades.

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

SB-1074-SD-1

Submitted on: 2/24/2025 7:27:41 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Sebastian Church	Individual	Oppose	Written Testimony Only

Comments:

Aloha mai,

I strongly urge you to oppose SB1074. Invasive species detrimental to Hawaii's native reefs are being continuously discovered and identified in real time as this legislation is being considered. Recently, a new species of invasive sea anemone was identified, and is spreading across Kaneohe Bay. Experts have identified an aquarium dump as the most likely reason for the introduction of the anemone. Increasing the capacity for individuals and business to import such foreign species poses a dire risk to offshore habitats that are already suffering critical ecological impacts.

Please oppose this piece of legislation to more strongly protect Hawaiian reefs by regulating foreign and invasive species. Mahalo nui.

Subject: Testimony in Strong Support of SB1074_SB1

Aloha Chair and Members of the Committee,

I am Dan Shydler and I **strongly support SB1074_SD1**.

SB1074_SD1 is a good regulatory solution. SB1074_SD1 allows previously permitted activities to continue operating while undergoing environmental review if permits are challenged. This is critical for ensuring regulatory stability and preventing unnecessary interruptions for compliant businesses. The bill also recognizes the importance of maintaining environmental standards while avoiding redundant reviews. It strikes a fair balance between protecting Hawaii's natural resources and supporting long-standing, regulated operations.

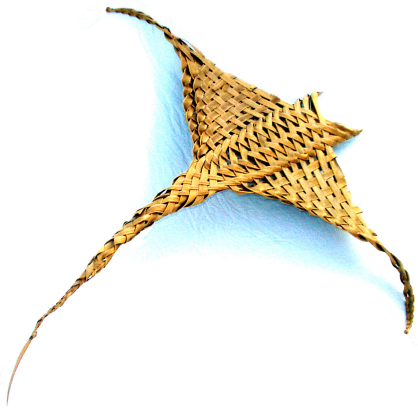
The passing of SB1074_SD1 is crucial for Maui families who depend on jobs and income tied to involved businesses. Maui's businesses and economy were set far back by the fires while still trying to recover from the COVID shutdowns. Visitor volume is already down. On the mainland, the devastation to Maui and families from the fires has been bumped from the news broadcasts – Maui has almost become an afterthought. It would be further devastating to Maui workers and their families to have another deep setback if this is not passed by even more businesses closing and eliminating jobs and paychecks. The ripple effect on associated and supporting businesses and the Maui economy is profound.

Please PASS SB1074_SD1 and support local families and businesses.

Mahalo for considering this testimony.

Sincerely,

Dan Shydler



MANTA ENTERPRISE
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mantaentgc@gmail.com

November 15, 2024

SENATOR LORRAIN R. INOUE, CHAIR
SENATOR BRANDON J.C. ELEFANTE, VICE CHAIR
SENATE COMMITTEE ON WATER & LAND

SENATOR MIKE GABBARD, CHAIR
SENATOR HERBERT M. "TIM" RICHARDS, VICE CHAIR
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

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

Dear Chairs Inouye and Gabbard, Vice-Chairs Elefante and Richards, and members of the
Senate Committees on Water & Land and Agriculture & Environment:

Aloha,

As a resident in Hawaii for 50 years who uses the ocean, I have seen a significant reduction in reef fish.
As my time has mostly been on Hawaii Island, just the menpachi and yellow tang loss has been glaringly
noticeable. As Hawaiian oceans are lacking nutrients, we need all the help we can get for our reef's
health. Completely extractive, no help for the reef.

I Strongly oppose SB1074

Sincerely,

William Stockton

RME: Manta Enterprise

SB-1074-SD-1

Submitted on: 2/24/2025 7:59:47 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

This bill is poorly written and subject to misuse.

SB-1074-SD-1

Submitted on: 2/24/2025 8:16:38 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Brandon Chu	Individual	Support	Written Testimony Only

Comments:

Testimony in Strong Support of SB1074 SD1 – Relating to Environmental Review

Aloha Chair and Members of the Committee,

My name is Brandon Chu, and I am writing in strong support of SB1074 SD1.

I will start by saying I'm in support of protecting Maui's natural resources and conducting an environmental review. This bill allows for this to happen without shutting down local business's who have been lawfully operating with permits for years. SB1074 SD1 acknowledges the significant KNOWN impact on our community and provides a fair condition in which to conduct an environmental review. I care deeply about our community, our island, and the hard working members of our industry who would be devastated if this bill is not passed and out of work. I can't elaborate enough that we here on Maui continue to try and just stay afloat from all the devastation from the fires from August 2023. Please help and support us by not shutting down our business's and allowing us to continue providing employment for our thousands of industry workers here on Maui. I appreciate the opportunity to share this testimony and support SB1074.

Mahalo,

Brandon Chu

SB-1074-SD-1

Submitted on: 2/24/2025 8:33:34 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Kelsie Kuniyoshi	Individual	Oppose	Written Testimony Only

Comments:

I **strongly oppose** SB 1074, SD1, which would allow agencies to keep rubber stamping environmentally harmful activities (like commercial aquarium collection) until whenever the agencies may get around to actually looking at the impacts and doing anything about it.

I am deeply concerned how this bill would affect Hawai‘i’s reefs and lawai‘a pono practices.

- Commercial aquarium collectors have devastated reef ecosystems around O‘ahu and Hawai‘i Island, extracting ***hundreds of thousands of fish and invertebrates each year*** in hotspots including West Hawai‘i and Kāne‘ohe Bay. Collected species include lau‘ipala (yellow tang), kole (goldring surgeonfish), pāku‘iku‘i (Achilles tang), among many other native and endemic species that are critical for maintaining healthy reefs and supporting Native Hawaiian subsistence fishing and cultural practices.

- This reef life is sold and shipped in plastic bags to the continent and around the world to supply the ***global pet market for ornamental reef fish***, instead of staying on the reefs to support ecosystem health and Native Hawaiian fishing practices that have been handed down for generations.

- Thanks to the Hawaii Environmental Policy Act (HEPA) and recent court rulings, our reefs have ***finally gotten a break from unlimited aquarium extraction*** while the collectors and State look at environmental and cultural impacts, mitigation measures, and alternatives through the public environmental review process.

- Please let HEPA do its job to ***inform agency decision-making beforehand***, rather than handing industry a free pass to continue causing harm for years on end until they get around to completing the environmental review process. This bill would turn HEPA review into an afterthought and meaningless formality to justify harm that’s already been done . . . and can’t be undone.

- This bill would ***gut HEPA’s whole purpose*** and is unnecessary. HEPA provides for ***exemptions of activities that have truly minor impacts***.

I strongly urge you to **VOTE NO on SB 1074, SD1.**

TESTIMONY in Support of SB 1074 SD!

Honorable Chair and Vice Chair and Members of the Committee:

The immediate impact to our valuable Ka'anapali and West Maui coast and the visitors, employees and other businesses will be significant.

The impact will be as follows:

- Estimated \$60M in annual revenues generated by all Ka'anapali ORMA permit operators will no longer be generated thus decreasing our general excise taxes to the State etc.
- 3% of \$60M in revenue now goes to DLNR or \$1.8 M to their budget, that will no longer continue.
- \$1.00 per passenger to DAR (program just started in 2024) that would be \$750K-\$1M, will not be collected.
- 4.172% sales tax on \$60M or \$2.83M in state tax revenue, will not be collected and turned over to the State.
- \$9M (estimated) in commissions paid to travel agents, concierge, and activity desk operators on \$60M, workforce compensation will stop.
- More than 225,000 meals prepared by local restaurants or caterers for use on all boating operation, will stop.
- \$500K or more in beverage purchase and delivery of those items. This stops.

There are multiple points of further impact and economic damage to other industries, jobs, livelihood, and commerce. These are important, however the human impact, as noted above remains a direct loss of 260 ocean activity and boating related jobs, family upheaval, removal from schools, inability to afford staying on Maui and families then moving to the mainland.

I ask you to please vote for and pass SB 1074 SD1 for the sake of our communities, families, business investments and small entrepreneurs that are the backbone of our economy.

Me ke aloha,

Franklin Kudo, DBA
Professor of Accounting and Division Chair of the Business & Cyber Security Division
University of Hawaii – West O`ahu
91-1001 Farrington Hwy
Kapolei, Hawaii 96707

SB-1074-SD-1

Submitted on: 2/24/2025 8:45:23 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

I'm asking you to please vote for and pass SB 1074 SD1 for the sake of our communities, families, business investments and small entrepreneurs that are the backbone of our economy.

SB-1074-SD-1

Submitted on: 2/24/2025 8:50:46 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

I stongly oppose SB1074. This bill is simply outrageous as it allows destructive behavior to continue while waiting for the slow cogs of bureauacray to turn.

Aloha and mahalo, Mary True, Pepeekeo

SB-1074-SD-1

Submitted on: 2/24/2025 8:51:46 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Anne Allison	Individual	Oppose	Written Testimony Only

Comments:

Please protect the fish and the reefs and block SB1074. The reefs are already fished out. There has been a big drop in the number and variety of fish at most reefs in the last seven years! I do not understand how the aquarium trade taking of fish is a trade. So they take the fish and the taxpayers pay all the fees, lose the fish and lose the reefs. Locals and tourists are unhappy. You have to have fish to have a reef to protect the coastline and entice the tourists. We are all connected. Please do not allow the aquarium rape business to continue!!!!!!!!!!!!!!!!!!!!!!

Maui resident and daily snorkeler!

SB-1074-SD-1

Submitted on: 2/24/2025 8:57:16 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
anita wintner	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose SB1074. We must stop aquarium collection to help our reefs recover. Please do the right thing. The quality of our reefs depend on your action.

SB-1074-SD-1

Submitted on: 2/24/2025 9:01:15 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

I am opposed to SB1074. The environmental review process must be allowed to proceed BEFORE any activity is allowed.

SB-1074-SD-1

Submitted on: 2/24/2025 9:10:44 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Alyssa Puaa	Individual	Support	Written Testimony Only

Comments:

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

Please support SB1074 for ocean tour boats. This bill is essential for ensuring that ocean tourism operators in Kaanapali can continue their operations while undergoing environmental review. Without this bill, these longstanding, regulated operators face the risk of being shut down for years—even when they have complied with all permitting requirements.

These tour operators allow residents and visitors to experience Hawaii’s marine environment with minimal disruption, supporting conservation efforts through education and sustainable tourism practices.

This bill strikes a fair balance between protecting our natural resources through 343 and supporting the small ocean tour businesses that have operated responsibly under state oversight for decades.

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

SB-1074-SD-1

Submitted on: 2/24/2025 9:13:07 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Antonio Garcia	Individual	Support	Written Testimony Only

Comments:

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

Please support SB1074 for ocean tour boats. This bill is essential for ensuring that ocean tourism operators in Kaanapali can continue their operations while undergoing environmental review. Without this bill, these longstanding, regulated operators face the risk of being shut down for years—even when they have complied with all permitting requirements.

These tour operators allow residents and visitors to experience Hawaii’s marine environment with minimal disruption, supporting conservation efforts through education and sustainable tourism practices.

This bill strikes a fair balance between protecting our natural resources through 343 and supporting the small ocean tour businesses that have operated responsibly under state oversight for decades.

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

SB-1074-SD-1

Submitted on: 2/24/2025 9:15:40 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Douglas Perrine	Individual	Oppose	Written Testimony Only

Comments:

SB1074 is unacceptable in its current form because it would allow mining and harvesting of wildlife without environmental review. To correct this oversight I recommend changing the language of Sec343-2 from "...shall not include construction, grading, dredging or other structural modifications to land, to land, waterways or marine environments." to "...shall not include construction, grading, dredging or other structural modifications to land, to land, waterways or marine environments, or collection, harvesting, extraction, or killing of any natural resources or wildlife." Mahalo.

SB-1074-SD-1

Submitted on: 2/24/2025 9:30:39 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
MARY MORRIS	Individual	Oppose	Written Testimony Only

Comments:

As a long time home owner in Puako, I have watched the reef fish population decline since 1972 but most especially in the past 15 or 20 years. It seems that we are just starting to see a few more yellow tang, and a few more fish that are in demand by on and off island stores that sell them for aquariums. Please do not allow the collection of fish. We need them to eat the algae and to keep the coral alive and well. People come to Hawaii for the ocean, keep it healthy, do not help to destroy it. Oppose this please. Thank you. Mary Morris

SB-1074-SD-1

Submitted on: 2/24/2025 9:31:54 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Bill Bugbee	Individual	Oppose	Written Testimony Only

Comments:

NO on SB1074 – it is a giant step backward in Hawaii's marine conservation efforts. It effectively enables the wholesale strip-mining of Hawaii's near-shore marine ecosystems, already experiencing extreme stress from climate heating and human impacts from reef fish extraction by the effectively unregulated aquarium trade.

A vote for this bill is also a vote against common sense and the conservation of Hawaii's limited marine assets.

SB-1074-SD-1

Submitted on: 2/24/2025 9:33:16 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

If there is any possibility that the aquarium trade could utilise this bill to regain access to fish collecting, then please oppose this bill, or rewrite it to protect our reefs and fish.

SB-1074-SD-1

Submitted on: 2/24/2025 9:36:13 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

I support the Bill as it applies to Ka'anapali ORMA operators as they need full support now as we all recover from the fire. Too many residents have already lost their jobs, their homes, their livelihood. Please keep the ORMA operators alive while the study takes place.

SB-1074-SD-1

Submitted on: 2/24/2025 9:36:56 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Aloha,

i am a retired college professor and ecologist who supports SB1074. My wife and I own a condo at the whaler on Kaanapali beach and we spend several months a year watching the amazing beauty of Kaanapali beach. We have been coming to Kaanapali for 20 years. We have watched the whale and turtle population grow significantly over this time and the reef at blackrock improve in fish abundance and diversity. We bring our 9 grandkids over to maui and they deeply appreciate the ecology and importance of kaanapali because we frequently take them on the sailboats trips. Our friends that visit with us also have a deep appreciaton of whales, turtles, reef because ot the boats trip as they are older and it is the only way they get out on Maui nui. We have many friends in west maui too and many are employed with water sports on kaanapali. They have been through covid/ the fire and now the anxiety of maybe losing their jobs! Please continue to allow the sailboat and water sports on kaanapali beach. Mahalo, Dr. Mike Amaranthus

Testimony in Strong Support of SB1074 – Relating to Environmental Review

Aloha Chair and Members of the Committee,

My name is Irene M. Wandtke, and I am writing in **strong support of SB1074**.

This bill is essential in ensuring that previously permitted activities can continue operating while undergoing environmental review if their permits are challenged. By allowing businesses to remain open during this process, SB1074 helps maintain regulatory stability and prevents unnecessary disruptions for compliant operators.

SB1074 upholds environmental protections while also preventing redundant reviews that can impose excessive financial and operational burdens on longstanding, law-abiding businesses. It strikes a fair balance between preserving Hawaii's natural resources and supporting regulated commercial activities that have been an integral part of our local economy for years.

Requiring lawfully permitted operators to cease operations while waiting years for environmental studies to be conducted coupled with significant financial resources required for the maintenance of these vessels will inevitably result in business closures and job losses. History has shown that once certain industries lose their permits and are shut down, they do not return, which negatively impacts the revenue generated from commercial operators (HB649 suggests to increase gross receipt fees from 3% to 5% - which is irrelevant if commercial operators have to cease operations). We cannot afford to let this happen again, especially when so many businesses and residents depend on these activities for their livelihoods.

I respectfully urge the committee to pass SB1074 and help protect Hawaii's local businesses and working families.

Mahalo for your time and consideration.

Sincerely,
Irene M. Wandtke

SB-1074-SD-1

Submitted on: 2/24/2025 9:43:15 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Blake Moore	Individual	Support	Written Testimony Only

Comments:

My name is Blake Moore and I strongly support SB1074.

As an employee of West Maui, we have already endured so many hardships. Please support us while we continue to recover by passing SB1074.

I am for the environment and SB1074 simply allows our Ka'anapali employees to continue earning a living while undergoing any required environmental reviews if permits are challenged.

Our industry has operated for over 40 years and is highly regulated by the USCG and existing State administrative rules; all of the operations on Ka'anapali Beach have been in compliance with all existing Federal and State regulations.

This bill strikes a fair balance between protecting Hawaii's natural resources while supporting long-standing, regulated ocean activities operation.

Forcing lawfully permitted operators to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies will inevitably lead to the closure of local business and the loss of job for me, and so many more of our West Maui residents.

History has shown that activities that have lost their permits and been shut down don't come back. Please do not let this be the case for the hundreds of businesses and thousands of residents that depend on these activities for their livelihoods.

Please pass SB1074 and support our local families and businesses.

Mahalo for considering my testimony.

SB-1074-SD-1

Submitted on: 2/24/2025 9:49:32 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Myra Galinato	Individual	Support	Written Testimony Only

Comments:

TESTIMONY IN SUPPORT OF SB1074

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

I urge you to support SB1074, a critical bill that ensures the continuation of responsible ocean tourism operations in Kaanapali while undergoing environmental review. Without this measure, longstanding, state-regulated tour operators—who have complied with all permitting requirements—face the risk of being shut down for years, causing unnecessary economic and community hardship.

For over 30 years, I have worked in Maui’s tourism and hospitality industry, witnessing firsthand the essential role that ocean tour businesses play in both our economy and environmental stewardship. These operators provide residents and visitors with a deep appreciation for Hawai‘i’s marine ecosystem, fostering conservation through education and sustainable practices.

SB1074 strikes a fair and necessary balance—protecting our natural resources through environmental review while allowing these responsible, locally rooted businesses to continue operating. Failing to pass this bill would not only disrupt the livelihoods of many families but could also set a harmful precedent that extends negative impacts beyond Maui to other islands.

I respectfully ask for your support in passing SB1074 to protect our local ocean tourism industry, the jobs it sustains, and the communities that rely on it.

Mahalo for your time and consideration.

Sincerely,
Myra Galinato
Vice President
Blue Hawaiian Activities

SB-1074-SD-1

Submitted on: 2/24/2025 9:56:41 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

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

Please support SB1074 for ocean tour boats. This bill is essential for ensuring that ocean tourism operators in Kaanapali can continue their operations while undergoing environmental review. Without this bill, these longstanding, regulated operators face the risk of being shut down for years—even when they have complied with all permitting requirements.

These tour operators allow residents and visitors to experience Hawaii’s marine environment with minimal disruption, supporting conservation efforts through education and sustainable tourism practices.

This bill strikes a fair balance between protecting our natural resources through 343 and supporting the small ocean tour businesses that have operated responsibly under state oversight for decades.

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

SB-1074-SD-1

Submitted on: 2/24/2025 10:01:56 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Deirdre ORiordan	Individual	Support	Written Testimony Only

Comments:

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

Please support SB1074 for ocean tour boats. This bill is essential for ensuring that ocean tourism operators in Kaanapali can continue their operations while undergoing environmental review. Without this bill, these longstanding, regulated operators face the risk of being shut down for years—even when they have complied with all permitting requirements.

These tour operators allow residents and visitors to experience Hawai‘i’s marine environment with minimal disruption, supporting conservation efforts through education and sustainable tourism practices.

This bill strikes a fair balance between protecting our natural resources through 343 and supporting the small ocean tour businesses that have operated responsibly under state oversight for decades.

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

SB-1074-SD-1

Submitted on: 2/24/2025 10:02:00 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

My name is Jim Hart and I have been a visitor to Ka'anapali and West Maui for over 40 years. A great attraction and experience for generations of my family has been the recreational activities there. Catamarans, beach activities, etc. are reasons we vacation there. I support SB1074 which is a good balance between allowing long term operators to continue their services, while conducting appropriate environmental reviews. Additionally, with the recent fire damage, the local economy benefits greatly from the operator concessions through local employment and multi levels of supporting other Maui businesses.

PLEASE consider a balanced approach to both the environmental advocates and the West Maui recreational operators, many of whom have been in business serving tourists for multiple decades. Thank you for your consideration of my input. Jim Hart

SB-1074-SD-1

Submitted on: 2/24/2025 10:03:22 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Capt. Phil Quinn	Individual	Support	Written Testimony Only

Comments:

Dear Chair and Committee Members,

I'm Capt. Phil Quinn, Fleet Master at Sea Maui. Having dedicated years to Maui's ocean recreation industry, I'm writing to strongly back SB1074. This legislation is essential for allowing longstanding operators in Kaanapali to continue daily operations while undergoing environmental reviews.

In our current recovery phase following the wildfires, a sudden halt to our services would inflict severe financial damage—potentially forcing us out of business. At Sea Maui, we consistently meet all regulatory standards, and this bill would protect our ability to serve the community without risking our economic stability.

I respectfully urge you to support SB1074 to secure the future of our businesses, preserve local jobs, and ensure a resilient recovery for our community.

Thank you for your consideration.

Sincerely,
Capt. Phil Quinn
Fleet Master, Sea Maui

SB-1074-SD-1

Submitted on: 2/24/2025 10:06:57 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Khang Tran	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

My name is Khang Tran, and I am a run a business in Whalers Village, Maui. I am writing in strong support of SB1074, a critical step in protecting our ocean, marine life, and the natural beauty that makes Hawaii so special.

As a business owner, I deeply care about the success of my business, the livelihood of my employees, and the well-being of our local economy. However, I also recognize that our economic future is directly tied to the health of our environment. Whalers Village is a hub for both locals and visitors, and our business depends on the pristine beaches and vibrant marine ecosystems that surround us. Every year, thousands of people come to Maui to experience our world-class beaches, snorkeling, and marine life. Unfortunately, pollution, runoff, and unsustainable practices threaten the very resources that drive our tourism industry. If we do not take proactive measures, we risk not only environmental degradation but also the economic foundation that supports our employees and their families.

SB1074 offers a balanced and forward-thinking approach to sustainability, ensuring that we protect our ocean while allowing businesses to thrive. Investing in environmental responsibility is not just the right thing to do—it is essential for the long-term prosperity of our community. Businesses like mine rely on a healthy environment to attract visitors and provide meaningful employment. By supporting this bill, we are choosing to safeguard Hawaii's natural resources for future generations while maintaining the integrity of our local economy.

I repectfully urge you to pass SB1074 and take a stand for both our businesses and our environment. Let's work together to ensure that Hawaii remains a place where economic opportunity and environmental responsibility go hand in hand. Mahalo for your time and consideration.

Respectfully,

Khang Tran

SB-1074-SD-1

Submitted on: 2/24/2025 10:11:37 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
James Nelson	Individual	Support	Written Testimony Only

Comments:

Dear Committee Members,

I'm Captain James Nelson, Vessel Master of Sea Maui II. I'm writing to express my heartfelt support for SB1074—a vital measure that allows our operations to continue even while we undergo environmental reviews.

Our community has already been hit hard by recent wildfires and the lingering effects of the COVID pandemic. These events have pushed our local economy to its limits, and any additional shutdowns risk causing irreparable damage. Our business isn't just about maritime services; it's a lifeline for thousands of local jobs and supports a network of small businesses that depend on us every day.

At Sea Maui II, we've always met and exceeded safety and regulatory standards. SB1074 provides us with the opportunity to keep our operations running smoothly during these challenging times, ensuring that we don't lose the hard-won progress we've made in rebuilding our community.

Thank you for considering this crucial support. I urge you to vote in favor of SB1074 to help secure our shared future.

Sincerely,
Captain James Nelson
Vessel Master, Sea Maui II

SB-1074-SD-1

Submitted on: 2/24/2025 10:13:55 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Capt. Carrie Pouring	Individual	Support	Written Testimony Only

Comments:

Dear Committee Members,

I'm Captain Carrie Pouring of Sea Maui. I'm writing to express my strong support for SB1074. With the recent wildfires and ongoing impacts from the COVID pandemic, our local economy is already under significant strain. Forcing additional closures would only worsen our challenges as we strive to recover.

Our operation plays a key role in supporting local jobs and businesses. Allowing us to continue working during the environmental review process is crucial to avoid further economic setbacks during this delicate recovery phase.

Thank you for considering this important measure.

Sincerely,
Captain Carrie Pouring
Sea Maui

SB-1074-SD-1

Submitted on: 2/24/2025 10:14:09 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

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

As a maintenance worker who supports the operations of local ocean tour boats, I urge you to support SB1074. This bill is crucial for ensuring that the businesses we rely on can continue operating while undergoing the necessary environmental reviews. Without this legislation, long-standing, regulated operators in Kaanapali, including the boats I help maintain, could be forced to shut down for years—even if they’ve met all permitting and environmental requirements.

The ocean tour boats provide residents and visitors with an opportunity to experience Hawaii’s marine life responsibly and with minimal disruption to the environment. These businesses help support conservation efforts and promote sustainable tourism practices, which I take pride in being a part of through my work.

This bill offers a balanced approach by maintaining environmental protections under the 343 review while allowing small, locally-operated tour businesses to continue their operations. It ensures the jobs of workers like myself, along with the families that depend on these businesses for their livelihoods.

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

Thank you for your time and consideration.

SB-1074-SD-1

Submitted on: 2/24/2025 10:17:39 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Capt. Linda Rickabaugh	Individual	Support	Written Testimony Only

Comments:

Dear Chair and Committee Members,

I'm Capt. Linda Rickabaugh of Sea Maui, writing with a heartfelt plea on behalf of our community. For over a decade, I've witnessed the grit and passion of Maui's marine industry, and today, I urge you to support SB1074—a crucial lifeline for our long-standing Kaanapali operators during their environmental reviews.

Our island has already been battered by wildfires and the relentless challenges of COVID. I see daily the faces of families who depend on these businesses—their hope, their dreams, and their future at stake. A forced closure now isn't just a shutdown of operations; it's the potential loss of livelihoods, the disintegration of community ties, and a blow that could shatter the spirit of our island.

SB1074 isn't merely about keeping businesses open; it's about preserving the heart of Maui. By allowing operators to continue their work, this bill helps safeguard the precious bonds between our families, our jobs, and our future. Please stand with us in this critical time.

Mahalo,
Capt. Linda Rickabaugh
Sea Maui

SB-1074-SD-1

Submitted on: 2/24/2025 10:18:45 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Aloha,

I, Christopher Z Resich, am in support of SB 1074 SD1.

As I understand, passing this Bill will allow permitted tour operators to continue to operate while an environmental study is conducted. I am in full support of protecting natural environment in Hawaii but I also support allowing existing, permitted operators to continue doing business until the study is completed. At that point, if any changes are required appropriate adjustments can be made in due course.

If operators are forced to close their operations during the environmental study, this would put them out of business and dramatically impact their families, employees and suppliers. The financial impact to the County and State would be in millions of dollars. In addition, the loss of popular, desirable and quality tour product would negatively impact visitor experience in West Maui which needs all help it can get while recovering from Lahaina fires.

I urge you to pass SB 1074 SD1, at minimum as it applies to Kaanapali ORMA permit operators.

Mahalo for considering my testimony.

Christopher Z Resich

SB-1074-SD-1

Submitted on: 2/24/2025 10:20:28 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Nicholas W Kuhns	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,I, Nicholas Kuhns am in *support of SB 1074 SD1*

Upon writing this today Maui and Lahaina / Ka'anapali remain in critical condition. Recovery for us following the horrendous fires as residents, employees and businesspeople has been at a snail's pace that does not seem to be moving forward with any real pace now or for the foreseeable future. Hotels, tourism and the businesses related to the hospitality industry are struggling to regain any level of occupancy and productivity. Exacerbating this by any measure to remove, eliminate or further take away business or activities for our guests to participate in while staying in Ka'anapali or West Maui seems unconscionable. Due to a position taken recently by Judge Cahill "*ALL*" *businesses in Kaanapali for ocean recreation, boating and watersports will cease to exist once their current permits expire* and remain closed until an environmental assessment is conducted. This is untenable and would immediately bankrupt and force 27 professional operations to close. Again, this is beyond thinkable and puts 260 families out onto the street! In fact, it seems like those of us in the boating and ocean recreation industry have been unreasonably caught up as "*collateral damage*" with other ongoing conservation and environmental related challenges elsewhere. The Ka'anapali ORMA permit holders and ocean recreation operators provide a service and experience without the taking, harvesting, gathering or any potential negative impact to natural resources. Simply hosting a guest on a sunset or whale watch sail or offering a surfing lesson or even outrigger canoe ride is vastly different than other challenges the State may have. This Bill was created and submitted to recognize and help the Ka'anapali operators with pending full closure and aid those operators as they attempt to yet again recover from disaster. Please do not punish longstanding, professional operators that in many cases have been safely and respectfully operating in Ka'anapali for nearly two generations.

My interpretation of SB 1074 SD1 is that it provides for an operator to go forward and continue with their operations and services during the process of an environmental review. Services as permitted would be allowed to continue everything for operations as is normal circumstance if / when permits are challenged for environmental or other concerns. Having this continuation of services is very important as it allows the operator to remain in business and continue until or if reviews show that for any reason operations should be stopped. If narrowing this Bill to apply to Ka'anapali ORMA permit operators as was the intention assist in moving forward towards approval that would be fully acceptable.

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

Beyond the immediate impact to our valuable Ka'anapali and West Maui visitors and our employees and business many, many support operators and businesses will be crushed. Please consider:

- *Estimated \$60M in annual revenues generated by all Ka'anapali ORMA permit operators goes away*
- *3% of \$60M in revenue now goes to DLNR or \$1.8 M to their budget, that goes away. NOTE: A Bill is now also being proposing a bill in legislature to raise this to 5%. Whether 5% or 3 % if no revenue no %*
- *\$1.00 per passenger to DAR (program just started in 2024) that would be \$750K-\$1M, that all goes away*
- *4.172% sales tax on \$60M or \$2.83M in state tax revenue, that all goes away*
- *\$9M (estimated) in commissions paid to travel agents, concierge, and activity desk operators on \$60M, that all goes away**
- *All pre and post revenue to restaurants and shops in the Ka'anapali area by tens of thousands of annual boating and ocean recreation participants, that all goes away**
- *More than 225,000 meals prepared by local restaurants or caterers for use on all boating operation, that all goes away-and the jobs of those people preparing them!*
- *Mechanics, fuel providers, maintenance personnel, transportation, ice deliveries, Uber drivers and countless others impacted with massive drop in needs and then loss of need for those jobs. That all goes away*
- *\$500K or more in beverage purchase and delivery of those items. This all goes away*
- *With a tremendous reduction of activities, experience and things to do in Ka'anapali / West Maui literally thousands of vacationers and tourist may choose elsewhere and then they go away.*

There are multiple points of further impact and collateral damage to other industries, jobs, livelihood, and commerce. These are important, however the human impact, as noted above remains a direct loss of 260 ocean activity and boating related jobs, family upheaval, removal from schools, inability to afford staying on Maui and families then moving to the mainland. This all would be unacceptably tragic.

I'm asking you to please vote for and *pass SB 1074 SD1* for the sake of our communities, families, business investments and small entrepreneurs that are the backbone of our economy.

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

Regards,

Nicholas Kuhns

SB-1074-SD-1

Submitted on: 2/24/2025 10:23:26 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

I will lose my job without the help of this bill. I'm a single mother with 2 children and totally rely on the income I make doing reservations from home to support my kids.

SB-1074-SD-1

Submitted on: 2/24/2025 10:24:14 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Lindsey Elkington	Individual	Support	Written Testimony Only

Comments:

My name is Lindsey Elkington, and I am employed by Trilogy Excursions. I am a strong advocate for SB1074 because Ka'anapali plays a crucial role in my work and in the livelihood of countless others who depend on ocean tourism to make a living on Maui.

In the aftermath of the Lahaina fire, many of us faced devastating losses, both homes and jobs. Working in Ka'anapali has been a lifeline, allowing us to rebuild and support our families. Our boats operate responsibly—leaving behind nothing but ripples and taking only photographs—while providing meaningful employment and helping sustain our community.

If boat operators are forced to halt their operations due to prolonged environmental reviews, many of us will lose our jobs and our ability to remain on Maui. I urge you to support SB1074 to protect our livelihoods and assist in the recovery of our community.

Mahalo,

Lindsey

Testimony in Strong Support of SB1074 – Relating to Environmental Review

Aloha Chair and Members of the Committee,

My name is Adam Campbell, and I am writing in **strong support of SB1074**.

This bill is essential in ensuring that previously permitted activities can continue operating while undergoing environmental review if their permits are challenged. By allowing businesses to remain open during this process, SB1074 helps maintain regulatory stability and prevents unnecessary disruptions for compliant operators.

SB1074 upholds environmental protections while also preventing redundant reviews that can impose excessive financial and operational burdens on longstanding, law-abiding businesses. It strikes a fair balance between preserving Hawaii's natural resources and supporting regulated commercial activities that have been an integral part of our local economy for years.

Requiring lawfully permitted operators to cease operations while waiting years for environmental studies to be conducted coupled with significant financial resources required for the maintenance of these vessels will inevitably result in business closures and job losses. History has shown that once certain industries lose their permits and are shut down, they do not return, which negatively impacts the revenue generated from commercial operators (HB649 suggests to increase gross receipt fees from 3% to 5% - which is irrelevant if commercial operators have to cease operations). We cannot afford to let this happen again, especially when so many businesses and residents depend on these activities for their livelihoods.

I respectfully urge the committee to pass SB1074 and help protect Hawaii's local businesses and working families.

Mahalo for your time and consideration.

Sincerely,
Adam Campbell

A handwritten signature in black ink, appearing to read 'Adam Campbell', written in a cursive style.

Subject: Support for SB1074 SD1 and continuing Ocean Activity Permits at Kā'anapali Beach

To Whom it may concern,

As a 15-year homeowner in the area, I am writing to express my strong support for the continuation of permits for ocean activities at Kā'anapali Beach.

These activities are an integral part of Maui's cultural heritage, local economy, and visitor experience. I urge you to advocate for a balanced approach that allows commercial ocean operators to continue their work while ensuring the protection and sustainability of our coastal environment.

Kā'anapali Beach has long been a hub for responsible ocean recreation, including snorkeling, diving, sailing, and guided cultural experiences. Many local businesses and families depend on these activities for their livelihoods, and a pause in commercial permits threatens their economic stability. The loss of these ocean-based experiences would not only hurt small business owners and their employees but also impact visitors who seek safe, educational, and regulated access to our marine resources.

I recognize the importance of protecting our environment and supporting community interests, and I believe that a solution can be found that upholds both economic sustainability and environmental stewardship. Implementing responsible permitting processes, environmental impact assessments(while operations continue), and community engagement initiatives can ensure that these activities continue in a way that aligns with conservation efforts.

I respectfully urge you to support policies that restore and maintain ocean activity permits while incorporating best practices for sustainability. Thank you for your time and consideration. I would appreciate any updates on efforts to address this issue and look forward to your leadership in finding a balanced resolution.

Sincerely,

Carol Mulkay

235 Haloko Place Lahaina, HI, 96761

Mulkayhouse@gmail.com

SB-1074-SD-1

Submitted on: 2/24/2025 10:36:03 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

I am Robert Wo, and I strongly support SB1074.

Lahaina and West Maui have already endured so many hardships. Please support these communities while they continue to recover. SB1074 allows previously permitted activities to continue operating while undergoing environmental review if permits are challenged. This bill strikes a fair balance between protecting Hawaii's natural resources while supporting long-standing, and well regulated ocean activities operations. Mahalo for considering my testimony,

Aloha e Chair Rhoads, Vice Chair Gabbard, Senator Chang, Senator San Buenaventura, and Senator Awa,

My name is U'ilani Naipo and I live on Moku o Keawe. I'm a lineal descendant and hoa'āina (caretaker) of Miloli'i fishing village and I am an ocean advocate.

I **strongly oppose** SB1074 SD1.

SB1074 will allow agencies to continue issuing permits that allow environmentally harmful activities (like commercial aquarium collection) with no accountability until likely there is no recourse for recovery.

I am seriously troubled by how this bill would affect Hawai'i's reefs and lawai'a pono practices.

- Commercial aquarium collectors have devastated reef ecosystems around O'ahu and Hawai'i Island, extracting **hundreds of thousands of fish and invertebrates each year** in hotspots including West Hawai'i and Kāne'ohe Bay. Collected species include lau'ipala (yellow tang), kole (goldring surgeonfish), pāku'iku'i (Achilles tang), among many other native and endemic species that are critical for maintaining healthy reefs and supporting Native Hawaiian subsistence fishing and cultural practices.

Today, pāku'iku'i is on a no take list for West Hawai'i in attempts to recover its abundance. The State claims no correlation to aquarium collection, yet offers no other conclusive reasoning for its significant depletion, whereas no where else in the state is experiencing the same condition.

- Marine reef life is sold and shipped in plastic bags to the continent and around the world to supply the **global pet market for ornamental reef fish**, instead of staying on the reefs to support ecosystem health and Native Hawaiian fishing practices that have been handed down for generations.

Aquarium collection exploits and privatizes the take of marine public trust assets. Its negative and lasting impact to our marine ecosystems, and competition of food fish with subsistence and commercial fishers is not pono.

- Thanks to HEPA and recent court rulings, our reefs have **finally** gotten a break from unlimited aquarium extraction while the collectors and State look at environmental and cultural impacts, mitigation measures, and alternatives through the public environmental review process.
- Please let HEPA do its job to **inform agency decision-making beforehand**, rather than handing industry a free pass to continue causing harm for years on end until they get around to completing the environmental review process. This

bill would turn HEPA review into an afterthought and meaningless formality to justify harm that's already been done . . . and can't be undone.

- This bill would **dismantle** *HEPA's function* and allow its work to be circumvented. **HEPA provides for exemptions** *of activities that have truly minor impacts.*

According to the Standing Committee Report, the intent of this measure is *intended to evaluate the environmental impact of new projects rather than disrupt ongoing, well-regulated activities.*

It should be noted that recent court rulings have also been made for long-time running activities that DLNR has issued permits for. These include activities of which DLNR has not performed capacity planning exercises to set limits on issuing commercial activity permits, and only upon court rulings have they considered performing environmental impact assessments.

Meanwhile, the State remains liable for these permitted activities and continuously have been plagued with lawsuits.

I strongly recommend that all commercial extractive activity of marine life which does not directly feed Hawai'i's people, be ceased. These extractive activities do not enhance Hawai'i's food security, they unfairly take and privatize shared public trust assets, and diminish the health of our coral reefs.

As we work to **combat** climate change, **restore** our nearshore areas and coral reefs, **restore** loko i'a, and **rehabilitate** our fishing grounds, extractive commercial activities work against us.

At such a tumultuous and unpredictable time of having many conservation programs cut, Hawai'i can not risk taking such a liberal and risky approach in continuing to hand out extractive commercial activity permits.

I strongly urge you to **VOTE NO** on SB1074 SD1 for Hawai'i Nei.

He kauwā wale nō,

U'ilani Naipo

SB-1074-SD-1

Submitted on: 2/24/2025 10:48:43 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

My name is Robert Lechner, and I work for Trilogy Excursions. I strongly support **SB1074** because Kaanapali is vital to my job and many others who rely on ocean tourism to stay on Maui.

After the Lahaina fire, many of us lost our homes and livelihoods. Working in Kaanapali has been one of the few ways to rebuild and support our families. Our boats operate with minimal impact—leaving only bubbles and taking only photos—while providing jobs and keeping our community afloat.

If boat operators are forced to shut down due to lengthy environmental reviews, many of us will lose our jobs and our ability to stay on Maui or provide for our families. **Please pass SB1074** to protect our livelihoods and help our community recover.

Mahalo,

Robert Lechner

SB-1074-SD-1

Submitted on: 2/24/2025 10:59:01 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Lily L Campbell	Individual	Support	Written Testimony Only

Comments:

I strongly support SB1074 because Kaanapali supports many people, myself included , who live here on Maui and are trying to stay and work here on the island we love.

SB-1074-SD-1

Submitted on: 2/24/2025 11:15:30 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
James E. Simmons	Individual	Support	Written Testimony Only

Comments:

Aloha nui kakou,

My name is: James E. Simmons

I strongly support SB1074.

Please support us while we continue to recover by passing SB1074. My ohana, dear friends and co-workers rely heavily on West Maui boating recreation as our sole income and we very much enjoy what we do, losing this would be absolutely devastating to us all.

I am for the environment, malama ka aina and SB1074 simply allows our Ka'anapali employees to continue earning a living while undergoing any required environmental reviews if permits are challenged.

Our industry has operated for over 40 years and is highly regulated by the USCG and existing State administrative rules; all of the operations on Ka'anapali Beach are and have been in compliance with.

This bill strikes a fair balance between protecting Hawaii's natural resources while supporting long-standing, regulated ocean activities operation.

Forcing lawfully permitted operators to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies will inevitably lead to the closure of local business and the loss of job for me, and so many more of our West Maui residents.

History has shown that activities that have lost their permits and been shut down don't come back. Please do not let this be the case for the hundreds of businesses and thousands of residents that depend on these activities for their livelihoods.

In my humble opinion, it would be best for us to work through the EIS procedure, so therefore we may find solutions to any subsequent issues that may or may not occur.

Please pass SB1074 and support our local families and businesses.

Mahalo nui loa for considering my testimony. James E. Simmons

SB-1074-SD-1

Submitted on: 2/24/2025 11:23:11 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Aloha,

My name is Connor Prodos, and I've have been working at Kaanapali Surf Club as a Surf instructor for the past 5 years. I am writing to express my strong opposition to the proposed legislation that threatens to close our surf school.

If this bill passes, it would result in the loss of jobs for myself and all of my coworkers—locals who depend on this business to support our families. Shutting it down would harm us and the many people who rely on small, locally-owned businesses for their livelihood.

This school has given me the opportunity to build a career in something I love, and I know many others feel the same. I urge you to reconsider this bill and the impact it would have on local employees, families, and the community as a whole.

Thank you for your time and consideration.

Mahalo,

Connor Prodos

SB-1074-SD-1

Submitted on: 2/24/2025 11:26:18 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Lillian Helton	Individual	Support	Written Testimony Only

Comments:

I support SB1074.

SB-1074-SD-1

Submitted on: 2/24/2025 11:27:45 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Lucia You	Individual	Oppose	Written Testimony Only

Comments:

Please note my testimony in strong opposition to SB1074 SD1. The interests and profits of commercial entites should never take precedent over the health of the reefs. If we continue to genuflect to monetary gains and losses while ignoring costs and benfits associated with a thriving biosphere, community and governement, Hawaii will lose the very essence which creates economic health in the first place.

Please vote against SB1074 SD1.

SB-1074-SD-1

Submitted on: 2/24/2025 11:28:03 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Kyuin Yi	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am submitting this written testimony in **support of SB1074 SD1**, especially considering operation in Ka'anapali. Given the options this would be the most prudent approach, allowing commercial activities that have spanned multiple decades providing economic benefits for Hawaii and showcases some of the unique wonders of this place with visitors and residents alike, to continue while an environmental study is completed. Also consider the ramifications if there was a wholesale pause of use permits and future findings of objective environmental reviews deemed that the current management and usage of Kaanapali were not harmful.

I acknowledge that I do not have all of the available information but there does not appear to be evidence of harmful environmental impact through these ocean operations, and there seems to be other regulations, imposed or voluntary, that operators abide by in order to secure the future of a healthy natural that it relies on. Please allow permits to be renewed while environmental studies are conducted.

And lastly, if there are bad actors out there, deal with them individually and appropriately, but do not penalize others indiscriminately.

Respectfully,

Kyu Yi (resident of West Maui, born and raised Hawaii, and proudly employed in hospitality)

SB-1074-SD-1

Submitted on: 2/24/2025 11:29:59 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Tracy Simmons	Individual	Support	Written Testimony Only

Comments:

My name is Tracy Simmons, and I strongly support SB1074.

As an employee of West Maui with Teralani Sailing, we have already endured so many hardships. Please support us while we continue to recover by passing SB1074.

I am for the environment and SB1074 simply allows our Ka'anapali employees to continue earning a living while undergoing any required environmental reviews if permits are challenged.

Our industry has operated for over 40 years and is highly regulated by the USCG and existing State administrative rules; all of the operations on Ka'anapali Beach are and have been in compliance with.

This bill strikes a fair balance between protecting Hawaii's natural resources while supporting long-standing, regulated ocean activities operation.

Forcing lawfully permitted operators to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies will inevitably lead to the closure of local business and the loss of a job for me, and so many more of our West Maui residents.

History has shown that activities that have lost their permits and been shut down don't come back. Please do not let this be the case for the hundreds of businesses and thousands of residents that depend on these activities for their livelihoods.

Please pass SB1074 and support our local families and businesses.

Mahalo for considering my testimony.

SB-1074-SD-1

Submitted on: 2/24/2025 11:32:53 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Shelley M Kekuna	Individual	Support	Written Testimony Only

Comments:

Testimony for SB1074 SD1

Subject: Testimony in Support of SB1074 – Relating to Environmental Review

Aloha Chair and Members of the Committee,

I am Shelley Kekuna a long-time employee in Kā'anapali. I appreciate this opportunity to give testimony in support of SB1074, which allows previously permitted activities to continue operating while undergoing environmental review if permits are challenged. This is critical for ensuring regulatory stability and preventing unnecessary interruptions for compliant businesses.

This bill also recognizes the importance of maintaining environmental standards while avoiding redundant reviews. It strikes a fair balance between protecting Hawaii's natural resources and supporting long-standing, regulated operations. As someone interested in the long-term environmental health and well-being of Kā'anapali, I have watched environmental protective practices evolve as time goes by. I have witnessed Kā'anapali Beach Resort partners' ongoing efforts to reduce their carbon footprint through efforts such as distribution of reef safe sunscreen throughout the resort and educating the public on ocean recreation best practices onsite at individual resort properties, as well as at the Hawaii Wildlife Discovery Center, located in Whalers Village.

I am in support of being a good steward of the environment but feel that this can be accomplished without forcing lawfully permitted operators to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies. This will inevitably lead to the closure of local business and the loss of job for many.

The boating industry is an important part of our local economy and impacts the livelihood, both directly and indirectly, of hundreds of local families. In the last five years, these Maui businesses have faced seemingly unsurmountable challenges between COVID and the devastating Lahaina fire. Shutting down boating operations by creating restrictions that prevent them from operating while waiting for an EIS to be completed would cause irreparable harm that would force them out of business. Please do not let this happen.

Please pass SB1074 and support our local families and businesses.

Mahalo for considering this testimony.

Sincerely,

Shelley Kekuna

SB-1074-SD-1

Submitted on: 2/24/2025 11:34:16 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Deb Dalbec	Individual	Support	Written Testimony Only

Comments:

As a West Maui homeowner for 25+ years, we have come to appreciate every single one of the Kaanapali ORMA permit holders and their staffs. Several times annually, we embark on their vessels and use their services and have come to value every one of them. Many repeat trips have we taken, as well as all our guests. For over 25 years!!!

Needless to say, I feel it is imperative that you pass SB1074 SD1 in support of the many families who depend on these operators for their survival, in addition to the many thousands of tourists, whom are needed so badly at this critical point of Maui's economy comeback-

Since Covid, then the wildfires, West Maui MUST be allowed to make a return to normalcy!!!!

Thank you in advance for your consideration in *passing this much needed bill*.

Best regards,

Debra and David Dalbec

Kaanapali, Maui, HI

SB-1074-SD-1

Submitted on: 2/24/2025 11:34:48 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Geoffroy Chasle	Individual	Support	Written Testimony Only

Comments:

My name is Geoffroy Chasle and I strongly support SB1074.

As a resident and employee of West Maui, we have already endured so many hardships. Please support us while we continue to recover by passing SB1074.

I am for the environment and SB1074 simply allows our Ka'anapali employees to continue earning a living while undergoing any required environmental reviews if permits are challenged.

Our industry has operated for over 40 years and is highly regulated by the USCG and existing State administrative rules; all of the operations on Ka'anapali Beach are and have been in compliance with.

This bill strikes a fair balance between protecting Hawaii's natural resources while supporting long-standing, regulated ocean activities operation.

Forcing lawfully permitted operators to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies will inevitably lead to the closure of local business and the loss of job for me, and so many more of our West Maui residents.

History has shown that activities that have lost their permits and been shut down don't come back. Please do not let this be the case for the hundreds of businesses and thousands of residents that depend on these activities for their livelihoods.

Please pass SB1074 and support our local families and businesses.

Mahalo for considering my testimony.

SB-1074-SD-1

Submitted on: 2/24/2025 11:44:53 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Ian ponting	Individual	Support	Written Testimony Only

Comments:

Please note that Teralani Sailing Adventures **STRONGLY SUPPORTS** Senate Bill 1074 (SB1074). If you support keeping our jobs, a sample letter is attached below that you can use, modify, or disregard altogether.

My name is Ian Ponting __ and I strongly support SB1074.

As a resident and employee of West Maui, we have already endured so many hardships. Please support us while we continue to recover by passing SB1074.

I am for the environment and SB1074 simply allows our Ka'anapali employees to continue earning a living while undergoing any required environmental reviews if permits are challenged.

Our industry has operated for over 40 years and is highly regulated by the USCG and existing State administrative rules; all of the operations on Ka'anapali Beach are and have been in compliance with.

This bill strikes a fair balance between protecting Hawaii's natural resources while supporting long-standing, regulated ocean activities operation.

Forcing lawfully permitted operators to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies will inevitably lead to the closure of local business and the loss of job for me, and so many more of our West Maui residents.

History has shown that activities that have lost their permits and been shut down don't come back. Please do not let this be the case for the hundreds of businesses and thousands of residents that depend on these activities for their livelihoods.

Please pass SB1074 and support our local families and businesses.

Mahalo for considering my testimony.

ian ponting

SB-1074-SD-1

Submitted on: 2/24/2025 11:45:00 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Patrick Laughlin	Individual	Support	Written Testimony Only

Comments:

My name is Patrick Laughlin and I STRONGLY support SB1074.

As a resident and employee of West Maui and fire survivor, we have already endured so many hardships. Please support us while we continue to recover by passing SB1074.

I am for the environment and SB1074 simply allows our Ka'anapali employees to continue earning a living while undergoing any required environmental reviews if permits are challenged.

Our industry has operated for over 40 years and is highly regulated by the USCG and existing State administrative rules; all of the operations on Ka'anapali Beach are and have been in compliance with.

This bill strikes a fair balance between protecting Hawaii's natural resources while supporting long-standing, regulated ocean activities operation.

Forcing lawfully permitted operators to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies will inevitably lead to the closure of local business and the loss of job for me, and so many more of our West Maui residents.

History has shown that activities that have lost their permits and been shut down don't come back. Please do not let this be the case for the hundreds of businesses and thousands of residents that depend on these activities for their livelihoods.

Please pass SB1074 and support our local families and businesses.

Regards,

Patrick Laughlin

SB-1074-SD-1

Submitted on: 2/24/2025 11:47:20 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Jeff Swartz	Individual	Support	Written Testimony Only

Comments:

I support the Bill as it applies to Ka'anapali ORMA Operators as they need full support now as we all recover from the Maui disaster.

SB-1074-SD-1

Submitted on: 2/24/2025 11:48:27 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Tamara Paltin	Individual	Oppose	Written Testimony Only

Comments:

There is a settlement pending that would resolve the boaters' concerns without gutting HEPA. The settlement would allow boating activities to continue, with measures to address the community's concerns, including ocean safety.

Respect the law and the process. HEPA already provides for categorical exemptions that could resolve concerns like this without turning HEPA on its head and allowing destructive activities to continue for years on end without any prior look at the action's environmental impacts, mitigation measures, and alternatives

I strongly oppose SB 1074, SD1, which would gut HEPA, one of our bedrock environmental laws. HEPA requires consideration of the environmental and cultural impacts of activities before they occur. Instead, the bill would allow state agencies like DLNR to keep rubberstamping permits until whenever they may get around to actually looking at the impacts.

DLNR has for years rubberstamped diversions of billions of gallons of water in East Maui and Kaua'i and extraction of millions of reef fish on Hawai'i Island and O'ahu, without ever looking at the impacts. Communities have successfully taken the agency to court to demand accountability by DLNR. This bill would eliminate this progress and hand these destructive activities a free pass.

This bill isn't necessary and is the result of a scare campaign aimed at gutting our environmental protections. HEPA is meant to apply broadly to promote environmental consciousness, but nonetheless provides for exemptions of activities that have minor impacts. This bill instead seeks to give a blanket free pass to commercial users of our public trust land, water, and ocean resources, no matter what the harms. It takes a sledgehammer to the law to swat at a fly.

The bill joins the all-out war against our environmental protections by the Trump administration and corporate interests. Hawai'i should know and do better than this and not wreck our bedrock laws that uphold fundamental principles of environmental stewardship and democracy.

I strongly urge you to VOTE NO on SB 1074, SD1.

SB-1074-SD-1

Submitted on: 2/24/2025 12:04:19 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Maria Schotte	Individual	Support	Written Testimony Only

Comments:

2/24/25

Aloha, I Maria Schotte, a resident of Maui, am submitting my testimony on SB 1074. As an employee of Ka'annapalu Kai Charters (Teralalani), this directly impacts me, my ability to earn an income, and continue to live on Maui. The continued operations of all industry that is permit based out of Ka'annapali is vital to the entire economy of Maui. It will not just impact me as an individual or just impact the employees who work for the boats, jet ski's, parasail operations who utilize Ka'annapali Beach. It will have a devastating trickle down effect! So not just 300 people but the entire island!! Indirectly the caterers, distributors, office staff, booking people, concierge, etc. but when the word gets out that on Ka'annapalu beach there are no activities!! People will change their bookings from the hotels and go to another destination where everything is readily available (NOT Maui). Then the Island will see less tourists, our restaurants will close, our hotels will be significantly down in numbers, MORE employees will be laid off and increased unemployment island wide! People will be forced to leave the island. How much can people take as far as economic hits... COVID, the 2023 Lahina Fire, NOW this???.... YOU MUST ALLOW ALL OPERATIONS TO CONTINUE WHILE THE STUDY IS CONDUCTED!!!!!!

Oposing groups have valid concerns. Businesses should provide parking for their employees at no cost to the employee, then they would not take up public parking. A waste pump out station at Lahina Harbour should be high priority. It should have the capacity to accommodate all the current permitted vessel and calculate waste they produce. In the mean time, a temporary barge to tanker system to waste management facility should be implemented to handle the waste.

Lastly, if an impact study is to be correctly done, the impact (the permitted operations on Ka'annapali Beach) must remain in effect to get an accurate result! If you remove the impact your study is altered. Common or not so common sense. After the study is complete, legislation can be developed and implemented that will benefit both the environment and the activities operators.

PLEASE PASS THE SB1074 !!! it makes sense and will keep our island working and thriving!

Maria Schotte

SB-1074-SD-1

Submitted on: 2/24/2025 12:05:37 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Gabriel Garcia	Individual	Support	Written Testimony Only

Comments:

My name is Gabriel Garcia, and I work for Trilogy Excursions. I strongly support **SB1074** because Kaanapali is vital to my job and many others who rely on ocean tourism to stay on Maui.

After the Lahaina fire, many of us lost our homes and livelihoods. Working in Kaanapali has been one of the few ways to rebuild and support our families. Our boats operate with minimal impact—leaving only bubbles and taking only photos—while providing jobs and keeping our community afloat.

If boat operators are forced to shut down due to lengthy environmental reviews, many of us will lose our jobs and our ability to stay on Maui. **Please pass SB1074** to protect our livelihoods and help our community recover.

Mahalo.

SB-1074-SD-1

Submitted on: 2/24/2025 12:14:27 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Georjean Adams	Individual	Oppose	Written Testimony Only

Comments:

I oppose the bill as written. Further amendments would be appropriate to avoid both undue hardship for permittees and irreparable damage to health or the environment.

Consideration for suspension of permitted activities needs to be made not only where there would be ongoing "structural modifications" but also where there could be reasonably expected irreversible threats to ecosystems (eg, taking too many aquarium fish, coral death, pollution of swimming waters).

Suspension could be based on newly identified adverse impacts science and erroneous assumptions made long ago on permits that get continuously renewed with minimal, if any, evaluation.

Nevertheless, there should be a fairly tight timeline for the agency to decide whether or not temporary suspension is warranted, followed by indepth, but also time-limited, review of whether there is no significant impact.

Keep refining the bill.

SB-1074-SD-1

Submitted on: 2/24/2025 12:23:03 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

This bill is too broad-sweeping, and would entirely gut the Hawai'i Environmental Policy Act (HEPA) by allowing potentially destructive activities to continue during any required environmental review.

SB-1074-SD-1

Submitted on: 2/24/2025 12:36:00 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Austin Conroy	Individual	Support	Written Testimony Only

Comments:

I genuinely support the continued operations of services on Kaanapali beach. With full respect to environmental and social concerns, here is what I believe:

I have worked with numerous different boat companies that beach load their boats at Kaanapali, but do not work directly for these companies. I can state without question that the captains and crew on these boats are highly conscientious- Put simply, the people working these jobs, which are not easy jobs putting in a ton of hours in the sun, are among the people who most love the ocean and respect and understand the beauty of the land and people of Maui and want to preserve and honor it.

I am not pro tourism. I am passionately against arguments against those who are anti-tourism use whataboutism of 'but where do you think all your money comes from?' A huge amount of Hawaiians and especially native Hawaiians do not see that money, and it's an insult to assume everything that's a working business is good for the island.

In this case, I especially resent the sacred lands of black rock being the center of such commercial enterprise. However, I have seen again and again how those same tourists who see this island as some kind of theme park to lounge in, with no knowledge of the history, are consistently educated and have their eyes opened by their experiences on the boats.

Across numerous different companies, workers on the boats go out of their way to try to engender respect for Maui, from as simple as explaining which island as which to sharing stories of Hawaiian lore, I honestly think a lot of people get a tiny introductory window into respecting the culture from these trips. I have seen countless instances of people explaining the importance of reef-safe sunscreen to tourists that were clearly scoffing at the idea of it and are forced to understand it is killing the exact thing they are paying to see. I have seen consistent acute clarity made about no turtle harassment, taking people who genuinely ask if they can touch the shell to an understanding of how any behavior that disrupts its natural course is a crime, through zero tolerance to paying customers with shaming and a reminder of the \$10,000 fine.

Teaching them not to step on the reef, these things that to us are an absolute obvious basic, no one at the hotels is going to tell these people this.

I understand this may seem tangential to SB1074, and I am not saying this is the ideal form of educating people to respect the island- It's just an unbelievably consistent amount of personal

experience seeing tourists dealing with the workers at these boat companies who have an infectious amount of genuine care. It makes it clear to me that of all possible commercial enterprises serving the long term goals of care for, which demands respect of, the environment, this is not the one to shut down. Especially with the loss of Lahaina harbor as a way to continue these operations, it seems inexplicable and unusual to lose something that in my opinion adds to the overall cause this intentionality of this bill is directed towards.

SB-1074-SD-1

Submitted on: 2/24/2025 12:37:00 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Strong **OPPOSITION** to SB1074 SD1

- We NEED environmental impact statements.
- No one should be exempt, especially not commercial interests, ever.
- Some environmental impact statements have taken well over a decade to complete while potentially destructive practices (for profit) continue.

This bill threatens to inflict serious, avoidable, and potentially permanent harm to the many public interests connected to the fragile ecosystems of our islands. Our environmental impact statement requirements are in place to ensure that decisions with the potential to impact the environment, culture, and economy of our islands are carefully examined and made transparent before any steps are taken. This process also ensures that decisionmakers look for ways to mitigate these effects, whenever possible. A key strength of the law is that it allows those with less experience to benefit from the knowledge of experts, including Native Hawaiian cultural practitioners and others who possess deep, local understanding of the environment and its cultural and recreational significance.

No to SB1074 SD1

SB-1074-SD-1

Submitted on: 2/24/2025 12:38:25 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Giovanna Tonzillo	Individual	Support	Written Testimony Only

Comments:

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

I ask that you genuinely consider and support SB1074 for ocean boat tours. This bill is essential for ensuring that ocean tourism operators in Ka'anapali can continue their operations while undergoing the new demand for an environmental study.

These companies are so much more than just a name or brand. They are some of the hardest working individuals that have put their lives work into these businesses to create something for their families, for safe and regulated ventures on our sacred waters and for the community. These are the hands that were first to help when the horrific events happened on August 8, 2023.

While I fully understand the need for part of the community's demand for an environmental study, ceasing operations of these for ocean tour boats while doing so is far more detrimental than I can comprehend.

West Maui is already suffering enough post fires, if we lose these ocean tours, I desperately fear what the tourism would look like here. Hotels, restaurants, small local shops would all see a massive decrease in business - it wouldn't end at just the ocean boat tour operators.

I understand that the target of the environmental group responsible for all of this coming to light is because they felt underheard from the DLNR and that's their main target. So please, don't let boat tour operators become casualties in a battle that is not their own.

Boat tour operators have too been victims of the DLNR not upholding their duties and responsibilities and know the frustration, outside of this instance. They cannot afford to lose their businesses because of something completely outside of their control.

So I ask again, please genuinely consider all angles of this and plead for your support of SB1074.

Many, many mahalos.

SB-1074-SD-1

Submitted on: 2/24/2025 12:40:00 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Written Testimony in Support of SB1074

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

My name is Riley E Coon, and I am a 3rd generation Family member and Captain at Trilogy Excursions. I am writing in strong support of SB1074.

Kā'anapali is vital not only to my job but to the livelihoods of many who rely on ocean tourism to remain on Maui. After the devastating Lahaina fire, countless residents lost their homes and sources of income. For many of us, working in Kā'anapali has been one of the few ways to rebuild, support our families, **and remain a contributing member of our special community.**

As boat operators, we take great pride in **operating sustainably**—leaving only bubbles and taking only photos. Our presence on the water not only provides critical employment but also contributes to the economic stability of Maui's recovery.

As a **Native Hawaiian-owned business**, with now in our 6th generation of our family living in the Islands, we take the **Kuleana** seriously of taking care of our oceans. Our livelihoods depend on it!

However, if operators are forced to shut down due to lengthy environmental reviews, many of us will lose our jobs and, ultimately, our ability to stay on the island. Many of our staff are just now getting back on their feet after losing it all to the fire - they have mortgages to pay, in addition to the expense of rebuilding their homes. They need hope! This would only cause more hardship and pain for so many in this same situation. We don't want to be yet another family forced to rely on the free food benefits offered on West Maui, we want to thrive and contribute to our society and community! The intent of environmental regulations should be to protect natural resources, not to displace local families who have long cared for, and rely upon access to these waters.

if I may offer a final thought. We work hard to maintain good standing with our community, do what is right, and listen to our five Hawaiian core values that guide our company and 'Ohana. Typically the biggest threat to ones business is the Competition - It is the rule of a free market society. However, as a 3rd generation Maui-owned and operated business, increasingly, the biggest threat to our business is the decisions that are asked to be made at the board level. Just like this decision you have to make today.

I respectfully urge you to pass SB1074 to protect our livelihoods, support Maui's recovery, and ensure a balanced approach to environmental stewardship and economic sustainability.

Mahalo for your time and consideration.

Me ka mahalo nui,

Capt. Riley E. Coon

Trilogy Excursions, (proudly started in Lahaina by my grandparents in 1973)

Testimony for SB1074

Subject: Testimony in Strong Support of SB1074– Relating to Environmental Review

Aloha Chair and Members of the Committee,

I am Gregg Yamanaka and I strongly **support SB1074**.

This bill ensures that long-standing, law-abiding commercial activities are not unfairly subjected to redundant environmental reviews under Chapter 343. Hawaii's ocean tourism operators already comply with strict administrative rules designed to protect natural resources. SB1074 provides much-needed clarity and prevents unnecessary disruptions.

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

Mahalo for considering this testimony.

Sincerely,

Gregg Yamanaka

President

Yamanaka Consulting Group

915 Waiiki Street

Honolulu, Hawaii 96821

SB-1074-SD-1

Submitted on: 2/24/2025 12:43:38 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Sarah Moretti	Individual	Support	Written Testimony Only

Comments:

My name is Sarah Moretti and I strongly support SB1074.

As a resident and employee of West Maui, we have already endured so many hardships. Please support us while we continue to recover by passing SB1074.

I am for the environment and SB1074 simply allows our Ka'anapali employees to continue earning a living while undergoing any required environmental reviews if permits are challenged.

Our industry has operated for over 40 years and is highly regulated by the USCG and existing State administrative rules; all of the operations on Ka'anapali Beach are and have been in compliance with.

This bill strikes a fair balance between protecting Hawaii's natural resources while supporting long-standing, regulated ocean activities operation.

Forcing lawfully permitted operators to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies will inevitably lead to the closure of local business and the loss of job for me, and so many more of our West Maui residents.

History has shown that activities that have lost their permits and been shut down don't come back. Please do not let this be the case for the hundreds of businesses and thousands of residents that depend on these activities for their livelihoods.

Please pass SB1074 and support our local families and businesses.

Mahalo for considering my testimony.

SB-1074-SD-1

Submitted on: 2/24/2025 12:57:20 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Melissa Fancher	Individual	Support	Written Testimony Only

Comments:

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

Please support SB1074 for ocean tour boats. This bill is essential for ensuring that ocean tourism operators in Kaanapali can continue their operations while undergoing environmental review. Without this bill, these longstanding, regulated operators face the risk of being shut down for years—even when they have complied with all permitting requirements.

These tour operators allow residents and visitors to experience Hawaii’s marine environment with minimal disruption, supporting conservation efforts through education and sustainable tourism practices.

This bill strikes a fair balance between protecting our natural resources through 343 and supporting the small ocean tour businesses that have operated responsibly under state oversight for decades.

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

Thank you,

Melissa Fancher

SB-1074-SD-1

Submitted on: 2/24/2025 12:57:43 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Alexander Vorobieff	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

I am writing in strong support of SB 1074, particularly as it applies to Ka'anapali Ocean Recreation Management Area (ORMA) permit operators. As a frequent visitor to Maui and a passionate advocate for responsible tourism, I am deeply concerned about the potential closure of ocean recreation businesses in West Maui due to a recent court ruling.

The Ka'anapali area, still recovering from the devastating wildfires, faces another potential economic blow. The court's decision requiring all ocean recreation, boating, and watersports businesses to cease operations once their current permits expire - pending an environmental assessment - is alarming. This ruling would force 27 professional operations to close, affecting 260 families and countless visitors who cherish these experiences.

These businesses, many of which have operated responsibly for generations, provide essential services to visitors without negatively impacting natural resources. Activities like sunset sails, whale watching tours, surfing lessons, and outrigger canoe rides are integral to the Hawaiian experience and do not involve resource extraction.

SB 1074 is crucial as it allows these operators to continue their services during the environmental review process. This continuation is vital for several reasons:

1. It prevents the immediate bankruptcy of long-standing, law-abiding businesses.
2. It maintains employment for hundreds of local residents.
3. It preserves a significant economic driver for the region, estimated at \$60 million in annual revenue.
4. It ensures visitors can still enjoy the unique ocean experiences that make Maui special.

The ripple effects of closing these businesses would be devastating. We would see:

- A loss of \$1.8 million in revenue to the Department of Land and Natural Resources.
- A reduction of \$2.83 million in state tax revenue.
- The disappearance of \$9 million in commissions for travel agents and activity operators.
- A significant decrease in restaurant and shop revenue from ocean activity participants.

Moreover, the human impact cannot be overstated. The potential loss of 260 ocean activity and boating-related jobs could lead to family upheavals, school withdrawals, and even force residents to leave Maui.

I urge you to pass SB 1074, focusing specifically on its application to Ka'anapali ORMA permit operators. These businesses need full support now as they recover from recent disasters. Let's not punish operators who have followed regulations and contributed positively to Hawaii's economy and culture for decades.

Mahalo for your consideration of this critical issue.

Sincerely,

Alexander Vorobieff

SB-1074-SD-1

Submitted on: 2/24/2025 12:58:04 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
randy welch	Individual	Support	Written Testimony Only

Comments:

Testimony in Strong Support of SB1074 SD1 - Relating to Environmental Review

My name is Randy Welch, and I work as a surf instructor at Ka'anapali Surf Club. My son and I depend on the income from this work to meet our daily needs, and without it, I don't know how we would manage. I've been working here for 20+ years.

I urge you to reconsider this bill, as it would hurt not just me, but my family and the many others who depend on our surf school.

Thank you for your time and understanding.

Mahalo,

Randy Welch

SB-1074-SD-1

Submitted on: 2/24/2025 1:09:30 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Julia Witte	Individual	Support	Written Testimony Only

Comments:

My name is Julia Witte and I strongly support SB1074.

As one of the many residents and employees of West Maui, myself and hundreds of others have already endured so many hardships, especially in terms of employment and financial security. Please support us while we continue to recover by passing SB1074. With the loss of Lahaina Harbor and the many charter boats and charter companies, there are very few jobs available to those of us who have made charter boats our career and livelihood.

I am for the environment, I have a degree in biology, I am in support of an environmental study, but I do not support the proposal to not renew permits. SB1074 simply allows our Ka'anapali employees to continue earning a living while undergoing any required environmental reviews if permits are challenged.

How do you perform an environmental study to find if/how the boats are impacting the environment if the boats are not running?

Our industry has operated for over 40 years and is highly regulated by the USCG and existing State administrative rules; all of the operations on Ka'anapali Beach are, and have been, in compliance with these rules and regulations.

This bill strikes a fair balance between protecting Hawaii's natural resources while supporting long-standing regulated ocean activities 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 myself and so many more of our West Maui residents.

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 SB1074 and support our local families and businesses.

Mahalo for considering my testimony.

SB-1074-SD-1

Submitted on: 2/24/2025 1:18:06 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Scott Turner	Individual	Support	Written Testimony Only

Comments:

I do not believe it is fair to shut down companies that have built their businesses over decades, while environmental impacts are studied. In many cases, the commercial operators are the protectors of the resources they are accused of impacting, by educating visitors and kamaaina how to conscientiously use, preserve and respect the resource being used. In many cases these companies have invested decades of their lives and financial resources employing and supporting their communities and it's families. If there is no clear and present imminent danger by continuing to operate while an assessment is conducted, it seems more prudent to allow these operators previously permitted to continue operating.

SB-1074-SD-1

Submitted on: 2/24/2025 1:27:32 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Jayden Florendo	Individual	Support	Written Testimony Only

Comments:

Testimony in Strong Support of SB 1074 SD1 - Relating to Environmental Review

Aloha,

My name is Jayden Florendo, and I am writing in strong support of SB 1074 SD1. I work on Ka'anapali Beach, and I am deeply concerned about the potential impact this bill could have on our livelihoods.

Please help by not shutting down our work. Our jobs here on Ka'anapali Beach are a vital part of our lives, and I ask that you consider the real-life impact this decision will have on us and our families.

Thank you for your time and consideration.

Thank you,
Jayden Florendo

SB-1074-SD-1

Submitted on: 2/24/2025 1:27:47 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Emily Bankhead	Individual	Support	Written Testimony Only

Comments:

I'm a resident of Maui and have been enjoying tourism from Kaanapali Beach, enjoying life above and below the ocean. It would be hard on businesses and visitors a like if their permits were not extended. Which sadly could put them out of business. So I beg you please extend thier permits.

Thank you

SB-1074-SD-1

Submitted on: 2/24/2025 1:39:50 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Jaeven Sumper	Individual	Support	Written Testimony Only

Comments:

Testimony in Strong Support of SB 1074 SD1 - Relating to Environmental Review

Aloha,

My name is Jaeven Sumper and I am writing in strong support of SB 1074 SD1. I work on Ka'anapali Beach, and I am deeply concerned about the potential impact this bill could have on our livelihoods.

Many of my friends and coworkers depend on their jobs here, and if this bill leads to closures, we will lose not only our income but also our sense of community. It is hard to imagine the hardship that many will face if they lose their jobs, and I truly don't want to see anyone in my community go through that.

Mahalo,

Jaeven Sumper

SB-1074-SD-1

Submitted on: 2/24/2025 1:40:22 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Aloha Chair and Members of the Committee,

I am writing in strong support of SB1074 SD1.

As Maui remains in recovery mode due to the devastating fires, it is imperative to ensure that previously permitted activities can continue to operate while undergoing environmental review if their permits are challenged. These activities and the businesses that operate them provide much needed services to guests visiting Maui as well as employment to hundreds within our community.

Yes, environmental reviews are necessary, we must always protect our ‘āina, however, businesses that have been long standing permit holders operating within all guidelines should not be penalized. They respect the environment and in most cases, they pass on those sentiments to guests who walk away appreciating Maui even more – having learned about the reefs and marine life or even the simple joys of riding a wave.

Requiring lawfully permitted operators to cease operations while waiting years for environmental studies to be conducted would be devastating to our economy and ultimately our community. The ripple effect this will have on the island would be felt as supporting business (restaurants, drivers, etc.) will struggle with the loss. Not only will there be significant jobs lost, tourists will opt for visiting other islands due to the lack of activities offerings here... another blow to Maui and its people.

I strongly urge the committee to support SB1074 SD1 for the sake of our island and our community. Thank you for the opportunity to provide testimony, and I appreciate your consideration of this important matter.

Sincerely,
Abigail Bracerros

SB-1074-SD-1

Submitted on: 2/24/2025 1:46:46 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Craig Fancher	Individual	Support	Written Testimony Only

Comments:

This bill is bullshit these activist need to take a step back and think about the people who are employed with these companies and the revenue it brings to the state. Do your so called study but do not shut them down that is absolutly absurd to burden working people and take away there paychecks to live and care for there families.

TESTIMONY FOR Senate Bill 1074 SD1

TESTIMONY IN SUPPORT of Senate Bill 1074 SD1- Environmental Review

To the Chair and Members of the Committee,

As a resident of Maui that has served over 40 years in our Hospitality Industry, I am in support of SB 1074 SD1.

Ever since the disastrous fires in Lahaina, our visitor Industry continues to suffer the aftermath with hotels, tourism and related businesses not nearly back to operating conditions experienced prior to August 2023.

The position recently taken by Judge Cahill stating that **“All businesses in Kaanapali for ocean recreation, boating and watersports will cease to exist once their current permits expire and remain closed until an environmental assessment is conducted.”**

As you can imagine, this has the potential to force 20+ professional operators, with many families, to close their businesses and be out of work!

The Kaanapali ORMA permit holders and ocean recreation operators provide a unique service and experience with minimal impact on our natural resources.

As I interpret Senate Bill 1074 SD1, I believe it provides for these operators to go forward and continue with their operations and services during the process of an environmental review. Services as permitted would be allowed to continue everything for their operations as is normal circumstance if or when permits are challenged for environmental or other concerns. Having this continuation of services is obviously important as it allows the operator to remain in business and continue until a decision is made.

If narrowing this Bill to apply to Kaanapali ORMA permit operators as was the intention, assist in moving forward towards approval, that would be acceptable.

If long standing permit holders that have operated within all guidelines and followed all regulations are put into a position whereby they need to cease all activities of their business during environmental reviews, we will lose strong dependable operators and punish them for following and abiding by all State mandated guidelines. *This would surely contribute to loss of Hawaii jobs and community businesses.*

Beyond the immediate impact to our Kaanapali and West Maui visitors and employees of these businesses, many other support organizations to these operators would be severely impacted.

Another critical factor to consider is the loss of income in the tens of millions of dollars annually to the State that would disappear. Add to that the huge loss of \$ to various restaurants, shops, mechanics, fuel providers, transportation, concierge and caterers would be lost having an even wider negative impact.

In summary I am asking you to **please vote for and pass SB 1074 SD1** for the sake of our communities, families, business investments and small operators that represent the backbone of our economy in Maui.

Terry Dowsett

General Manager



Team Member since 2005 Aston at the Maui Banyan

SB-1074-SD-1

Submitted on: 2/24/2025 1:52:32 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

TESTIMONY IN SUPPORT of SB 1074 SD1 – Environmental Review - REGARDING THE IMPACT OF RESTRICTING BEACH CATAMARAN OPERATIONS IN WEST MAUI

Aloha Chair and Members of the Committee,

I strongly support **SB 1074 SD1** and urge you to consider the significant consequences of restricting beach catamaran operations in West Maui.

I am testifying today as a concerned business owner and employer in West Maui. Our company employs approximately 35 people on Maui, many of whom depend—directly and indirectly—on the continued operation of beach catamarans and ocean recreation activities to support themselves and their families.

As we continue the difficult road to recovery following the devastating fires, Maui’s tourism industry remains fragile. Any further restrictions on key visitor experiences—such as catamaran excursions—would be another devastating setback for local businesses, workers, and the broader community.

It is important to recognize that Maui’s ocean and beach activities are **part of what makes a Maui vacation so special**. For generations, visitors have come to Maui not just for its natural beauty, but for the unique, small-scale ocean experiences that local businesses provide. Shutting down these businesses **takes away a piece of what makes Maui extraordinary**—a piece that cannot simply be replaced.

Beyond the loss to visitors, shutting down these activities would trigger **a devastating domino effect across multiple industries**:

- Hotels and accommodations will struggle even more with occupancy as guests reconsider visiting Maui.
- Restaurants and shops will see decreased visitor spending, leading to further layoffs and closures.
- Tour operators, transportation providers, mechanics, and food suppliers who serve these businesses will face revenue losses, job cuts, and possible shutdowns.

- State and county tax revenue from these operations will decline, further straining recovery efforts.

Maui's residents and businesses have worked tirelessly to rebuild in the wake of disaster. We **cannot afford** to lose even more jobs and economic activity due to regulatory decisions that fail to consider the broader consequences. I urge you to allow these ocean recreation activities to **remain operational** while any necessary environmental reviews take place—rather than implementing immediate shutdowns that will lead to financial ruin for so many.

Maui's future depends on **policies that balance environmental conservation with economic sustainability**. We must protect our natural resources while also ensuring that our workers, families, and businesses have a path forward.

Mahalo for your time and consideration.

Na Hoku, Inc.
Ed Sultan
CEO

SB-1074-SD-1

Submitted on: 2/24/2025 1:55:26 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

February 24, 2025

Testimony in Strong Opposition to SB 1074, SD1 RELATING TO ENVIRONMENTAL IMPACT STATEMENTS.

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

I strongly oppose SB 1074, SD1, which would weaken the Hawai‘i Environmental Policy Act (HEPA) by allowing environmentally harmful activities to proceed unchecked for years before their impacts are even considered. This bill would undermine HEPA’s fundamental purpose of ensuring informed decision-making and would open the door for unchecked destruction of Hawai‘i’s natural and cultural resources.

As a resident of He‘eia who lives on Kāne‘ohe Bay, I am deeply concerned about how this bill would affect our fragile marine ecosystems and the resources that sustain our way of life. Kāne‘ohe Bay has already suffered from decades of human impact, including pollution, over extraction, and habitat destruction. HEPA has been a critical tool in protecting our environment by requiring agencies to assess and mitigate impacts before projects move forward; not after the damage has already been done.

- This bill would allow activities with potentially severe environmental consequences to continue for years without any prior review of their impacts, mitigation measures, or alternatives.
- HEPA ensures that agencies consider the long-term health of our ecosystems and cultural practices before permitting activities that could cause irreversible harm.
- Weakening HEPA would prioritize industry convenience over the health of our reefs, fisheries, and coastal waters, putting traditional lawai‘a pono practices and Native Hawaiian subsistence fishing at further risk.
- If an activity is truly low-impact, HEPA already provides for exemptions and there is simply no justification for gutting its protections.

Please do not turn HEPA into a meaningless afterthought. I strongly urge you to **VOTE NO on SB 1074, SD1** and uphold the integrity of Hawai‘i’s environmental protections.

Mahalo for your time and consideration.

Cynthia Texeira

SB-1074-SD-1

Submitted on: 2/24/2025 2:02:39 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Drew McCullough	Individual	Support	Written Testimony Only

Comments:

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

Please support SB1074 for ocean tour boats. This bill is essential for ensuring that ocean tourism operators in Kaanapali can continue their operations while undergoing environmental review. Without this bill, these longstanding, regulated operators face the risk of being shut down for years—even when they have complied with all permitting requirements.

These tour operators allow residents and visitors to experience Hawaii’s marine environment with minimal disruption, supporting conservation efforts through education and sustainable tourism practices.

This bill strikes a fair balance between protecting our natural resources through 343 and supporting the small ocean tour businesses that have operated responsibly under state oversight for decades.

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

SB-1074-SD-1

Submitted on: 2/24/2025 2:04:28 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Sager	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of SB1074 – Relating to Environmental Review

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

My name is Elizabeth Sager and I am a resident and employee of West Maui. I am writing in support of SB1074, which is essential for ensuring that ocean tourism operators in Kā'anapali can continue their operations while undergoing environmental review.

I am a firm believer of the importance of businesses and individuals taking accountability for their impacts on the environment and support government regulations to ensure this is followed. However, arbitrarily not reissuing permits to businesses that have been following the current guidelines without offering them the time to become compliant with the current request for environmental review seems like an unfair practice that undermines the industry at large.

SB1074 is not about bypassing environmental review but rather allowing businesses to continue operations while an environment review takes place. Without its passage, there will inevitably be closure of local businesses and the loss of job for many.

I cannot emphasize enough the hardships our community has faced since the Lahaina fire. Here in West Maui, despite the great efforts to move forward, every day we hear stories of families struggling to make it due to the challenges being faced as a result of limited affordable housing and employment opportunities. The boating industry is an important part of our local economy and impacts the livelihood of many of local families. Without the passage of SB1074, this industry will be irreparably harmed, forcing long standing businesses to shut down and causing additional hardship to local families.

Thank you for considering my testimony. I ask that you please pass SB1074 and support our local families and businesses.

Sincerely,
Elizabeth Sager

TESTIMONY SB:1074 SD1

TESTIMONY IN SUPPORT of SB 1074 SD1 – Environmental Review

Aloha Chair and Members of the Committee,

I, Claudio H. Andrade am in **support of SB 1074 SD1**

Upon writing this today Maui and Lahaina / Ka'anapali remain in critical condition. Recovery for us following the horrendous fires as residents, employees and businesspeople has been at a snail's pace that does not seem to be moving forward with any real pace now or for the foreseeable future. Hotels, tourism and the businesses related to the hospitality industry are struggling to regain any level of occupancy and productivity. Exacerbating this by any measure to remove, eliminate or further take away business or activities for our guests to participate in while staying in Ka'anapali or West Maui seems unconscionable. Due to a position taken recently by Judge Cahill "ALL" businesses in Kaanapali for ocean recreation, boating and watersports will cease to exist once their current permits expire and remain closed until an environmental assessment is conducted. This is untenable and would immediately bankrupt and force 27 professional operations to close. Again, this is beyond thinkable and puts 260 families out onto the street! In fact, it seems like those of us in the boating and ocean recreation industry have been unreasonably caught up as *"collateral damage"* with other ongoing conservation and environmental related challenges elsewhere. The Ka'anapali ORMA permit holders and ocean recreation operators provide a service and experience without the taking, harvesting, gathering or any potential negative impact to natural resources. Simply hosting a guest on a sunset or whale watch sail or offering a surfing lesson or even outrigger canoe ride is vastly different than other challenges the State may have. This Bill was created and submitted to recognize and help the Ka'anapali operators with pending full closure and aid those operators as they attempt to yet again recover from disaster. Please do not punish longstanding, professional operators that in many cases have been safely and respectfully operating in Ka'anapali for nearly two generations.

My interpretation of SB 1074 SD1 is that it provides for an operator to go forward and continue with their operations and services during the process of an environmental review. Services as permitted would be allowed to continue everything for operations as is normal circumstance if / when permits are challenged for environmental or other concerns. Having this continuation of services is very important as it allows the operator to remain in business and continue until or if reviews show that for any reason operations should be stopped. If narrowing this Bill to apply to Ka'anapali ORMA permit operators as was the intention assist in moving forward towards approval that would be fully acceptable.

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

Beyond the immediate impact to our valuable Ka'anapali and West Maui visitors and our employees and business many, many support operators and businesses will be crushed. Please consider:

- *Estimated \$60M in annual revenues generated by all Ka'anapali ORMA permit operators goes away*
- *3% of \$60M in revenue now goes to DLNR or \$1.8 M to their budget, that goes away. NOTE: A Bill is now also being proposing a bill in legislature to raise this to 5%. Whether 5% or 3 % if no revenue no %*
- *\$1.00 per passenger to DAR (program just started in 2024) that would be \$750K-\$1M, that all goes away*
- *4.172% sales tax on \$60M or \$2.83M in state tax revenue, that all goes away*
- *\$9M (estimated) in commissions paid to travel agents, concierge, and activity desk operators on \$60M, that all goes away**
- *All pre and post revenue to restaurants and shops in the Ka'anapali area by tens of thousands of annual boating and ocean recreation participants, that all goes away**
- *More than 225,000 meals prepared by local restaurants or caterers for use on all boating operation, that all goes away-and the jobs of those people preparing them!*
- *Mechanics, fuel providers, maintenance personnel, transportation, ice deliveries, Uber drivers and countless others impacted with massive drop in needs and then loss of need for those jobs. That all goes away*
- *\$500K or more in beverage purchase and delivery of those items. This all goes away*
- *With a tremendous reduction of activities, experience and things to do in Ka'anapali / West Maui literally thousands of vacationers and tourist may choose elsewhere and then they go away.*

There are multiple points of further impact and collateral damage to other industries, jobs, livelihood, and commerce. These are important, however the human impact, as noted above remains a direct loss of 260 ocean activity and boating related jobs, family upheaval, removal from schools, inability to afford staying on Maui and families then moving to the mainland. This all would be unacceptably tragic.

I'm asking you to please vote for and pass SB 1074 SD1 for the sake of our communities, families, business investments and small entrepreneurs that are the backbone of our economy.

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

Regards,

Claudio H. Andrade

SB-1074-SD-1

Submitted on: 2/24/2025 2:05:21 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
John McGreavy	Individual	Support	Written Testimony Only

Comments:

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SB-1074-SD-1

Submitted on: 2/24/2025 2:06:18 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

My name is Kelly Rainone and I live on Maui I strongly oppose **SB1074** because Kaanapali is a sanctuary to many marine species. Unfortunately not all boat companies follow safe practices and are harmful to the environment by dumping black water and creating waste.

While it may create some loss of jobs, it is more important to keep our oceans healthy and support the beach environment. Black rock is an important reef home to many species and creating more traffic does not help. Being on an island makes it even more crucial, now more than ever, to do our due diligence when it comes to protecting our ocean.

Please do not pass **SB1074** because we should not be allowing more harmful impacts to an already susceptible environment.

SB-1074-SD-1

Submitted on: 2/24/2025 2:19:08 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Dear Chair and Committee Members, Judiciary Committee,

My name is Diane Ware, moku o Ka'u, and I **strongly oppose SB1074**, 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 consider, as I have, the numerous native Hawaiian practitioners, civic clubs, and individuals opposing this bill. It is time to honor and give back to the host culture rather than condone more extractive and non traditional profit bases businesses like selling corals and aquatic life.

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

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

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

I urge you to **HOLD SB1074**.

Malama 'aina and kai,

Diane Ware 96785

SB-1074-SD-1

Submitted on: 2/24/2025 2:23:14 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Dear chairperson

Please accept my support of 1074 SB. As an environmentalist and property owner on Kaanapali beach I've enjoyed our oceans and wildlife. In addition to the devastating island shut down due to covid, Lahaina has also experienced tragic loss of property and lives due to the fire. Current tourism on kaanapali is helping support a broken community. Overt the last 15 years, I've actually experienced more wildlife and enjoyed clearer beaches. I can appreciate environmental concerns and feel the loss of jobs and community impact will be devistating for local O'hana at this time. I support the Bill as it applies to Ka'anapali ORMA operators as they need our full support now as they all recover from the disaster

SB-1074-SD-1

Submitted on: 2/24/2025 2:25:25 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Judith Cucco	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HB 661 HD1 and SB 1074 SD1, which would amend the Hawai'i Environmental Policy Act (HEPA), to allow activities previously "undertaken by an applicant" to

continue, while still pending environmental review, even if causing irreversible environmental damage

and challenged under HEPA.

These bills would severely undermine core protections for Native Hawaiian rights and Hawai'i's foundational environmental law, potentially leading to substantial, irreversible environmental and cultural harm.

Stopping an activity from proceeding during HEPA review is a fundamental principle of the law and

ensures that precious public and cultural resources are not destroyed before the public has input and

"environmental concerns are given appropriate consideration in decision making." (HRS. 343).

In addition, I have substantial concerns about the enormous loophole created for extractive activities in marine areas, including protected and nearshore areas.

The proposed amendment to HEPA states that the amendment "shall not apply to activities involving

construction, grading, dredging, or other structural modifications to land, waterways, or marine environments" but would apply to a wide range of potentially permanently damaging commercial and

"non-commercial" extractive activities in state waters for which there are already clear examples of

irreparable damage. I am deeply concerned about commercial and industrial levels of "non-commercial" extractive activities, including fishing, in state waters.

SB-1074-SD-1

Submitted on: 2/24/2025 2:37:17 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Tamara S Augustine	Individual	Support	Written Testimony Only

Comments:

My name is Tamara and I strongly support SB1074.

As a mother of 4 this business has allowed me to support my family through some very tough times. If this job was taken away from me I do not know what I would do.

As a resident and employee of West Maui, we have already endured so many hardships. Please support us while we continue to recover by passing SB1074.

I am for the environment and SB1074 simply allows our Ka'anapali employees to continue earning a living while undergoing any required environmental reviews if permits are challenged.

Our industry has operated for over 40 years and is highly regulated by the USCG and existing State administrative rules; all of the operations on Ka'anapali Beach are and have been in compliance with.

This bill strikes a fair balance between protecting Hawaii's natural resources while supporting long-standing, regulated ocean activities operation.

Forcing lawfully permitted operators to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies will inevitably lead to the closure of local business and the loss of jobs for me, and so many more of our West Maui residents.

History has shown that activities that have lost their permits and been shut down don't come back. Please do not let this be the case for the hundreds of businesses and thousands of residents that depend on these activities for their livelihoods.

Please pass SB1074 and support our local families and businesses.

Mahalo for considering my testimony.

SB-1074-SD-1

Submitted on: 2/24/2025 2:38:27 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Ikaika Neizman	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

My name is Ikaika Neizman, and I am writing in strong support of SB1074.

This bill is essential in ensuring that previously permitted activities can continue operating while undergoing environmental review if their permits are challenged. By allowing businesses to remain open during this process, SB1074 helps maintain regulatory stability and prevents unnecessary disruptions for compliant operators.

SB1074 upholds environmental protections while also preventing redundant reviews that can impose excessive financial and operational burdens on longstanding, law-abiding businesses.

The businesses are already under strict regulations and have accepted what ever changes the State and County have asked. That alone should garner proof that they are willing to follow whatever law is deemed neccessary. Please do the study but also, please let businesses operate while the study is being conducted.

I respectfully urge the committee to pass SB1074 and help protect Hawaii's local businesses and working families.

Mahalo for your time and consideration.

SB-1074-SD-1

Submitted on: 2/24/2025 2:38:32 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Gil Riviere	Individual	Oppose	Written Testimony Only

Comments:

Circumventing the intent of established law by special exemptions is bad policy.

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

I, Michael T. Kelley, am writing in support of SB 1074 SD1.

As I write this today, Maui—specifically Lahaina and Ka'anapali—remains in critical condition. Recovery from the devastating fires has been excruciatingly slow for residents, employees, and business owners. There is no indication that this process will accelerate anytime soon. The hospitality industry, including hotels, tourism, and related businesses, is struggling to regain occupancy and productivity. Given these challenges, any further restrictions on businesses or activities available to guests in Ka'anapali and West Maui would be unconscionable.

Due to a recent decision by Judge Cahill, all ocean recreation, boating, and watersports businesses in Ka'anapali will cease operations once their current permits expire and will remain closed until an environmental assessment is conducted. This is untenable. Such a closure would immediately bankrupt and force the permanent shutdown of dozens of well-established, professional local businesses. These companies are **100% locally owned and operated**, many by families who have been in the industry for generations. Employees have built long-term careers, with 10, 15, or even 20 years of seniority. The potential closure of these businesses is unthinkable, leaving at least **260 families without jobs, income, and stability**.

It feels as though those of us in the **boating and ocean recreation industry have become collateral damage** in broader conservation and environmental debates that do not directly involve us. Ka'anapali ORMA permit holders and ocean recreation operators provide non-consumptive services, meaning we do not take, harvest, or extract from the environment. Activities such as sunset sails, whale-watching tours, surfing lessons, and outrigger canoe rides are vastly different from the issues the State is facing elsewhere.

SB 1074 SD1 was introduced specifically to recognize and support Ka'anapali operators facing total shutdown. This bill would allow these businesses to continue operating while an environmental review is conducted, rather than requiring them to shut down completely. It ensures that longstanding, professional operators—who have adhered to all State regulations—are not unfairly punished. If narrowing the bill's scope to apply specifically to Ka'anapali ORMA permit holders improves its chances of passage, that would be entirely acceptable.

If long-standing permit holders who have complied with all State guidelines and regulations are forced to cease all operations during environmental reviews, we will lose experienced, dependable operators and community leaders. Once these businesses close, history has shown that they do not come back. We must not lose valuable local jobs and reputable community businesses in this manner.

Beyond the immediate impact on Ka'anapali and West Maui visitors, employees, and business owners, *many other businesses will also suffer*. Consider the economic consequences:

- **\$60 million** in annual revenue generated by all Ka'anapali ORMA permit operators would be lost. That goes away
- **\$1.8 million in lost revenue to DLNR** (currently receiving 3% of operators' revenue). A proposal to raise this to 5% would be meaningless if there is no revenue at all. That goes away
- **\$750,000–\$1 million in lost revenue to DAR** from the new \$1-per-passenger fee, implemented in 2024. That goes away
- **\$2.83 million in lost state tax revenue** (4.712% sales tax on \$60 million). That goes away
- **\$9 million in lost commissions** paid to travel agents, concierge services, and activity desk operators. That goes away
- **Tens of thousands of lost restaurant and shop sales** due to the disappearance of ocean recreation participants. That goes away
- **Over 225,000 meals per year** that have been created and prepared by local restaurants and caterers for boating operations. That goes away
- **Significant job losses** among mechanics, fuel providers, maintenance personnel, transportation workers, Uber drivers, and others who support these businesses. That goes away
- **Over \$500,000 in purchases** for beverages and deliveries. That goes away
- **A severe reduction** in available activities for visitors, leading to thousands of tourists to choose other destinations—a ripple effect that could devastate the local economy. They go away
- **Thousands** of hotel rooms nights for individual F.I.T “frequent independent travelers” and multiple incentive groups choosing elsewhere. Room occupancies drop, need for employees drop, tax base drop, TAT drop. That all takes a big hit

The economic toll is massive, but the *human impact is even greater*. At least **260 ocean activity and boating-related jobs will disappear**, leaving families struggling to survive. Many will be forced to leave Maui, uprooting their children from schools and severing deep community ties. This would be an *unacceptable tragedy*.

I urge you to **vote in favor of SB 1074 SD1** or amend it to apply specifically to Ka'anapali and **pass it for the sake of our community, families, businesses, and local entrepreneurs**—the backbone of our economy.

Thank you for your time and consideration.

Respectfully,
Michael T. Kelley

SB-1074-SD-1

Submitted on: 2/24/2025 2:45:54 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

I strongly oppose this bill. As a resident of Hawaii we MUST protect our wildlife from human greed and the disruptions in the natural order it precipitates. It's just so unnecessary and unconscionable. Please spare the fish and defeat this bill!

Sincerely,

Crista Francis

SB-1074-SD-1

Submitted on: 2/24/2025 2:50:00 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Aloha Chair and Members of the Committee,I, Herbert Conley, am in *support of SB 1074 SD1*

Upon writing this today Maui and Lahaina / Ka'anapali remain in critical condition. Recovery for us following the horrendous fires as residents, employees and businesspeople has been at a snail's pace that does not seem to be moving forward with any real pace now or for the foreseeable future. Hotels, tourism and the businesses related to the hospitality industry are struggling to regain any level of occupancy and productivity. Exacerbating this by any measure to remove, eliminate or further take away business or activities for our guests to participate in while staying in Ka'anapali or West Maui seems unconscionable. Due to a position taken recently by Judge Cahill "*ALL*" *businesses in Kaanapali for ocean recreation, boating and watersports will cease to exist once their current permits expire* and remain closed until an environmental assessment is conducted. This is untenable and would immediately bankrupt and force 27 professional operations to close. Again, this is beyond thinkable and puts 260 families out onto the street! In fact, it seems like those of us in the boating and ocean recreation industry have been unreasonably caught up as "*collateral damage*" with other ongoing conservation and environmental related challenges elsewhere. The Ka'anapali ORMA permit holders and ocean recreation operators provide a service and experience without the taking, harvesting, gathering or any potential negative impact to natural resources. Simply hosting a guest on a sunset or whale watch sail or offering a surfing lesson or even outrigger canoe ride is vastly different than other challenges the State may have. This Bill was created and submitted to recognize and help the Ka'anapali operators with pending full closure and aid those operators as they attempt to yet again recover from disaster. Please do not punish longstanding, professional operators that in many cases have been safely and respectfully operating in Ka'anapali for nearly two generations.

My interpretation of SB 1074 SD1 is that it provides for an operator to go forward and continue with their operations and services during the process of an environmental review. Services as permitted would be allowed to continue everything for operations as is normal circumstance if / when permits are challenged for environmental or other concerns. Having this continuation of services is very important as it allows the operator to remain in business and continue until or if reviews show that for any reason operations should be stopped. If narrowing this Bill to apply to Ka'anapali ORMA permit operators as was the intention assist in moving forward towards approval that would be fully acceptable.

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

Beyond the immediate impact to our valuable Ka'anapali and West Maui visitors and our employees and business many, many support operators and businesses will be crushed. Please consider:

- *Estimated \$60M in annual revenues generated by all Ka'anapali ORMA permit operators goes away*
- *3% of \$60M in revenue now goes to DLNR or \$1.8 M to their budget, that goes away. NOTE: A Bill is now also being proposing a bill in legislature to raise this to 5%. Whether 5% or 3 % if no revenue no %*
- *\$1.00 per passenger to DAR (program just started in 2024) that would be \$750K-\$1M, that all goes away*
- *4.172% sales tax on \$60M or \$2.83M in state tax revenue, that all goes away*
- *\$9M (estimated) in commissions paid to travel agents, concierge, and activity desk operators on \$60M, that all goes away**
- *All pre and post revenue to restaurants and shops in the Ka'anapali area by tens of thousands of annual boating and ocean recreation participants, that all goes away**
- *More than 225,000 meals prepared by local restaurants or caterers for use on all boating operation, that all goes away-and the jobs of those people preparing them!*
- *Mechanics, fuel providers, maintenance personnel, transportation, ice deliveries, Uber drivers and countless others impacted with massive drop in needs and then loss of need for those jobs. That all goes away*
- *\$500K or more in beverage purchase and delivery of those items. This all goes away*
- *With a tremendous reduction of activities, experience and things to do in Ka'anapali / West Maui literally thousands of vacationers and tourist may choose elsewhere and then they go away.*

There are multiple points of further impact and collateral damage to other industries, jobs, livelihood, and commerce. These are important, however the human impact, as noted above remains a direct loss of 260 ocean activity and boating related jobs, family upheaval, removal from schools, inability to afford staying on Maui and families then moving to the mainland. This all would be unacceptably tragic.

I'm asking you to please vote for and *pass SB 1074 SD1* for the sake of our communities, families, business investments and small entrepreneurs that are the backbone of our economy.

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

Regards,

Herbert N. Conley

SB-1074-SD-1

Submitted on: 2/24/2025 2:51:42 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Debbie Patton	Individual	Support	Written Testimony Only

Comments:

I Strongly Support SB1074

Aloha Chairs Rhodes and Vice Chair Gabbard and committee members,

SB1074 allows previously permitted activities to continue operating while undergoing an environmental assessment, or an environment impact statement.

Many of the businesses this bill will help have been in business for upwards of 4 decades. To not pass this bill, the affects on local businesses may be devastating. As we all know, this will directly help the Kaanapali 32 permitted companies keep running while the EA is done. To shut down businesses who have been running legally and ethically (some for 4 decades) all of a sudden without any proof that any one of them has specifically done anything wrong is just completely unfair and frankly scary.

The repercussions of shutting down well respected LOCAL businesses before determining that they have done anything wrong is simply unconscionable.

This bill should apply to contested case hearings as well. Same issues whether it's an EIS, an EA or a contested case hearing!

Lastly, what is happening in Kaanapali will set a precedent for every harbor, beach, park, special management area, etc. in the state. If this same very vocal anti-tourism minority group that is suing the Kaanapali and Mala permits (and they are the same people) get these businesses shut

down without one piece of proof offered up, the rest of the state may find themselves in the same position.

It will affect so many more than the hundreds of Lahaina people that will be affected by the Kaanapali shutdown. WEST MAUI is hurting and very far from recovery. I know, we lost our house and business. Please do not shut down 30+ more businesses!

Mahalo for reading everyone's testimony. Lahaina needs your help!

TESTIMONY IN SUPPORT OF SB1074 SD1

Hearing Date: February 26, 2025

To: Chair, Vice Chair, and Members of the Committee on Judiciary (JDC)

Aloha,

I am submitting this testimony in strong support of SB1074 SD1, a critical bill that ensures Hawaii's small, locally owned maritime businesses can continue operating while environmental reviews are conducted. Ocean activities and boat tours are among the most popular attractions for visitors to our islands. Without these experiences, many tourists may choose other destinations, causing a ripple effect that reaches far beyond tour operators to impact hotels, restaurants, and other local businesses.

Shutting down permitted operations during lengthy environmental assessments would not only harm the businesses directly involved but would also jeopardize thousands of local jobs and reduce essential tourism revenue. Our economy depends on a balanced approach, one that protects both the environment and the livelihoods of Hawaii's working families. Large corporations may weather such disruptions, but small, family-owned businesses (the heart of Hawaii's tourism industry) cannot.

Hawaii has long been a leader in sustainable tourism, and local maritime operators are deeply invested in preserving the health of our oceans. Their success depends on environmental stewardship. The intent of SB1074 SD1 is not to bypass environmental safeguards but to ensure that the review process is fair and does not unfairly penalize businesses that have followed all permitting regulations. This bill is a lifeline for hardworking families and a shield against unfair, destabilizing uncertainty.

I respectfully urge you to pass SB1074 SD1 to keep Hawaii's maritime industry strong, protect local jobs, and sustain our tourism-dependent economy while maintaining responsible environmental oversight.

Mahalo for your time and consideration.

Respectfully,

Jaye Moreau
(808) 335-6833

SB-1074-SD-1

Submitted on: 2/24/2025 2:57:09 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

I strongly support this bill

SB-1074-SD-1

Submitted on: 2/24/2025 3:00:27 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Patrick Corrigan	Individual	Support	Written Testimony Only

Comments:

My name is Patrick Corrigan and I strongly support SB1074.

As a resident and employee of West Maui, we have already endured so many hardships. Please support us while we continue to recover by passing SB1074.

I lost my home in the recent fires and have struggled to get my life together after the tragedy. If this shut down goes through I will now lose my job and the means to support my family.

Without the development of the Lahaina harbor this makes this shutdown that much more devastating.

I am for the environment and SB1074 simply allows our Ka'anapali employees to continue earning a living while undergoing any required environmental reviews if permits are challenged.

Our industry has operated for over 40 years and is highly regulated by the USCG and existing State administrative rules; all of the operations on Ka'anapali Beach are and have been in compliance with.

This bill strikes a fair balance between protecting Hawaii's natural resources while supporting long-standing, regulated ocean activities operation.

Forcing lawfully permitted operators to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies will inevitably lead to the closure of local business and the loss of job for me, and so many more of our West Maui residents.

History has shown that activities that have lost their permits and been shut down don't come back. Please do not let this be the case for the hundreds of businesses and thousands of residents that depend on these activities for their livelihoods.

Please pass SB1074 and support our local families and businesses.

Mahalo for considering my testimony.

Patrick Corrigan

SB-1074-SD-1

Submitted on: 2/24/2025 3:02:19 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Momi Vee	Individual	Oppose	Written Testimony Only

Comments:

Aloha to the people who are in full opposition of this SB 1074.! Why do we keep revisiting this issue, once a law is placed should we not Remember its there.? Leave our oceans for the future society which we are building Now.! We will leave our great-grandchildren with crumbs, crumbs they will have to piece together with great effort. Why aren't we exporting goods ? Why aren't we creating jobs for our graduating students, where will they go.? They will go outside of Hawaii because we don't have reliable, trustworthy leadership here.? Step down if you are unable to protect Hawaii Nei and its unique environment. An environment that seems to have a price tag placed on it from our current government. Thank you for Opposing This SB1074.

SB-1074-SD-1

Submitted on: 2/24/2025 3:06:29 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Kaleiheana-a-Pohaku Stormcrow	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Senate Judiciary Committee,

My name is Kaleiheana Stormcrow and I **STRONGLY OPPOSE SB1074 SD1**, which would allow illegally authorized activities to be continued, potentially indefinitely, without a consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

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

This bill would do the opposite, allowing activities that have been previously, but unlawfully, authorized without environmental review, to continue while environmental review is pending. As we have seen in cases such as East Maui, where stream diversions by a politically connected plantation were allowed to continue for nearly 20 years after an environmental assessment had been ordered, years' or decades' worth of devastating yet potentially avoidable impacts could occur without the benefit of environmental review, should this measure be passed into law.

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

I urge you to **HOLD SB1074 SD1**.

Sincerely,
Kaleiheana Stormcrow

SB-1074-SD-1

Submitted on: 2/24/2025 3:11:14 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Barbara Barry	Individual	Oppose	Written Testimony Only

Comments:

My name is Barbara Barry and I **STRONGLY OPPOSE SB1074 SD1**, which would allow illegally authorized activities to be continued, potentially indefinitely, without a consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

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

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

I urge you to **HOLD SB1074 SD1**.

SB-1074-SD-1

Submitted on: 2/24/2025 3:14:52 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Senate Judiciary Committee,

I am testifying in opposition to SB1074 SD1.

This would allow illegally authorized activities to be continued, without consideration of environmental, cultural, and social impacts. This is a major issue.

We must work to improve our conditions, become better at caring for our environment, and this bill would NOT do this. It would allow for harmful activities that are depleting our resources, harming our environment, and poisoning our land to continue, without environmental review. As laws are created to better improve our interactions with our environment, we need companies and people to shift their practices for the betterment of our future.

If someone previously was allowed to poison our land, and a law then comes into place to prevent the continued poisoning, those responsible for poisoning our land should not be allowed to continue doing so simply because they haven't been reviewed yet. I understand that it can be difficult to shift business practices when new laws or regulations are passed, but if it's for the betterment of our environment, businesses should be required to abide.

I urge you to oppose SB1074.

Mahalo for your consideration,
Keoni Shizuma, Kaneohe, Oahu

SB-1074-SD-1

Submitted on: 2/24/2025 3:18:02 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Laura K. Legge	Individual	Oppose	Written Testimony Only

Comments:

This bill is not smart and will open up the for profit aquarium trade to use this as a way to swoop in and to start taking our reef fish from Maui Nui again

I oppose!

Mahalo nui,

SB-1074-SD-1

Submitted on: 2/24/2025 3:18:46 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Janet Andrea	Individual	Oppose	Written Testimony Only

Comments:

This is an extremely dangerous bill that would cause the exploitation of our natural resources with decimation of our aina! No No No on this harmful bill!

SB-1074-SD-1

Submitted on: 2/24/2025 3:19:38 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Arty Hargrove	Individual	Support	Written Testimony Only

Comments:

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

Please support SB1074 for ocean tour boats. This bill is essential for ensuring that ocean tourism operators in Kaanapali can continue their operations while undergoing environmental review. Without this bill, these longstanding, regulated operators face the risk of being shut down for years—even when they have complied with all permitting requirements.

These tour operators allow residents and visitors to experience Hawaii’s marine environment with minimal disruption, supporting conservation efforts through education and sustainable tourism practices.

This bill strikes a fair balance between protecting our natural resources through 343 and supporting the small ocean tour businesses that have operated responsibly under state oversight for decades.

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

SB-1074-SD-1

Submitted on: 2/24/2025 3:19:49 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Lory Ono	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Senate Judiciary Committee,

My name is Lory Ono, and I **STRONGLY OPPOSE SB1074 SD1**, which would allow illegally authorized activities to be continued, potentially indefinitely, without a consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

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

This bill would do the opposite, allowing activities that have been previously, but unlawfully, authorized without environmental review, to continue while environmental review is pending. As we have seen in cases such as East Maui, where stream diversions by a politically connected plantation were allowed to continue for nearly 20 years after an environmental assessment had been ordered, years' or decades' worth of devastating yet potentially avoidable impacts could occur without the benefit of environmental review, should this measure be passed into law.

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

I urge you to **HOLD SB1074 SD1**.

Sincerely,

Lory Ono

SB-1074-SD-1

Submitted on: 2/24/2025 3:20:42 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

I oppose the effort to ban tour boats from Kaanapali Beach. An EA can be completed while tour boats are operating. Maui suffered a huge blow as a result of the Lahaina fire. Do you really want to further damage economic activity by this action? I have always experienced the tour boat operators as extremely respectful of the environment and operating with the utmost standards. This action would be punitive and detrimental to Maui's fragile and tentative recovery.

SB-1074-SD-1

Submitted on: 2/24/2025 3:22:55 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Julie Lewer	Individual	Support	Written Testimony Only

Comments:

My name is Julie Lewer, and I strongly support SB1074.

I am a resident of East Maui, and I too would be greatly impacted if this bill is not passed.

Not passing this bill would have repercussions across the island, including for me on the other side of the island in Hana, Maui.

I'm grateful to do what I love every day for a locally owned Maui business that collaborates with many of the permitted operators. This role allows me to work remotely from Hana. If these businesses shuttered, it would impact our business and possibly my employment.

SB1074 allows employees to keep working and living on Maui while undergoing any required environmental reviews. This bill fairly balances environmental protection with sustaining long-standing ocean activities.

Forcing lawful operators to shut down for years will lead to business closures and job losses for many in our community. History shows that once these operations shut down, they rarely return.

Please support SB1074 to protect our local families and businesses. Mahalo for your time and consideration.

Julie Lewer

SB-1074-SD-1

Submitted on: 2/24/2025 3:27:02 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Please HOLD this harmful bill.

SB-1074-SD-1

Submitted on: 2/24/2025 3:27:09 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

I strongly oppose this bill. Our oceans and our resources, our fish and our reefs are under immense strain and pressure from over fishing, climate change, and environmental and tourism stresses.

It is imperative that we give our oceans every chance we can to heal and replenish the beautiful and magical fish species that are in severe decline.

in particular, the aquarium fishing industry has acted irresponsibly for decades, the result of which is a decline in the health of our oceans which impacts all who live in Hawaii and all who visit.

please do not place the interests of a few businesses and aquarium fishers who are not being responsible with our environment to make our oceans less healthy for the rest of our population and our tourists and our children to enjoy.

thank you for your consideration.

SB-1074-SD-1

Submitted on: 2/24/2025 3:27:48 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Aloha,

I am in support of this bill, SB1074_SD1.

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 Hawaii 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.

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

My understanding of this bill, SB1074_SD1, 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 of people in Hawaii realizes some to great advantages, if not complete survival, from the boating industry.

Please pass SB1074_SD1.

Captain Ted Myers

SB-1074-SD-1

Submitted on: 2/24/2025 3:32:03 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
DIANE CHOY FUJIMURA	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Senate Judiciary Committee,

My name is Diane Choy Fujimura and I **STRONGLY OPPOSE SB1074 SD1**, which would allow illegally authorized activities to be continued, potentially indefinitely, without a consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

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

This bill would do the opposite, allowing activities that have been previously, but unlawfully, authorized without environmental review, to continue while environmental review is pending. As we have seen in cases such as East Maui, where stream diversions by a politically connected plantation were allowed to continue for nearly 20 years after an environmental assessment had been ordered, years' or decades' worth of devastating yet potentially avoidable impacts could occur without the benefit of environmental review, should this measure be passed into law.

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

I urge you to **HOLD SB1074 SD1**.

Sincerely,
Diane CHoy Fujimura

[REDACTED]

From: Sherry A. Marek [REDACTED]
Sent: Monday, February 24, 2025 2:08 PM
To: JDC Committee
Subject: SB1074 testimony

[REDACTED] [REDACTED]
[REDACTED] [REDACTED]

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Aloha,

If an Environmental Assessment (such as a court-mandated Environmental Impact Study) is ordered regarding aquatic activity in Hawaii's ocean waters, there is a reason.

So, if the aquatic activity in question is simply allowed to continue, absolutely unchanged, until the Environmental Assessment (or EIS) has been completed, why would anyone with an interest in the aquatic activity ever bother to ***finish*** the assessment/study? Seriously!

This bill doesn't seem to regard the reason for any Environmental Assessment (or EIS) to be ordered in the first place. I oppose SB1074.

Mahalo,

Sherry A. Marek
Big Island resident

SB 1074, **HB 661** Suggested changes

By Ron Tubbs B.S.N.D. 45 years AQ fishermen, 3 years CML fisherman, 8-year UHM researcher, 8 years RT Productions. rtubbs@hawaii.rr.com 808-927-5013

Shawn Lawyer

s.aronson@capitol.hawaii.gov; reptarnas@capitol.hawaii.gov

Conference

Intro

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. It was designed for new land-based permit actions only. Based on false information, the Hawaii State Supreme Court ruled otherwise.

HB 661 did pass, but it needs work. Act 343 has been used as a weapon by user groups in conflict to shut down and remove permits at great cost. These court decisions were based on a one-sided presentation and biased testimony, not on science. Both the aquarium fishery and Kaanapali user groups relied on the attorney general and did not have legal representation in these cases before the rulings.

Science invalidated all foundations for the Umber ruling testimony. This includes impacts on fish populations, corals, algae growth, etc.

HB 661 will exempt the removal of permits while EIS is being done, It is long overdue.

One section in HB 661 may be an issue for us as aquarium fishers; it may take away BLNR finals, say on EIS.

I suggest letting a panel of biologists (not the governor or BLNR) from the appropriate agency contribute during the process, prepare a response to the EIS final filing, and come up with recommended changes for the agency to act on if necessary to mediate permitting ecological impacts.

Before an EIS is started, it would be very helpful to those who are to do it to be given a guide or suggested topic and the information the agency wants in the EIS. What impacts are considered necessary for the EIS review?

HB 661 Changes Suggestions:

Long-standing past and new permits for existing permit issuance divisions, even for new permitted activity in those permitted areas like fisheries, should be allowed by law while continuing to comply with existing laws and should remain in place while EIS is being done.

{The EIS Environmental Impact Statement, under HEPA laws Act 343, should be used by the Legislature, Government agency, or Permit granter to regulate and minimize “action” activity impacts, not shut down user groups by removing permits, especially long-standing highly regulated permits.}

After completion of an EIS and approval, a permit should be granted, and, if necessary, the agency may impose biologist panel conditions at that time. This can be done without laws regarding permits being enacted. Permit conditions should be allowed to be changed by the permitting agency to mitigate environmental concerns found in EIS. Permitting agencies like DOBAR can utilize DLNR DAR scientists to review their marine use permits EIS documents.

Legislative or agency laws based on EIS findings and panel suggestions procedures can then be used to enact more permanent changes to regulations to ensure sustainable and low-impact permit actions in the future. If necessary, permit conditions can be made into law with BLNR rules packages or legislative pathways.

After passage, permits should be reviewed with the agency panel to review environmental impacts every 5 years. If deemed necessary after those meetings, regulation changes may be proposed and go through the legislative or BLNR legal process for more active management.

New permit “actions” should be reviewed to see if EIS applies, and licenses may be given if the action has a low impact while complete EIS is complied with if an EIS is deemed necessary.

The agency may hold the permits for new permits with projected high impact determined by a team of biologists and approved by the governor and BLNR, while a full EIS is complied with. Upon review of the EIS, the action has more than minimal impacts. The new permit may be revoked if a review panel of biologists deems the action too great during the process by a panel of biologists.

The impact of an “action” for permit removal should be defined as putting at risk an endangered species listed in the red list of IUCN, risk to the environment by an introduced invasive species, and/or a species listed in CITES for regulated take. and export by CITES permit only. All permits for science or aquaculture research or aquaculture breeding broodstock are one-time permits and should be exempt from HEPA Act 343 laws as they are reviewed on a case-by-case basis granted by the permitting agency who will has discretionary power over granting those permits.

Another **important point** that needs consideration with HB 611 and SB 1074 is what steps regarding an active EIS should allow permits.

I would suggest the name of the EIS **compliance company or Government agency letter stating payment or activity has been started to do the EIS or the active EIS process is currently being done, or proof of an EIS submission before exempting permits ruled by the courts to comply with HEPA EIS Act 343 laws. This will allow those permits to continue or be reissued while Act 343 HEPA EIS compliance is being met.**

The Supreme Court ruled with the aquarium fishery that the whole fishery could do an EIS, and so too should the tourist groups and commercial food fishery. **So, a section regarding groups' compliance with permit EIS requirements should include permittee names for the group EIS permit exemption should also apply.**

There should be no limits to the time of past active permits to be renewed. Aquarium Fishery permits were removed in 2017 with no just cause or scientific basis.

Comments:

Why: Too often, Act 343 EIS impacts have been applied to low-concern, low-risk, or unlisted species. IUCN has listed all aquarium species taken by past permits as "least concern".

While blackmail by Act 343 rulings may be the reason for BLNR's decisions not to grant permits even after the passage of the West Hawaii Aquarium Fishery HEPA ESI requirements the aquarium fishery permit issuance, it may be to protect others from the same law, giving **the governor all veto power may also be an issue putting the power of one person in charge of critical valuable Hawaii businesses. So, we ask you not to allow that in HB 661. Clarity also needs to be done on whether the governor is superseding BLNR power on those EIS permits.**

DAR has supported us in every hearing on the aquarium fishery, saying permits should be renewed and EISs should be passed in every case. BLNR has done the opposite, ignoring science. HB 661 will remove much of the lawsuit against user group pressure BLNR has, and we should be able to pass the completed Oahu EIS if HB 661 is enacted. Scientists in scientifically founded divisions like DAR researchers or dept of Agriculture biologists would

be more accurate and ecosystem-friendly than politicians or non-biology-trained lawyers in BLNR or DOBAR to make the permit issuance decisions.

West Hawaii EIS has already passed, but no permits have been issued. HB 661 will also help them to receive much-deserved permits. Due to confusing laws and legal fears.

Please remove and review HB 661 wording for legal interpretation by the courts to help **Eating Fisheries, Aquarium Fisheries, Dept of AG, Tourism and others**, all of which support HB 661 and SB 10745. I am sure you are aware that HB 1074 should also be considered for changes to match.

What HB 661 Draft 2 says:

(d) The **final authority to accept a final statement shall rest with:**

(1) **The governor, or the governor's authorized representative**, whenever an action proposes the use of state lands or the use of state funds, or whenever a state agency proposes an action within the categories in subsection (a); or

(2) The mayor, or the mayor's authorized representative, of the respective county whenever an action proposes only the use of county lands or county funds.

The agency receiving the request, within thirty days of receipt of the final statement, shall notify the applicant and the office of the acceptance or non-acceptance of the final statement. The final statement shall be deemed to be accepted if the agency fails to accept or not accept the final statement within thirty days after receipt of the final statement; provided that the thirty-day period may be extended at the request of the applicant for a period not to exceed fifteen days.

In any acceptance or nonacceptance, the agency shall provide the applicant with the specific findings and reasons for its determination.

https://www.capitol.hawaii.gov/sessions/session2025/bills/HB661_HD1_.HTM

From testimony SB 1074 and HB 661

https://www.capitol.hawaii.gov/sessions/session2025/Testimony/HB661_TESTIMONY_EEP-WAL_02-11-25_.PDF

[SB1074_TESTIMONY_WTL-AEN_02-12-25_.PDF](#)

HB 661 Earth Justice testimony

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.

Dept of Ag suggested changes:

goal of maintaining the State’s environmental standards while generally clarifying that the subject activities should not be burdened with unnecessary regulatory hurdles

While the findings section of this bill suggests that commercial (i.e., private) activities are intended to be the subject of the bill, verbiage in the proposed new language (on page 2, line 12, and again on page 3, lines 9 & 10) state that the subject activities include those “... or undertaken by a state or county agency ...” This creates confusion as to the intent of the bill. Further, proposed language on page 2, line 20 references the appropriate “accepting agency” which is not a defined term in either HRS 343 or the rules for Hawaii’s

environmental review process (aka HEPA). If the intent is for the amendment to apply only to private commercial applicants going through HEPA, then the correct term would be “approving agency.”

Earth Justice argument Oppose: (FYI they lie, pervert, watch out)

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.

The further assertion that “recent court decisions have broadened the definition of ‘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 MID-PACIFIC 850 RICHARDS STREET, SUITE 400 HONOLULU, HI 96813 T: 808.599.2436 F: 808.521.6841 MPOFFICE@EARTHJUSTICE.ORG WWW.EARTHJUSTICE.ORG Senate Committees on Water & Land and Agriculture & Environment February 11, 2025 Page 2 “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. And long before Umberger was decided in 2017, DLNR itself, not the courts, applied HEPA to fisheries in preparing a programmatic environmental assessment for fish aggregating devices in 2012.

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).

Lawsuits current.

1CCV-24-0001625

1. Fishing, including commercial fishing of all kinds, is an endemic part of life in Hawai‘i . Commercial collection of marine life for aquarium purposes has been practiced in Hawai‘i for decades, and is recognized by the legislature as an approved, permissible activity. Hawai‘i Revised Statutes (“HRS”) § 188-31.

2. Any person taking marine life for commercial purposes must first obtain a commercial marine license under HRS § 189-2. However, HRS Chapter 189 does not include substantive regulations on where, how, or when commercial fishing may be conducted. All such regulations come from other sources.

3. In September 2017, the Hawai‘i Supreme Court issued its ruling in *Umberger v. Department of Land and Natural Resources*, 140 Hawai‘i 500, 403 P.3d 277 (2017). In *Umberger*, the Supreme Court held that the issuance of aquarium fish permits under HRS § 188-31 was discretionary and that environmental review under the Hawai‘i Environmental Policy Act (“HEPA”), HRS Chapter 343, was required.

4. Thereafter, on October 27, 2017, because environmental review had not been completed, the Circuit Court invalidated all then-existing HRS § 188-31 permits and enjoined the Department of Land and Natural Resources (“DLNR” or the “Department”) from issuing new permits under that section until further order of that Court. See, *Umberger v. Dep’t of Land and Natural Resources*, Case No. 12-1-2625-10 JPC, Order After Remand , Regarding Commercial Aquarium Permits.

5. Following the October 27, 2017 ruling, some commercial aquarium collections continued to fish (statewide, with the express consent of the DLNR), based on their existing CMLs issued pursuant to HRS § 189-2 and without fine mesh nets (for which the HRS § 188-31 Plaintiff further requests that the Court’s declaratory judgment as to whether HEPA is required for the issuance and usage of all CMLs, for the taking of marine life in state waters, collectively, be applied across-the-board to all CMLs in the same manner, without discriminating for or against any group or subset of present or future CML holders; and

permit would be required). A group of plaintiffs then filed suit against the DLNR, seeking to discontinue the practice of commercial aquarium collection under HRS § 189-2, arguing that aquarium collection was not allowed at all without an HRS 188-31 permit or, alternatively, that aquarium collection with a CML required HEPA review. *Kaupiko v. Dep’t of Land and Natural Resources*, Case No. 1CCV-20-0000125, Complaint for Declaratory and Injunctive Relief filed January 27, 2020 (“*Kaupiko I*”).

6. The Circuit Court in *Kaupiko I* ruled that an HRS § 188-31 permit is not a mandatory pre-condition to all aquarium collection and that aquarium collection with the HRS § 189-2 commercial marine license required compliance with HEPA. Following that ruling, the

DLNR entered into a stipulation with the plaintiffs therein to impose “terms and conditions” on CMLs, requiring compliance with HEPA before the CML could be used “for aquarium purposes.” See, *Kaupiko I*, Docket No. 196, Judgment, January 28, 2021.

7. Neither the Plaintiff herein, or any member of the Plaintiff association, or any other aquarium fisher or representative of aquarium fishers, was a party in that lawsuit. In fact, the PIJAC was denied intervention despite its clear interest in the outcome. The “terms and conditions” have remained a requirement of the DLNR on all commercial marine licenses since January 28, 2021.

8. The fishers prepared an Environmental Impact Statement (“EIS”) to support their request to resume commercial aquarium collection around the island of Hawai‘i with all possible allowable gear, and for all required licenses and permits. An initial EIS was rejected by the Board of Land and Natural Resources (“BLNR” or “the Board”) in May of 2020. The fishers updated the document and the Revised Final EIS (“RFEIS”) was published in the spring of 2021, after which it was accepted by the Board by operation of HRS § 343-5(e), through which the legislature determined that an EIS is accepted unless affirmatively rejected by the reviewing agency.

9. Immediately thereafter, another lawsuit was filed, in which the Plaintiffs therein sought to invalidate the RFEIS based on the claim that the RFEIS was insufficient, as a matter of single small mesh net license pursuant to HRS § 188-31, nor has it made a formal application available. In addition, the DLNR has not provided any clarification on whether it agrees that Plaintiff’s members have complied with the “terms and conditions” imposed on using a CML “for aquarium purposes”, nor provided any clarification on how to determine compliance therewith. As a result, there has been no legal commercial aquarium collection in Hawai‘i waters since January 28, 2021. Plaintiff’s members desire and seek to engage in commercial aquarium collection, but remain unable to do so.

10. Despite the acceptance of the RFEIS in July 2021, the DLNR has not issued a law, in numerous respects. The Circuit Court, however, found that the RFEIS was sufficient as a matter of law, and entered judgment to that effect on September 12, 2022. See, *Kaupiko v. Board of Land and Natural Resources*, 1CCV-21-0000892, Docket Nos. 145, 153 and 155 (*Kaupiko II*). 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.

II. Jurisdiction and Venue

11. This Court has jurisdiction over this matter pursuant to HRS §§ 603-21.5; 603-21.9; 604A-2; HRS Chapter 632; and Article I, sections 2, 5 and 8 and Article XI, section 6 of the Hawai‘i Constitution.

12. Venue properly lies in this judicial circuit pursuant to HRS § 603-36(5) because the claims for relief arose in this circuit and because it is the location where the Defendants are domiciled.

That the Court issue appropriate injunctive relief to preclude the DLNR from discriminating for or against any group or subset of present CML holders in enforcing the requirements, rules, terms or conditions for CML issuance and/or usage in State waters.

because the RFEIS satisfies the requirements of HAR § 11-200.1-11;

Constitutional Legal Inequity of Act 343!

Lawyer review:

Applying Act 343 to only specific user groups violates constitutional access for all to public domain undersea landscape lands. Act 343 has been used to eliminate the user group; Hawai'i's near-shore aquarium fishery is not based on ecological science but solely based in user group conflict. It has harmed the livelihood of fishermen operating on the Hawaiian Islands. It is our view that the bill is a significant overreach, has several constitutional deficiencies, and should be returned to the Legislature for correction.

Fundamentally, the moratorium is a hasty response to intense lobbying by outside biased environmental groups. It is not grounded in scientific consensus. The Hawaii Department of Land and Natural Resources (DLNR) DAR previously objected to Act 343 closure of any user group based on the lack of any scientific basis. As a result, it is not well thought out and has created many constitutional headaches for the State, and potential litigation risk, as explained below. In addition, fighting the improper use of Act 343 has cost the state millions in legal fees.

Protections for Native Hawaiians

The bill makes no carve-outs or provisions to protect native Hawaiians. Historically 10% of the fishery was Native Hawaiian fishers. The Hawai'i Constitution guarantees that the State will "protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua'a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778" Hawai'i Const. Art. XII, § 7. Hawaiians have relied on the islands' near-shore fisheries for centuries, and this bill does not take into account the impacts that a moratorium may have on native Hawaiian livelihood, culture, and way of life.

Public Access to Fisheries

The bill also impermissibly restricts public fishing access. Under the Hawai'i Constitution, "[a]ll fisheries in the sea waters of the State . . . shall be free to the public, subject to . . . the right of the State to regulate the same" Hawai'i Const. Art. XI, § 6.

The moratorium would eliminate an entire fishery over time, completely denying public access. This goes far beyond mere "regulation" of fisheries and would therefore violate the Constitution.¹

Equal Protection and Due Process

Act 343 also raises significant concerns under the equal protection and due process clauses of the United States Constitution, which are designed to protect against exactly this kind of arbitrary, unsupported government action. Even assuming the Act 343 would be subject to only rational basis review (and setting aside for now the possibility that it would disproportionately impact native Hawaiians or other user groups unfairly), there appears to be no rational basis for the environmental reviews of already well-managed DLNR Ocean Permits. See, e.g., *Nehring v. Ariyoshi*, 443 F. Supp. 228, 239 (D. Haw. 1977) (concluding that there would be an equal protection violation under rational basis review where the State had not studied alleged environmental benefits and could produce no evidence to support their existence).

Dormant Commerce Clause

Act 343 also raises concerns under the Dormant Commerce Clause, which prohibits laws that unduly burden interstate commerce regarding Ocean Permits. The moratorium would severely disrupt the interstate aquarium trade supply chain. Act 343 has halted Hawaiian aquarium fish supply, industry would go to other countries for supply, some of which may tolerate environmentally destructive fishing practices like cyanide fishing. As such, the bill may violate the dormant commerce clause because it would burden interstate commerce in a manner that is clearly excessive in light of the purported (and highly dubious) environmental benefits. See *Hughes v. Oklahoma*, 441 U.S. 322, 337 (1979) (A state cannot "force those outside the State to bear the full costs of 'conserving' the wild animals within its borders").

Public Trust Doctrine and Takings

Act 343 could also create legal complications related to the public trust doctrine (under which the State holds water bodies in trust for the people) and the takings clause (under which the State may not take property without just compensation). At this stage, it is not clear that the moratorium is consistent with Hawai'i's public trust obligations. Likewise, it is not clear to what extent compensation would be required for the "taking" of the right to transfer permits. Both of these issues could eventually cause significant hassles.

Conclusion

We think this Act 343 has enough constitutional deficiencies that it should be reviewed and revised by the Legislature. It is in everyone's interest to pass a law that is based on sound science—does not place an undue burden on the State based on upholding scientific processes, not biased guesswork, or abused by lobbying pressure—and that is not vulnerable to constitutional attack.

Shared by Ron Tubbs B.S.N.D. UHM 808-927-5013

SB-1074-SD-1

Submitted on: 2/24/2025 3:35:23 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
jeff naniola	Individual	Support	Written Testimony Only

Comments:

My name is jeffre, and I.support SB1074! I am a Lahaina Wildfire Survivor. I have been a Lobby Concierge since 1993. I support this bill. In the meantime, time please have the commercial operators continue. It is imperative we sustain income for our Maui residence!

SB-1074-SD-1

Submitted on: 2/24/2025 3:37:07 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Our reefs are precious resource for all people in Hawaii. People that abuse the reefs for personal gain must not be allowed to destroy this precious resource.

It is really really important that aquarium fishing and other activities that are harmful to the reefs are stopped ASAP.

There should be no wiggle room when it comes to destroying our environment.

Thank you very much for your attention,

Tom Wallace Hawaii Kai

SB-1074-SD-1

Submitted on: 2/24/2025 3:42:38 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Mindy Brady	Individual	Support	Written Testimony Only

Comments:

Please support SB1074 for ocean tour boats. This bill is essential that ocean tourism operations in Kaanapali can continue operation while undergoing environmental review. Without this bill, these quality and longstanding operators run the risk of being shut down for years, which can put them out of business, even when they have complied with all permit requirements.

Please pass this bill as not only the tourism on Maui is effected, but the livelihood of the families who depend on it.

The outstanding reputation of these operators as it relates to complying with all conservation efforts must be considered.

Thank you!!

SB-1074-SD-1

Submitted on: 2/24/2025 3:45:55 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Lisa Welter	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill

SB-1074-SD-1

Submitted on: 2/24/2025 3:48:03 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Caleb Hopkins	Individual	Support	Written Testimony Only

Comments:

Aloha,

As a West Maui Resident and local business owner, I whole heartedly support this bill. We have a small family owned restaurant and we provide catering for one of the boats. We are just a small business, but we employ 5 Lahaina residents for our boat catering program that will be laid off if these boats are unable to operate. That may not seem like much in the grand scheme, but there are a lot of people struggling to make it on the West side of Maui. These operations support local families.

SB-1074-SD-1

Submitted on: 2/24/2025 3:50:12 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Kim Moore	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,I am submitting this testimony in strong **support** of **SB1074**.

West Maui's small businesses, particularly those operating in **Ka'anapali**, are being unfairly caught up in a broader environmental issue—one that now threatens the livelihood of dozens of **locally owned businesses** and **hundreds of West Maui families** who rely on them. These businesses have long operated in **full compliance** with stringent regulations set by both the **U.S. Coast Guard** and the **State of Hawai'i**, ensuring safe and responsible ocean activities.

While **protecting our environment is critical**, we must also ensure that **local businesses and working families are not collateral damage** in the process. SB1074 provides a **commonsense solution**—allowing businesses that are already compliant with existing laws and regulations to **continue operating while environmental assessments are completed**. This approach achieves two critical goals:

1. **Safeguarding the environment** through proper assessments and planning.
2. **Protecting local jobs and families** who have already suffered immense economic hardship following the devastating wildfires.

West Maui cannot afford to lose more businesses and jobs due to unnecessary bureaucratic delays. **This bill strikes a fair balance between environmental stewardship and economic stability**. I strongly urge you to **pass SB1074** to protect our local businesses, preserve West Maui families' livelihoods, and ensure that responsible operators can continue serving our community.

Mahalo for your time and consideration.

SB-1074-SD-1

Submitted on: 2/24/2025 3:50:36 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Tom Hargreaves	Individual	Support	Written Testimony Only

Comments:

I am very much in support of this. We are frequent visitors to Kaanapali Beach We love the boating, charters and sure hope they are able to continue

SB-1074-SD-1

Submitted on: 2/24/2025 3:59:49 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Let the boats be.

SB-1074-SD-1

Submitted on: 2/24/2025 4:00:04 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
James Reynolds	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is James Reynolds and I strongly support SB1074.

As a resident and employee of West Maui, we have already endured so many hardships. Please support us while we continue to recover by passing SB1074.

I am for the environment and SB1074 simply allows our Ka'anapali employees to continue earning a living while undergoing any required environmental reviews if permits are challenged.

Our industry has operated for over 40 years and is highly regulated by the USCG and existing State administrative rules; all of the operations on Ka'anapali Beach are and have been in compliance with.

This bill strikes a fair balance between protecting Hawaii's natural resources while supporting long-standing, regulated ocean activities operation.

Forcing lawfully permitted operators to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies will inevitably lead to the closure of local business and the loss of job for me, and so many more of our West Maui residents.

History has shown that activities that have lost their permits and been shut down don't come back. Please do not let this be the case for the hundreds of businesses and thousands of residents that depend on these activities for their livelihoods.

Please pass SB1074 and support our local families and businesses.

Mahalo for considering my testimony.

James Reynolds

SB-1074-SD-1

Submitted on: 2/24/2025 4:03:01 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Jaime Rae Kasztelan	Individual	Support	Written Testimony Only

Comments:

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

Please support SB1074 for ocean tour boats. This bill is essential for ensuring that ocean tourism operators in Kaanapali can continue their operations while undergoing environmental review. Without this bill, these longstanding, regulated operators face the risk of being shut down for years—even when they have complied with all permitting requirements.

These tour operators allow residents and visitors to experience Hawaii’s marine environment with minimal disruption, supporting conservation efforts through education and sustainable tourism practices.

This bill strikes a fair balance between protecting our natural resources through 343 and supporting the small ocean tour businesses that have operated responsibly under state oversight for decades.

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

SB-1074-SD-1

Submitted on: 2/24/2025 4:03:21 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Jason Murray	Individual	Oppose	Written Testimony Only

Comments:

Aloha

I am a local buisness owner here in Kona and have been for the last 12 years. I moved my family to Kona for our love of marinelif. I strongly oppose the idea of opening up aquarium fishing again here. With the reefs already taking a hit form temps we need every reef fish to keep our coral clean and heathly. This "fishing" practice does not bring anywhere near the amount of money that the same fish will bring in in tourism dollars. KEEP THE FISH HERE!!! We need them. They are our lifeline. These fish proctect us by keeping the reef alive. Lets protect them back. Lets ban this aquarium fishing practice for good. It is our kuleana to do so.

Mahalo,

Jason Murray

SB-1074-SD-1

Submitted on: 2/24/2025 4:15:47 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
jen ballou	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and Senate Judiciary Committee members,

My name is Jen Ballou, and I strongly oppose SB1074 SD1. This bill would allow activities that were already approved illegally to keep going indefinitely, without properly considering the environmental, cultural, and social impacts on our islands and future generations.

Our environmental review process is meant to ensure that decisionmakers have all the facts needed to weigh potential long-term consequences before any actions are allowed to proceed. This careful approach helps prevent conflicts, minimizes harmful outcomes, and protects the well-being of both current and future communities.

However, this bill would bypass that critical step. It would let activities that have already been improperly authorized continue while their environmental review is still in progress. We've seen the consequences of this approach in places like East Maui, where stream diversions by a politically connected plantation were allowed to continue for nearly 20 years after an environmental assessment was ordered. Such delays can lead to decades of avoidable damage.

By permitting illegally approved activities to proceed while waiting for environmental review—a process that, as evidenced in East Maui, can take decades—this measure would reduce our environmental review to an afterthought. It effectively endorses irresponsible agency practices that have already caused, and will continue to cause, significant and lasting harm to our islands and communities.

I urge you to HOLD SB1074 SD1.

Sincerely,
Jen Ballou

SB-1074-SD-1

Submitted on: 2/24/2025 4:16:46 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

I strongly oppose SB1074 SD1, which would allow a vast range of illegally authorized activities to continue, potentially indefinitely, without a required consideration of their environmental, cultural, and social impacts to our islands and our present and future generations. I urge you to HOLD SB1074 SD1.

SB-1074-SD-1

Submitted on: 2/24/2025 4:20:16 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Erin Woo	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

I am submitting this testimony in **strong support of SB1074** because it provides a critical lifeline for Ka'anapali's ocean-based businesses and the families who rely on them.

For decades, these locally owned businesses have operated as responsible stewards of our ocean, following stringent U.S. Coast Guard and State of Hawai'i regulations to ensure safe and environmentally sound operations. Yet, they are now caught in the middle of a larger environmental issue—one that unfairly threatens their very existence. Without action from this legislature, Ka'anapali businesses are facing a potential closure for the third time in just five years—a devastating prospect for an already fragile community.

The people of West Maui have endured enough. We are barely six months removed from one of the most catastrophic disasters in Hawai'i's history—the August wildfires that forever changed Lahaina and displaced thousands. Many of the employees who depend on Ka'anapali's ocean businesses are the very same individuals and families who lost everything. These jobs are more than just a paycheck; they are the pathway to rebuilding lives and keeping people in West Maui from having to leave their home in search of work elsewhere.

West Maui is still in recovery, still trying to get back on its feet. To impose yet another closure—one that would put hundreds of local families at risk of losing their livelihoods—is simply unconscionable. These businesses have done nothing wrong. They have followed every law and every regulation required of them. Yet, without intervention from the legislature, they may be forced to shut down indefinitely through no fault of their own.

SB1074 is not about bypassing environmental protections—it's about fairness. It is about ensuring that responsible, compliant businesses are not unjustly forced to close while environmental assessments are completed. It is about striking a balance between protecting our oceans and protecting our people—two things that are not mutually exclusive.

This is not just an economic issue—it is a human issue. It is about real families who have suffered real hardship and who now face the uncertainty of whether they will still have jobs to support their loved ones. West Maui has already lost too much—we cannot afford to lose more businesses, more jobs, and more local families.

I urge you to pass SB1074 and stand in support of West Maui's working families. Give them the chance to recover, to rebuild, and to continue contributing to the local economy in a way that is both sustainable and responsible.

Mahalo for your time, your consideration, and for standing with the people of West Maui.

SB-1074-SD-1

Submitted on: 2/24/2025 4:21:37 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
James Rhein	Individual	Support	Written Testimony Only

Comments:

The people of Maui have suffered and need to have the tourist boost the economy.

SB-1074-SD-1

Submitted on: 2/24/2025 4:23:45 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Javier barberi	Individual	Support	Written Testimony Only

Comments:

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

Please support SB1074 for ocean tour boats. This bill is essential for ensuring that ocean tourism operators in Kaanapali can continue their operations while undergoing environmental review. Without this bill, these longstanding, regulated operators face the risk of being shut down for years—even when they have complied with all permitting requirements.

These tour operators allow residents and visitors to experience Hawaii’s marine environment with minimal disruption, supporting conservation efforts through education and sustainable tourism practices.

This bill strikes a fair balance between protecting our natural resources through 343 and supporting the small ocean tour businesses that have operated responsibly under state oversight for decades.

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

SB-1074-SD-1

Submitted on: 2/24/2025 4:24:02 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Kyle Coles	Individual	Support	Written Testimony Only

Comments:

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

Please support SB1074 for ocean tour boats. This bill is essential for ensuring that ocean tourism operators in Kaanapali can continue their operations while undergoing environmental review. Without this bill, these longstanding, regulated operators face the risk of being shut down for years—even when they have complied with all permitting requirements.

These tour operators allow residents and visitors to experience Hawaii’s marine environment with minimal disruption, supporting conservation efforts through education and sustainable tourism practices.

This bill strikes a fair balance between protecting our natural resources through 343 and supporting the small ocean tour businesses that have operated responsibly under state oversight for decades.

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

SB-1074-SD-1

Submitted on: 2/24/2025 4:25:10 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Wendy Music	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Wendy Music. I've been a resident of Maui since 1986.

I strongly support bill SB1074.

I love our island and respect our environment. In my experience the boat charter companies provide a great service for out guests and our environment. I have worked for several.. We provide education for our guests expressing the importance of not damaging our reef, not harrassing our marine animals and not littering. We teach our guests to be passive observders of the wonderful environment Maui offers.

We provide rescure and lifesaving functions. Everyboat company has rescued people that were not on their tours. So many guests in kayaks, SUP's, or just snorkeling on their own getting caught in currents or winds that they cannot manage. And we are there to rescue and grateful we can.

On a personal note, Maui is expensive. Covid was a huge hit on everyones income. Then my husband passed away. Another huge hit for me emotionally and financially. Then the Lahaina fire that devastated us and broke our hearts and souls.

Please note that .2 the Kaanapali boat companies were very instrumental in getting supplies and people from the West side to Maalaea and back and forth after the fire. .

I've been a tax paying contributing member of our Island and I would like to stay that way. However I do not no if I can personally handle being laid off again. I am certainly not the only person on Maui in the same position.

On a scale much bigger than myself the economic impact for so many will be effected. it's not just about one guy getting rich. It's about regular people paying bills and trying to survive.

Thank you for your time.

Mahalo,

Wendy

SB-1074-SD-1

Submitted on: 2/24/2025 4:26:01 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Bryson sylvia	Individual	Support	Written Testimony Only

Comments:

Aloha My name is bryson sylvia and I am writing in strong support of SB1074. We can't afford to lose any more jobs for the residents in Lahaina and this bill allows for our industry and workers to make a living while an environmental assessment is done.

Mahalo

SB-1074-SD-1

Submitted on: 2/24/2025 4:28:04 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Kallye pali	Individual	Support	Written Testimony Only

Comments:

Aloha my name is Kallye I am in full support of s1074 .As a resident of Maui we can't afford to shut down anymore job opportunities.

SB-1074-SD-1

Submitted on: 2/24/2025 4:29:09 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Drake carroll	Individual	Support	Written Testimony Only

Comments:

My name is Drake Carroll I fully support sb1074, as a Maui born father of a 11 month old baby girl my job supports not just me but my family and allows us to remain in Maui and hopefully raise my children here too mahalo

SB-1074-SD-1

Submitted on: 2/24/2025 4:35:56 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Latitia-Iris Dela Cruz-Cardoza	Individual	Support	Written Testimony Only

Comments:

N/A

SB-1074-SD-1

Submitted on: 2/24/2025 4:36:45 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Strongly Support SB1074 WITH CHANGES

Aloha Chairs Rhodes and Vice Chair Gabbard and committee members,

My name is Patricia Cadiz. I support SB1074 with changes.

SB1074 allows previously permitted activities to continue operating while undergoing environmental assessment, or an environment impact statement if required. This is critical for ensuring regulatory stability and preventing unnecessary interruptions for compliant businesses. In no way is this Bill meant to undermine the Umberger Ruling.

Usually, an environmental review is required before opening an area to commercial activities. However, for those commercial activities that started some 40 years ago, this review may not have taken place a simple oversight. Activities that use Hawaii's natural resources in a non-consumptive manner are stewards of the place being used. They provide education, safety, security, and access to the place. These users support environmental protection. They have become collateral damage as a result of HEPA not recognizing these oversight, now that we ALL have become better stewards of this place.

Recommendation:

Add exceptions to Hawaii Environmental Policy Act (HEPA) for:

- Areas where commercial, permitted and government oversight exists, and these activities have been ongoing for over 30 years.
- This exception is ONLY for non-consumptive permitted activities

Without this determination, over 230 families will directly be out work and countless other vendors which serves these businesses will also be impacted, due to a recent ruling regarding Ka'anapali Beach's ORMA district. MAUI'S ECONOMY CANNOT HANDLE ANOTHER

ECONOMIC HIT LIKE THIS! Non-consumptive, permitted activity owners are already great stewards because they MUST BE to have a successful, responsible, sustainable business.

Mahalo for your time and consideration

SB-1074-SD-1

Submitted on: 2/24/2025 4:39:03 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Jose Silva	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

My name is Jose Silva, and I'm writing in strong support of SB1074.

I kindly urge the committee to pass SB1074 and lend a hand in safeguarding West Maui's local businesses and working families.

it finds a nice balance between protecting our beautiful natural resources and supporting the commercial activities that have been a key part of our local economy for many years.

Mahalo for your time and consideration.

SB-1074-SD-1

Submitted on: 2/24/2025 4:46:54 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Nikki-Ann Yee	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Senate Judiciary Committee,

I strongly oppose SB1074 SD1, which would allow illegally authorized activities to be continued, potentially indefinitely, without consideration of their environmental, cultural, and social impacts on our islands and our present and future generations. By allowing illegally authorized activities to continue while environmental review compliance is pending, this bill would turn our environmental review process into an afterthought, legitimizing unlawful and irresponsible agency practices that have inflicted and that will continue to inflict tremendous generational harms and injustices upon our islands and communities. I urge you to hold SB1074.

Mahalo for the opportunity to testify.

SB-1074-SD-1

Submitted on: 2/24/2025 4:48:07 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Tylea Beecham	Individual	Support	Written Testimony Only

Comments:

My name is Tylea Beecham and I strongly support SB1074.

As a resident and employee of West Maui, we have already endured so many hardships. Please support us while we continue to recover by passing SB1074.

I am for the environment and SB1074 simply allows our Ka'anapali employees to continue earning a living while undergoing any required environmental reviews if permits are challenged.

Our industry has operated for over 40 years and is highly regulated by the USCG and existing State administrative rules; all of the operations on Ka'anapali Beach are and have been in compliance with.

This bill strikes a fair balance between protecting Hawaii's natural resources while supporting long-standing, regulated ocean activities operation.

Forcing lawfully permitted operators to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies will inevitably lead to the closure of local business and the loss of jobs for me, and so many more of our West Maui residents.

History has shown that activities that have lost their permits and been shut down don't come back. Please do not let this be the case for the hundreds of businesses and the thousands of residents that depend on these activities for their livelihoods.

Please pass SB1074 and support our local families and businesses.

Mahalo for considering my testimony.

SB-1074-SD-1

Submitted on: 2/24/2025 4:48:15 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Kylie Hopkins	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Senate Judiciary Committee,

My name is Kylie Hopkins and **I STRONGLY OPPOSE SB1074 SD1**, which would allow illegally authorized activities to be continued, potentially indefinitely, without a consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

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

This bill would do the opposite, allowing activities that have been previously, but unlawfully, authorized without environmental review, to continue while environmental review is pending. As we have seen in cases such as East Maui, where stream diversions by a politically connected plantation were allowed to continue for nearly 20 years after an environmental assessment had been ordered, years' or decades' worth of devastating yet potentially avoidable impacts could occur without the benefit of environmental review, should this measure be passed into law.

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

I urge you to **HOLD SB1074 SD1**.

Sincerely,

Kylie Hopkins

SB-1074-SD-1

Submitted on: 2/24/2025 4:51:55 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Zac Blotter	Individual	Support	Written Testimony Only

Comments:

Aloha, my name is Zac Blotter, and I work for Trilogy Excursions. I strongly support **SB1074** because Kaanapali is vital to my job and many others who rely on ocean tourism to stay on Maui.

After the Lahaina fire, I lost my livelihood. I was working for Atlantis out of Lahaina, for a period of time Atlantis flew myself and my co-workers to Oahu to continue our employment, This ended recently and i was able to start working for Trilogy in november. It has been a huge releaf to be working and living here at home on Maui and working for a company that has done so much to give back to our Island. We host monthly cleanups and comunity projects to give back to our community and land. Working in Kaanapali has been one of the few ways to rebuild and support my family. it dosent bring back lost friends, but DOES allow me to be a part of our boater community. Our boats operate with minimal impact—leaving only bubbles and taking only photos—while providing jobs and keeping our community afloat.

If boat operators are forced to shut down due to lengthy environmental reviews, many of us will lose our jobs and our ability to stay on Maui. **Please pass SB1074** to protect our livelihoods and help our community recover.

Mahalo for taking the time to concider how this will impact me and my family.

Zac Blotter

SB-1074-SD-1

Submitted on: 2/24/2025 4:52:45 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
agustin Martinez	Individual	Support	Written Testimony Only

Comments:

Testimony in Strong Support of SB1074**Submitted by: Agustine Martinez****Date: 2.24.25**

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

I am writing in strong support of SB1074 because this bill directly impacts the livelihoods of workers like myself who depend on Hawaii's tourism industry. As a dedicated professional in the hospitality sector, I have witnessed firsthand how critical it is to have policies that support sustainable tourism, protect local jobs, and ensure that our economy remains stable for the working people of Hawaii.

Tourism is the backbone of our state's economy, providing thousands of jobs and supporting families across the islands. This industry is not just about visitors—it is about the local workers who welcome them, serve them, and ensure that they have an unforgettable experience in Hawaii. Without the right legislative support, workers like myself and many others could face job insecurity, reduced wages, and fewer opportunities to provide for our families.

SB1074 is an important step toward strengthening our tourism sector while ensuring that workers are treated fairly and that businesses remain accountable to the communities they serve. I urge you to pass this bill to safeguard the livelihoods of local workers and support the sustainable growth of Hawaii's tourism industry.

Mahalo for your time and consideration.

Sincerely,
Agustine Martinez

SB-1074-SD-1

Submitted on: 2/24/2025 4:58:11 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Brian Muirhead	Individual	Support	Written Testimony Only

Comments:

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

Please support SB1074 for ocean tour boats. This bill is essential for ensuring that ocean tourism operators in Kaanapali can continue their operations while undergoing environmental review. Without this bill, these longstanding, regulated operators face the risk of being shut down for years—even when they have complied with all permitting requirements.

These tour operators allow residents and visitors to experience Hawaii’s marine environment with minimal disruption, supporting conservation efforts through education and sustainable tourism practices.

This bill strikes a fair balance between protecting our natural resources through 343 and supporting the small ocean tour businesses that have operated responsibly under state oversight for decades.

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

SB-1074-SD-1

Submitted on: 2/24/2025 4:58:48 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Olinda Kelley	Individual	Support	Written Testimony Only

Comments:

To whom it may concern

I am requesting that you support Sb 1074 sd1

as it applied to Ka'anapali ORMA operators.

In attempting to discontinue ocean activities in west maui the consequences will be exponentially devastating to residents, a variety of business operators (beyond the commercial ocean businesses) and tourists alike.

Currently \$60 million is generated by Ka'anapali ORMA permit operators.
\$750thousand to \$1 million contributed to DAR will be eliminated

3% of \$60 million in revenue to the DLNR will disappear

\$2.8 million in state tax revenue will no longer be received

\$9 million (estimated) in revenue to commission based residents will cease to exist (travel agents, concierge personnel, activity desks)

Area restaurants and shops visited by boating participants will see reduced revenue

225,000 meals prepped by local kitchens and restaurants will disappear

fuel providers, mechanics, maintenance personnel, transportation drivers, ice delivery, and countless others will be impacted

thousands of visitors (including convention attendees) will seek other states/destinations due to lack of ocean activities

As Maui resident we are just now seeing a small flame of hope as we rise from the ashes .

To restrict /eliminate our traditional ocean access would be crushing our progress .

please support this bill as it applies to the Ka'anapali ORMA operators

SB-1074-SD-1

Submitted on: 2/24/2025 4:59:53 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Liahona Kaniho	Individual	Support	Written Testimony Only

Comments:

Testimony in Strong Support of SB1074**Submitted by: Liahona Kaniho****Date: Feb.24 2025**

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

I am writing in strong support of SB1074 because this bill directly affects women like myself who work in Hawaii's tourism industry and rely on it to provide for our families. As a woman working in hospitality, I have seen firsthand how vital it is to have policies that protect local jobs, ensure fair wages, and create stability for the workers who are the foundation of this industry.

Tourism is more than just an economic driver—it is a lifeline for many of us. It allows women, especially single mothers and caregivers, to support their children, keep up with the rising cost of living, and contribute to our local communities. We are the ones greeting guests with aloha, managing resort operations, running tours, and making sure visitors leave with unforgettable experiences. Yet, without strong legislative support, we risk job insecurity, lower wages, and fewer opportunities to advance in our careers.

SB1074 is a crucial step toward ensuring that Hawaii's tourism industry remains a source of stable and fair employment for women and all workers in the state. By passing this bill, you are helping to safeguard the livelihoods of local families and ensuring that tourism continues to benefit the people who make it thrive.

Mahalo for your time and consideration.

Sincerely,

Liahona Kaniho

SB-1074-SD-1

Submitted on: 2/24/2025 4:59:59 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Chris Goff	Individual	Support	Written Testimony Only

Comments:

Subject: Support for SB1074 – Protecting Local Businesses and Jobs

Aloha,

My name is Chris Goff, and I am writing to express my strong support for SB1074.

As a resident and employee here on Maui, I have seen firsthand the challenges our community has faced, especially in recent times. Our community has been through so much, and we need support to recover and keep moving forward. SB1074 provides that support, and I urge you to pass it so we can continue working and building our future.

I work at Three's Bar & Grill as its General Manager, where we've been serving locals and visitors for over 15 years. It's a great place where we offer a welcoming atmosphere for everyone who walks through our doors. Our success is closely tied to the health of the local economy, and this bill will help us stay open without the fear of unnecessary delays or forced closures due to environmental reviews.

We also provide catering for Teralani Sailing Charters, serving tens of thousands of meals to guests each year. This partnership helps us reach more people and contributes to the local tourism industry. With more than 80 employees, many of us are family, and we depend on the work we do both at the restaurant and through our catering service. Passing SB1074 will help protect our jobs and allow us to continue supporting each other.

I fully believe in protecting Hawaii's environment, and SB1074 strikes a fair balance by allowing businesses like ours to continue operating while going through necessary environmental reviews if permits are contested.

Passing SB1074 will help protect both the environment and the jobs of the families who depend on businesses like ours. Forcing businesses that are already lawfully permitted to shut down for years while conducting expensive studies would harm the local economy, lead to job losses, and hurt the number of customers we rely on.

History shows that businesses that lose their permits and close down rarely recover. This bill is essential for making sure that Three's Bar & Grill, our catering service, and other local businesses can continue to thrive and be part of Maui's economy for many years to come.

Please pass SB1074 to support the local businesses and families that are the backbone of West Maui.

Mahalo for considering my testimony and for your continued support of our community.

Sincerely,
Chris Goff
GM, Three's Bar & Grill

SB-1074-SD-1

Submitted on: 2/24/2025 5:00:02 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Senate Judiciary Committee,

My name is William Reese Liggett and I **STRONGLY OPPOSE SB1074 SD1**, which would allow illegally authorized activities to be continued, potentially indefinitely, without a consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

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

This bill would do the opposite, allowing activities that have been previously, but unlawfully, authorized without environmental review, to continue while environmental review is pending. As we have seen in cases such as East Maui, where stream diversions by a politically connected plantation were allowed to continue for nearly 20 years after an environmental assessment had been ordered, years' or decades' worth of devastating yet potentially avoidable impacts could occur without the benefit of environmental review, should this measure be passed into law.

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

I urge you to **HOLD SB1074 SD1**.

Sincerely,
[William Reese Liggett]

SB-1074-SD-1

Submitted on: 2/24/2025 5:02:32 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Mario Monroy	Individual	Support	Written Testimony Only

Comments:

My name is Capt. Mario Monroy and I strongly support SB1074.

As a resident and employee of West Maui, we have already endured so many hardships. Please support us while we continue to recover by passing SB1074.

I am for the environment and SB1074 simply allows our Ka'anapali employees to continue earning a living while undergoing any required environmental reviews if permits are challenged.

Our industry has operated for over 40 years and is highly regulated by the USCG and existing State administrative rules; all of the operations on Ka'anapali Beach are and have been in compliance with.

This bill strikes a fair balance between protecting Hawai'i's natural resources while supporting long-standing, regulated ocean activities operation.

Forcing lawfully permitted operators to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies will inevitably lead to the closure of local business and the loss of job for me, and so many more of our West Maui residents.

History has shown that activities that have lost their permits and been shut down don't come back. Please do not let this be the case for the hundreds of businesses and thousands of residents that depend on these activities for their livelihoods.

Please pass SB1074 and support our local families and businesses.

Mahalo for considering my testimony.

Capt. Mario Monroy

SB-1074-SD-1

Submitted on: 2/24/2025 5:04:21 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Brooke Marocco	Individual	Support	Written Testimony Only

Comments:

Subject: Support for SB1074 – Protecting Local Businesses and Jobs

Aloha,

My name is Brooke Marocco, and I am writing to express my strong support for SB1074.

As a resident and employee here on Maui, I have seen firsthand the challenges our community has faced, especially in recent times. Our community has been through so much, and we need support to recover and keep moving forward. SB1074 provides that support, and I urge you to pass it so we can continue working and building our future.

I work at Three's Bar & Grill, where we've been serving locals and visitors for over 15 years. It's a great place where we offer a welcoming atmosphere for everyone who walks through our doors. Our success is closely tied to the health of the local economy, and this bill will help us stay open without the fear of unnecessary delays or forced closures due to environmental reviews.

We also provide catering for Teralani Sailing Charters, serving tens of thousands of meals to guests each year. This partnership helps us reach more people and contributes to the local tourism industry. With more than 80 employees, many of us are family, and we depend on the work we do both at the restaurant and through our catering service. Passing SB1074 will help protect our jobs and allow us to continue supporting each other.

I fully believe in protecting Hawaii's environment, and SB1074 strikes a fair balance by allowing businesses like ours to continue operating while going through necessary environmental reviews if permits are contested.

Passing SB1074 will help protect both the environment and the jobs of the families who depend on businesses like ours. Forcing businesses that are already lawfully permitted to shut down for years while conducting expensive studies would harm the local economy, lead to job losses, and hurt the number of customers we rely on.

History shows that businesses that lose their permits and close down rarely recover. This bill is essential for making sure that Three's Bar & Grill, our catering service, and other local businesses can continue to thrive and be part of Maui's economy for many years to come.

Please pass SB1074 to support the local businesses and families that are the backbone of West Maui.

Mahalo for considering my testimony and for your continued support of our community.

Sincerely,
Brooke Marocco
Employee, Three's Bar & Grill

SB-1074-SD-1

Submitted on: 2/24/2025 5:07:52 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Kimo Cashman	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Senate Judiciary Committee,

My name is Kimo Cashman and **I STRONGLY OPPOSE SB1074 SD1**, which would allow illegally authorized activities to be continued, potentially indefinitely, without a consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

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

This bill would do the opposite, allowing activities that have been previously, but unlawfully, authorized without environmental review, to continue while environmental review is pending. As we have seen in cases such as East Maui, where stream diversions by a politically connected plantation were allowed to continue for nearly 20 years after an environmental assessment had been ordered, years' or decades' worth of devastating yet potentially avoidable impacts could occur without the benefit of environmental review, should this measure be passed into law.

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

I urge you to **HOLD SB1074 SD1.**

Sincerely,

Kimo Cashman, PhD

SB-1074-SD-1

Submitted on: 2/24/2025 5:13:47 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
zayden Phillips-Kwon	Individual	Support	Written Testimony Only

Comments:

Testimony in Strong Support of SB1074**Submitted by: Zayden Phillips-Kwon****Date: Feb 24 2025**

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

My name is Zayden, and I have worked in Hawai‘i’s tourism industry for 2 years. I am submitting this testimony in strong support of SB1074 because my job, my livelihood, and the stability of thousands of workers like me depend on the success of tourism in our islands.

Tourism is the backbone of Hawai‘i’s economy. It provides countless jobs, not just in hotels and resorts, but in restaurants, transportation, retail, and many other industries that serve both visitors and our local communities. As someone who works directly with visitors every day, I see firsthand how tourism supports local families, allowing us to afford housing, food, and basic necessities in one of the most expensive places to live.

Without a strong and well-managed tourism industry, many of us risk losing hours, wages, or even our jobs altogether. SB1074 is critical because it ensures that Hawai‘i continues to invest in responsible tourism, balancing economic sustainability with cultural and environmental preservation. It protects workers like me by keeping our industry stable and competitive, so we can continue to provide for our families and contribute to our local economy.

For many of us in tourism, this isn’t just a job—it’s our way of life. We take pride in welcoming guests to our home and sharing the beauty of Hawai‘i. But we also need the state to recognize that our industry needs support to thrive. Please pass SB1074 and stand with the workers who keep Hawai‘i’s tourism industry running.

Mahalo for your time and consideration.

Sincerely,**Zayden Phillips-Kwon**

SB-1074-SD-1

Submitted on: 2/24/2025 5:16:13 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Andrew Grandinetti	Individual	Oppose	Written Testimony Only

Comments:

My name is Andrew Grandinetti and I **STRONGLY OPPOSE SB1074 SD1**, which would allow illegally authorized activities to be continued, potentially indefinitely, without a consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

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

This bill would do the opposite, allowing activities that have been previously, but unlawfully, authorized without environmental review, to continue while environmental review is pending. As we have seen in cases such as East Maui, where stream diversions by a politically connected plantation were allowed to continue for nearly 20 years after an environmental assessment had been ordered, years' or decades' worth of devastating yet potentially avoidable impacts could occur without the benefit of environmental review, should this measure be passed into law.

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

I urge you to **HOLD SB1074 SD1**.

Sincerely

Andrew Grandinetti

SB-1074-SD-1

Submitted on: 2/24/2025 5:18:58 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Sierra Galloway	Individual	Support	Written Testimony Only

Comments:

Testimony in Strong Support of SB1074**Submitted by: Sierra Galloway****Date: Feb 24 2025**

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

I am writing in strong support of SB1074 because, as a worker in Hawaii's tourism industry, my livelihood depends on the steady flow of visitors to our islands. Tourism is not just a business—it is the foundation of our economy, supporting thousands of workers like myself who rely on travelers to make a living and provide for our families.

I work directly with visitors every day, ensuring they have the best experience possible while they are in Hawaii. Whether it's through hospitality, recreation, transportation, or retail, workers like me are the heart of the industry. We depend on responsible policies that sustain tourism, protect local jobs, and ensure fair wages and working conditions. Without strong legislative support, workers in my position risk losing the stability that allows us to live and thrive in Hawaii.

SB1074 is essential to keeping Hawaii's tourism industry strong while also making sure that the workers who drive this economy are treated fairly. It will help protect jobs, maintain visitor demand, and ensure that Hawaii remains a world-class destination—one that values not just its visitors but also the hardworking people who make those experiences possible.

I respectfully urge you to pass SB1074 and support the workers who make Hawaii's tourism industry what it is today.

Mahalo for your time and consideration.**Sincerely,**

Sierra Galloway

Beach and pool attendant

SB-1074-SD-1

Submitted on: 2/24/2025 5:20:31 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Joel Shultz	Individual	Support	Written Testimony Only

Comments:

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

I am a restaurant manager in Kaanapali, and I have been with the organization for seven years. I believe it is crucial for the success of the boating operations as well as for the overall business environment in the Kaanapali beach area to continue to have these boats operating. I have observed responsible boating practices and commendable professionalism from the crews and captains of all the companies operating from this beach.

Please support SB1074 for ocean tour boats. This bill is essential for ensuring that ocean tourism operators in Kaanapali can continue their operations while undergoing environmental review. Without this bill, these longstanding, regulated operators face the risk of being shut down for years—even when they have complied with all permitting requirements.

These tour operators allow residents and visitors to experience Hawai‘i’s marine environment with minimal disruption, supporting conservation efforts through education and sustainable tourism practices.

This bill strikes a fair balance between protecting our natural resources through 343 and supporting the small ocean tour businesses that have operated responsibly under state oversight for decades.

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

SB-1074-SD-1

Submitted on: 2/24/2025 5:25:40 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Nicole Reynolds	Individual	Support	Written Testimony Only

Comments:

Subject: Support for SB1074 – Protecting Local Jobs and Our Ohana

Aloha,

My name is Nicole Reynolds, and I am writing to express my strong support for SB1074.

As a resident and employee here on Maui, I have seen how much our community has struggled, especially in the past few years. Our families and neighbors have faced many challenges, and we need help to recover. SB1074 offers that support, and I urge you to pass this bill so we can continue to provide for our ohana and keep our jobs.

I work at Three's Bar & Grill, a place that has been a part of Maui for over 15 years, offering a welcoming space for both locals and visitors. For me and many others, Three's isn't just a job—it's part of my life. We take care of each other like family, and our success is tied to the health of the local economy. Passing SB1074 will allow us to keep working without the threat of unnecessary delays or closures that would hurt our community even more.

In addition to the restaurant, we also provide catering for Teralani Sailing Charters, serving tens of thousands of meals to guests each year. This partnership helps us reach more people, brings business to our community, and helps support the tourism industry. With over 80 employees, many of us are family members, and we depend on the work we do to provide for ourselves and our loved ones. Passing SB1074 will protect these jobs and make sure we can continue supporting each other.

I care deeply about protecting Hawaii's environment, and SB1074 strikes a fair balance. It allows businesses like ours to continue running while going through any necessary environmental reviews if permits are contested.

If we are forced to shut down for years while costly studies are conducted, it will hurt the local economy, cause job losses, and create more uncertainty for families like mine. History shows that businesses that lose their permits often never reopen, and that's something none of us want to see. This bill is critical to ensure that Three's Bar & Grill, our catering service, and other local businesses can continue supporting their employees and the Maui community for years to come.

Please pass SB1074 to support the people and families who are the heart of West Maui. We need your help to keep our jobs and continue taking care of our ohana.

Mahalo for considering my testimony and for your support of our community.

Sincerely,
Nicole Reynolds
Employee, Three's Bar & Grill

SB-1074-SD-1

Submitted on: 2/24/2025 5:29:22 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
travis waipa	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Travis waipa, and I am an employee here on Maui for a Surf School on Ka'anapali Beach. I am writing in strong support of SB 1074 SD1. I believe in the importance of protecting Maui's natural resources and agree that conducting an environmental review is necessary. However, this bill ensures that we can do so without shutting down local businesses that have been operating legally for years.

As a member of this community, I care deeply about our island, and I understand the need for responsible action. However, I also know how many people—myself included—rely on our local businesses for work. If this bill is not passed, many of us will lose our jobs. This would be a devastating blow, especially after the destruction caused by the August 2023 fires. Many of us are already struggling, and the loss of employment would put even more of us at risk.

I ask that you support SB 1074 SD1, so we can continue providing for our families and supporting the economy, while also ensuring that our environment is protected in a responsible manner.

Thank you for considering the impact this bill will have on local workers like myself, and for supporting the stability of our community.

Mahalo,

Travis Waipa

SB-1074-SD-1

Submitted on: 2/24/2025 5:31:51 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Senate Judiciary Committee,

My name is Madison Owens and I **STRONGLY OPPOSE SB1074 SD1**, which would allow illegally authorized activities to be continued, potentially indefinitely, without a consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

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

This bill would do the opposite, allowing activities that have been previously, but unlawfully, authorized without environmental review, to continue while environmental review is pending. As we have seen in cases such as East Maui, where stream diversions by a politically connected plantation were allowed to continue for nearly 20 years after an environmental assessment had been ordered, years' or decades' worth of devastating yet potentially avoidable impacts could occur without the benefit of environmental review, should this measure be passed into law.

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

I urge you to **HOLD SB1074 SD1**.

Sincerely,
Madison Owens

SB-1074-SD-1

Submitted on: 2/24/2025 5:31:54 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Testimony in Strong Support of SB1074 – Relating to Environmental Review

Aloha Chair and Members of the Committee,

My name is Christopher, and I am writing in strong support of SB1074.

This bill is essential in ensuring that previously permitted activities can continue operating while undergoing environmental review if their permits are challenged. By allowing businesses to remain open during this process, SB1074 helps maintain regulatory stability and prevents unnecessary disruptions for compliant operators.

SB1074 upholds environmental protections while also preventing redundant reviews that can impose excessive financial and operational burdens on longstanding, law-abiding businesses. It strikes a fair balance between preserving Hawai‘i’s natural resources and supporting regulated commercial activities that have been an integral part of our local economy for years.

I respectfully urge the committee to pass SB1074 and help protect Hawai‘i’s local businesses and working families.

Mahalo for your time and consideration.

SB-1074-SD-1

Submitted on: 2/24/2025 5:36:03 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Shannon Malone	Individual	Support	Written Testimony Only

Comments:

Hello, my name is Shannon, and I have had the honor of calling Maui home for the past nine years. While I am not of Hawaiian descent and was not born and raised here, I deeply believe in the importance of stewardship: caring for and protecting these islands while also appreciating their beauty and sharing them responsibly with others.

Even in my short time living here, I have seen the impacts of unchecked tourism. I have witnessed visitors treating Maui like an amusement park, disregarding the reef, the culture, and the local communities. As a crew member and captain for Trilogy Excursions, I make it a daily mission to educate our guests on the significance of land and ocean stewardship. These excursions are not just about tourism; they provide a platform to teach visitors how to respect and care for the environment.

I understand the need to assess beach-loading tourism along Kā'anapali Beach. However, I strongly believe that we can conduct this assessment while still allowing commercial vessels to operate. Shutting down all commercial activities would have significant economic consequences, especially for the many employees—both in the excursion industry and in the hotels that depend on these tours. This community has already endured immense loss following the Lahaina fires, including the loss of livelihoods and stability. I, too, lost my home and everything I owned. Like many on the west side, I have worked hard to rebuild my life while also supporting my community.

In the wake of the fires, I committed myself to hands-on recovery efforts. When I was displaced, a friend in Kula took me in, and while I couldn't access Lahaina immediately, I dedicated my time to supporting the Kula community, which had also suffered devastating losses. I became deeply involved in what became known as the "Kula Hub," working alongside the county, nonprofits, the National Guard, and local residents to provide supplies, water, and emergency brush cleanup for months. That grassroots effort has since evolved into Mālama Kula, an ongoing land stewardship program. To support this work, I reduced my employment with Trilogy to part-time so I could continue giving back to the land and community I love.

If commercial activities at Kā'anapali Beach were to cease entirely, I, and many others, would be forced to find new employment, making it much harder for me to continue this vital stewardship work. While I personally support a long-term shift toward more sustainable employment in the islands, an abrupt shutdown would cause unnecessary hardship. Instead, I believe we can balance both priorities: allowing commercial operations to continue while conducting the necessary assessments.

I also want to emphasize that tour vessels play an important educational role. Most visitors arrive with little understanding of how to be responsible environmental stewards. Onboard programs provide a crucial opportunity to instill respect for Maui's delicate ecosystems and culture, something that would be lost if these excursions were eliminated.

Ultimately, I will respect the decision of the courts, but I urge you to consider a path that allows both economic stability and environmental responsibility to coexist. I genuinely appreciate your time and consideration.

SB-1074-SD-1

Submitted on: 2/24/2025 5:51:48 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Dear Chair Rhoads, Vice Chair Gabbard, and Committee Members,

I live on the island of Kauaʻi.

I **strongly oppose** SB 1074, SD1, which would gut HEPA, one of our bedrock environmental laws. HEPA requires consideration of the environmental and cultural impacts of activities *before* they occur. Instead, the bill would allow state agencies like DLNR to keep rubberstamping permits until whenever they may get around to actually looking at the impacts.

DLNR has for years rubberstamped diversions of billions of gallons of water in East Maui and Kauaʻi and extraction of millions of reef fish on Hawaiʻi Island and Oʻahu, without ever looking at the impacts. Communities in Kauaʻi and across Hawaiʻi paeʻāina have successfully taken the agency to court to demand accountability by DLNR. This bill would eliminate this progress and hand these destructive activities a free pass.

This bill isn't necessary and is the result of a scare campaign aimed at gutting our environmental protections. HEPA is meant to apply broadly to promote environmental consciousness, *but nonetheless provides for exemptions of activities that have minor impacts*. This bill instead seeks to give a blanket free pass to commercial users of our public trust land, water, and ocean resources, *no matter what the harms*. It takes a sledgehammer to the law to swat at a fly.

The bill joins the all-out war against our environmental protections by the Trump administration and corporate interests. Hawaiʻi should know and do better than this and not wreck our bedrock laws that uphold fundamental principles of environmental stewardship and democracy.

I strongly urge you to **VOTE NO on SB 1074, SD1**

Mahalo nui,

Kauakea Mata

SB-1074-SD-1

Submitted on: 2/24/2025 5:53:05 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Aloha my name is Chris I support sb1074

SB-1074-SD-1

Submitted on: 2/24/2025 5:56:41 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Levi young	Individual	Support	Written Testimony Only

Comments:

Testimony in Strong Support of SB 1074 SD1 - Relating to Environmental Review

Hi,

My name is Levi, and I work as a surf instructor here on Maui. I am writing to express my support for SB 1074 SD1, as it provides a crucial balance between protecting our environment and supporting local businesses like mine.

As a surf instructor, I don't just teach people how to surf—I share the beauty of Maui's culture and its oceans, while also supporting my family and being part of this incredible community. If this bill isn't passed, I, along with many of my colleagues, will lose our jobs. This would be devastating for us and our families, and it would further hurt the local economy.

Many of us on Maui are still recovering from the destruction caused by the August 2023 fires, and losing our jobs would make it even harder to move forward. Shutting down local businesses would create more hardship for families like mine who rely on this work.

Mahalo for your understanding.

Levi Young

SB-1074-SD-1

Submitted on: 2/24/2025 6:09:56 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

STOP Permitting activities that are otherwise illegal. Hawaii needs clear legislation, regulations, and enforcement of laws that protect our land, air, water, communities, and cultural history.

We do NOT need you to give exceptions and excuses.

SB-1074-SD-1

Submitted on: 2/24/2025 6:12:54 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Craig Tanaka	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Senate Judiciary Committee,

My name is Craig Tanaka and I **STRONGLY OPPOSE SB1074 SD1**, which would allow illegally authorized activities to be continued, potentially indefinitely, without a consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

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

This bill would do the opposite, allowing activities that have been previously, but unlawfully, authorized without environmental review, to continue while environmental review is pending. As we have seen in cases such as East Maui, where stream diversions by a politically connected plantation were allowed to continue for nearly 20 years after an environmental assessment had been ordered, years' or decades' worth of devastating yet potentially avoidable impacts could occur without the benefit of environmental review, should this measure be passed into law.

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

I urge you to **HOLD SB1074 SD1**.

Sincerely,

Craig Tanaka

SB-1074-SD-1

Submitted on: 2/24/2025 6:15:53 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Shannon Hatch	Individual	Support	Written Testimony Only

Comments:

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

Please support SB1074 for ocean tour boats. This bill is essential for ensuring that ocean tourism operators in Kaanapali can continue their operations while undergoing environmental review. Without this bill, these longstanding, regulated operators face the risk of being shut down for years—even when they have complied with all permitting requirements.

These tour operators allow residents and visitors to experience Hawaii’s marine environment with minimal disruption, supporting conservation efforts through education and sustainable tourism practices.

This bill strikes a fair balance between protecting our natural resources through 343 and supporting the small ocean tour businesses that have operated responsibly under state oversight for decades.

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

SB-1074-SD-1

Submitted on: 2/24/2025 6:23:05 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Aloha~

I am writing today to unequivocally oppose the proposed SB1074, as its passage would once again open the door for the aquarium gathering business here in our islands. I am a long-time resident of West Hawai'i island, and avid waterman. Through the decades I have personally seen and experienced the grossly imbalanced impact this industry has had on our reef fish, from witnessing the large haul outs at Kawaihae Harbor with their collateral damage, to more importantly the intense diminishing of the various populations out on our reefs. It was and is clearly an unsustainable practice that has negatively impacted the health of the waters and reef and clearly disturbed the ecological balance. Since the temporary ban went into effect around 2016, I and many others who use the waters for recreational, health and spiritual benefit have seen a slow but notable come back, even with the poachers still out there. It is far from back to a fully healthy, balanced state, but the improvement is obvious and a welcome change. We desperately need to keep Hawai'i's fish in our waters for the continued health of the reef, and for all those locals and tourists who enjoy and derive benefit on many levels from their presence and corresponding healthy reef; not be taken for the relatively very few who want to capitalize on their removal for monetary gains with no regard for the negative impact they generate and short-sighted damage they leave behind.

Mahalo nui loa,**Lon Wallace, PhD.****Kamuela, Hawai'i**

SB-1074-SD-1

Submitted on: 2/24/2025 6:34:38 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Jay Penniman	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, Senator Chang, Senator San Buenaventura, and Senator Awa,

My name is Jay Penniman, I live in Hamakualoa and I strongly oppose SB1074, which would allow a vast range of illegally authorized activities to continue, potentially indefinitely, without a required consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

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

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

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

I urge you to HOLD SB1074.

Sincerely,
Jay F. Penniman

SB-1074-SD-1

Submitted on: 2/24/2025 6:34:58 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

My name is Jane W Taylor and I have lived on Hawaii island (96743) since 1954. I have seen much change and mostly not for the better.

I **strongly oppose** SB1074, SD1, which would allow agencies to keep rubberstamping environmentally harmful activities (like commercial aquarium collection) until whenever the agencies may get around to actually looking at the impacts and doing anything about it.

I am deeply concerned how this bill would affect Hawai‘i’s reefs and lawai‘a pono practices.

- Commercial aquarium collectors have devastated reef ecosystems around O‘ahu and Hawai‘i Island, extracting **hundreds of thousands of fish and invertebrates each year** in hotspots including West Hawai‘i and Kāne‘ohe Bay. Collected species include lau‘ipala (yellow tang), kole (goldring surgeonfish), pāku‘iku‘i (Achilles tang), among many other native and endemic species that are critical for maintaining healthy reefs and supporting Native Hawaiian subsistence fishing and cultural practices.
- This reef life is sold and shipped in plastic bags to the continent and around the world to supply the **global pet market for ornamental reef fish**, instead of staying on the reefs to support ecosystem health and Native Hawaiian fishing practices that have been handed down for generations.
- Thanks to HEPA and recent court rulings, our reefs have **finally gotten a break from unlimited aquarium extraction** while the collectors and State look at environmental

and cultural impacts, mitigation measures, and alternatives through the public environmental review process.

- Please let HEPA do its job to ***inform agency decision-making beforehand***, rather than handing industry a free pass to continue causing harm for years on end until they get around to completing the environmental review process. This bill would turn HEPA review into an afterthought and meaningless formality to justify harm that's already been done . . . and can't be undone.

- This bill would **gut HEPA's whole purpose** and is unnecessary. HEPA provides for **exemptions of activities that have truly minor impacts**.

I strongly urge you to **VOTE NO** on **SB1074, SD1**.

SB-1074-SD-1

Submitted on: 2/24/2025 6:35:52 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Kilia Purdy-Avelino	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Senate Judiciary Committee,

My name is [Your name] and **I STRONGLY OPPOSE SB1074 SD1**, which would allow illegally authorized activities to be continued, potentially indefinitely, without consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

This measure puts the cart before the horse when it comes to environmental planning and protection. Our environmental review law works by allowing decision-makers to make more fully-informed decisions that can balance and mitigate potential long-term impacts to the public interest from certain proposed activities, before those activities and their impacts are allowed to proceed. This ensures prudent planning while reducing conflict, minimizing adverse outcomes, and safeguarding the health and well-being of present and future generations.

This bill would do the opposite, allowing activities that have been previously, but unlawfully, authorized without environmental review, to continue while environmental review is pending. As we have seen in cases such as East Maui, where stream diversions by a politically connected plantation were allowed to continue for nearly 20 years after an environmental assessment had been ordered, years' or decades' worth of devastating yet potentially avoidable impacts could occur without the benefit of environmental review, should this measure be passed into law.

By allowing illegally authorized activities to continue while environmental review compliance is pending - 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.

‘A‘OLE! Mālama ‘āina before someone's bottom dollar! We need to assure care for our ‘āina, which means pono process.

I urge you to **HOLD SB1074 SD1**.

Sincerely,

Kilia Purdy-Avelino

Ho‘olehua Homesteads, Moloka‘i

SB-1074-SD-1

Submitted on: 2/24/2025 6:38:16 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Sophia Sobel	Individual	Support	Written Testimony Only

Comments:

SeaMaui is an excellent business that deserves to continue operation.

SB-1074-SD-1

Submitted on: 2/24/2025 6:49:52 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Vivian S. Toellner	Individual	Oppose	Written Testimony Only

Comments:

They ruined Paradise to put up a parking lot. If you would not do it on land for all to see, you should not do to the Ocean. We must preserve Hawai'i Natural Resources. Yes, that means limiting harmful activities. Just stop the removal of Hawaiian Reef fish for the Aquarium Trade. Far more money is made by keeping the fish here and charging to see alive and well here in their natural habitat. Please stop the blinking \$\$ dollar signs in peoples eyes... Over and over, I have testified, why does this persistantly keep coming up? What kind of force, money, evil ? is behind this. The agency that is suppose to protect is actually not protecting. Please Save Hawai'i.

I **strongly oppose** SB1074, SD1, which would allow agencies to keep rubberstamping environmentally harmful activities (like commercial aquarium collection) until whenever the agencies may get around to actually looking at the impacts and doing anything about it.

I am deeply concerned how this bill would affect Hawai'i's reefs and lawai'a pono practices.

- Commercial aquarium collectors have devastated reef ecosystems around O'ahu and Hawai'i Island, extracting **hundreds of thousands of fish and invertebrates each year** in hotspots including West Hawai'i and Kāne'ohe Bay. Collected species include lau'ipala (yellow tang), kole (goldring surgeonfish), pāku'iku'i (Achilles tang), among many other native and endemic species that are critical for maintaining healthy reefs and supporting Native Hawaiian subsistence fishing and cultural practices.
- This reef life is sold and shipped in plastic bags to the continent and around the world to supply the **global pet market for ornamental reef fish**, instead of staying on the reefs to support ecosystem health and Native Hawaiian fishing practices that have been handed down for generations.
- Thanks to HEPA and recent court rulings, our reefs have **finally gotten a break from unlimited aquarium extraction** while the collectors and State look at environmental and cultural impacts, mitigation measures, and alternatives through the public environmental review process.
- Please let HEPA do its job to **inform agency decision-making beforehand**, rather than handing industry a free pass to continue causing harm for years on end until they get around to completing the environmental review process. This bill would turn HEPA review into an afterthought and meaningless formality to justify harm that's already been done . . . and can't be undone.

- This bill would **gut HEPA's whole purpose** and is unnecessary. HEPA provides for **exemptions of activities that have truly minor impacts.**

I strongly urge you to **VOTE NO** on **SB1074, SD1.**

Most Sincerely

SB-1074-SD-1

Submitted on: 2/24/2025 6:50:22 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Dear Chair, Vice Chair, and Committee Members,**Aloha, my name is Anita Sweet, and I have been a Maui resident for 19 years.**

I respectfully ask for your **SUPPORT of SB1074_SD1**, a crucial bill that allows Kaanapali's ocean tour operators to continue running while undergoing environmental review. Without this legislation, long-standing, fully compliant businesses could face extended closures, putting jobs and livelihoods at risk despite adhering to all necessary permits and regulations.

Hawai'i's ocean tourism industry plays a vital role in connecting people with our marine environment through education, conservation, and sustainable practices. These responsible operators not only protect our waters but also contribute significantly to the local economy.

SB1074 offers a balanced approach—ensuring businesses remain operational under state oversight while meeting environmental review requirements. This is about fairness, economic stability, and preserving responsible ocean stewardship.

Please pass SB1074_SD1 to protect our local ocean tourism industry, the jobs it supports, and the families who depend on it.

Mahalo for your time and consideration.

Anita Sweet

SB-1074-SD-1

Submitted on: 2/24/2025 6:54:59 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Kate Gilligan	Individual	Support	Written Testimony Only

Comments:

Dear Chair, Vice Chair, and Committee Members,

Aloha,

I'm asking for your **support of SB1074_SD1** so Kā'anapali's ocean tour businesses can keep running while going through environmental review. Without this bill, long-time, law-abiding businesses could be shut down for years, putting jobs and families at risk.

These tours do more than just take people out on the water—they help protect our ocean, support conservation, and keep our local economy strong.

SB1074_SD1 is a fair solution that keeps businesses open while making sure they follow environmental rules.

Please **pass SB1074_SD1** to protect local jobs and families.

Mahalo, Kate Gilligan

SB-1074-SD-1

Submitted on: 2/24/2025 6:55:49 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Please oppose for the health of nature which we are a part of

SB-1074-SD-1

Submitted on: 2/24/2025 7:00:03 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Amalie Dieter	Individual	Support	Written Testimony Only

Comments:

The businesses that bring so much tourism supporting people and families who live here and as well bring to light important conservation efforts should be allowed to continue while an EA/EIS is being conducted.

This process can take very long amounts of time, in many cases several years. Telling businesses they cannot operate during that time is certainly shutting them down.

Also, what better way to evaluate impact with the businesses in place. What exactly will be assessed and studied if they are not, theoretical impacts?

Finally, consider what many people who manage lands and marine ecosystems that experience human disturbances must think about. If you have disturbances (in this case human) that are going to happen no matter what, why not regulate it and spread it out to minimize the impacts? In other words if they do not launch here, will they launch somewhere else? Are you going to concentrate all the impact somewhere else?

Please support these long standing businesses (my family has been booking for generations) while doing this very critical and important environmental evaluation by supporting and passing SB1074.

SB-1074-SD-1

Submitted on: 2/24/2025 7:01:42 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Adam Hulbert	Individual	Support	Written Testimony Only

Comments:

I'm writing this testimony on behalf of Sea Maui and its operations out of Kaanapali. I believe they should be able to continue to operate while environmental tests are being taken. They've been a stand up company in the community and businesses like theirs are a huge boost to businesses in Kaanapali and to the whole west side. Their owners and employees are integral parts of the fabric of west Maui and commerce at whalers village. We need all the help we can get right now in Lahaina and taking away opportunities does not make sense. I support environmental changes, but ones that can be administered with thought and due process. These businesses have been operating for decades under the laws of the state and should be able to continue to operate while the state makes adjustments as needed to their laws. Thank you for your time and. Consideration.

Adam Hulbert.

SB-1074-SD-1

Submitted on: 2/24/2025 7:03:29 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Matthew Gurewitsch	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Rohan's, Vice Chair Gabbard, Senator Chang, Senator San Buenaventura, and Senator Awa,

Matthew Gurewitsch here, a full-time resident of Kihei for the past 14 years. My wife and I moved to Hawaii intending to snorkel every day and to study the underwater ecosystem. Weather and ocean conditions permitting, we have upheld that plan.

We **vigorously oppose SB1074 SD1**. It should go without saying the malama 'aina is the kuleana of our whole Hawaiian ohana. This means, among much else, the environmentally questionable activities (like commercial aquarium collection) must be subject to rigorous scientific review. Plainly, agencies charged with safeguarding the welfare of our coral reefs, fish stocks, and other components of the near-shore ecosystem find it easier to rubberstamp applications for harmful activities than to conduct the necessarily studies. And so, the abuse of our reefs and all that goes with them continues. In the 14 years my wife and I have been here, we have witnessed the decline in biodiversity and the decline in populations of individual species, amounting to the virtual ruination of our formerly beautiful environment. My logs of sightings bears this out.

I could cut and paste a lot of detailed argument from interest groups and other ocean advocates. I'll spare you that--I'm sure you see lots of such correspondence. But I am in complete agreement with For the Fishes and similar entities and would like to add my voice to their chorus. This testimony is my little "solo," as it were. I hope you'll give it your full and sympathetic consideration.

Aloha!

Matthew Gurewitsch

SB-1074-SD-1

Submitted on: 2/24/2025 7:04:21 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Peleke Flores	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Rhoads, Vice Chair Gabbard, and Committee Members,

I live in Waimea on the island of Kaua‘i.

I **strongly oppose** SB 1074, SD1, which would gut HEPA, one of our bedrock environmental laws. HEPA requires consideration of the environmental and cultural impacts of activities *before* they occur. Instead, the bill would allow state agencies like DLNR to keep rubberstamping permits until whenever they may get around to actually looking at the impacts.

DLNR has for years rubberstamped diversions of billions of gallons of water in East Maui and Kaua‘i and extraction of millions of reef fish on Hawai‘i Island and O‘ahu, without ever looking at the impacts. Communities in Kaua‘i and across Hawai‘i pae‘āina have successfully taken the agency to court to demand accountability by DLNR. This bill would eliminate this progress and hand these destructive activities a free pass.

This bill isn’t necessary and is the result of a scare campaign aimed at gutting our environmental protections. HEPA is meant to apply broadly to promote environmental consciousness, *but nonetheless provides for exemptions of activities that have minor impacts*. This bill instead seeks to give a blanket free pass to commercial users of our public trust land, water, and ocean resources, *no matter what the harms*. It takes a sledgehammer to the law to swat at a fly.

The bill joins the all-out war against our environmental protections by the Trump administration and corporate interests. Hawai‘i should know and do better than this and not wreck our bedrock laws that uphold fundamental principles of environmental stewardship and democracy.

I strongly urge you to **VOTE NO on SB 1074, SD1**.

Mahalo nui loa,

Peleke Flores

SB-1074-SD-1

Submitted on: 2/24/2025 7:04:50 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, Senator Chang, Senator San Buenaventura, and Senator Awa,

My name is Mary Lu Kelley and I have lived on the south side on the island of Kauai for the past 40 years. I'm an ocean advocate and participate in an ocean aerobics class several times a week at beach in front of the Waiohai..

I **strongly oppose** SB1074, SD1, which would allow agencies to keep rubberstamping environmentally harmful activities (like commercial aquarium collection) until whenever the agencies may get around to actually looking at the impacts and doing anything about it.

I am deeply concerned how this bill would affect Hawai'i's reefs and lawai'a pono practices.

- Commercial aquarium collectors have devastated reef ecosystems around O'ahu and Hawai'i Island, extracting **hundreds of thousands of fish and invertebrates each year** in hotspots including West Hawai'i and Kāne'ohe Bay. Collected species include lau'ipala (yellow tang), kole (goldring surgeonfish), pāku'iku'i (Achilles tang), among many other native and endemic species that are critical for maintaining healthy reefs and supporting Native Hawaiian subsistence fishing and cultural practices.
- This reef life is sold and shipped in plastic bags to the continent and around the world to supply the **global pet market for ornamental reef fish**, instead of staying on the reefs to support ecosystem health and Native Hawaiian fishing practices that have been handed down for generations.
- Thanks to HEPA and recent court rulings, our reefs have **finally gotten a break from unlimited aquarium extraction** while the collectors and State look at environmental and cultural impacts, mitigation measures, and alternatives through the public environmental review process.
- Please let HEPA do its job to **inform agency decision-making beforehand**, rather than handing industry a free pass to continue causing harm for years on end until they get around to completing the environmental review process. This bill would turn HEPA review into an afterthought and meaningless formality to justify harm that's already been done . . . and can't be undone.
- This bill would **gut HEPA's whole purpose** and is unnecessary. HEPA provides for **exemptions of activities that have truly minor impacts**.

I strongly urge you to **VOTE NO** on **SB1074, SD1**.

SB-1074-SD-1

Submitted on: 2/24/2025 7:05:52 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, Senator Chang, Senator San Buenaventura, and Senator Awa,

My name is Dana Keawe and I strongly oppose SB1074 SD1, which would allow a vast range of illegally authorized activities to continue, potentially indefinitely, without a required consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

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

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

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

I urge you to HOLD SB1074.

Sincerely,
Dana Keawe

SB-1074-SD-1

Submitted on: 2/24/2025 7:06:49 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Hugh Baker	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, Senator Chang, Senator San Buenaventura, and Senator Awa:

My name is Hugh Baker. I live on the Island of Hawaii. I oppose SB1074.

Allowing 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 is detrimental to the health and well being of the citizens of Hawaii.

Further, SB1074 may enable bad business practices; Hawaii does not need another superferry-like episode.

Respectfully,

Hugh Baker

SB-1074-SD-1

Submitted on: 2/24/2025 7:11:02 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Teri Larronde	Individual	Support	Written Testimony Only

Comments:

Testimony in Strong Support of SB 1074 SD1 - Relating to Environmental Review

Aloha,

My name is Teri Larronde, and I am the mother of Tyler Larronde, a surf instructor here on Maui. I am writing to strongly support SB 1074 SD1, as this bill ensures we can protect our environment while also keeping local businesses like my son's surf school open.

As a mother, I rely on my son's ability to provide for our family through his work. He is a passionate surf instructor who shares the beauty of Maui's ocean and culture with visitors. But if this bill isn't passed, Tyler, along with many others surf instructors, will lose their jobs. This will not only affect him personally, but also have a severe impact on our family's ability to make ends meet.

Maui is still recovering from the devastating August 2023 fires, and many families, including ours, are trying to rebuild. Losing jobs in local businesses would make it even harder for families like mine to survive and stay afloat.

Please support SB 1074 SD1, so that local businesses like my son's surf school can continue to operate, providing jobs for hundreds of people and allowing families like mine to continue supporting each other.

Thank you for your time and consideration.

Mahalo,

Teri Larronde

SB-1074-SD-1

Submitted on: 2/24/2025 7:14:20 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Monique L LeBlanc	Individual	Support	Written Testimony Only

Comments:

In light of the recovery efforts from the Lahaina Fires-It is not the time to put further restrictions on tour operations. They are trying to survive, and provide a valued service to our visiting guests. Please allow these companies to operate while we do the enviornmental surveys.

SB-1074-SD-1

Submitted on: 2/24/2025 7:18:25 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Please protect our reefs.

please don't allow 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.

SB-1074-SD-1

Submitted on: 2/24/2025 7:21:25 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
James Kemper	Individual	Support	Written Testimony Only

Comments:

Testimony in Strong Support of SB 1074 SD1 - Relating to Environmental Review

Aloha,

My name is James Kemper, and I am writing in strong support of SB 1074 SD1. I believe in protecting Maui's natural resources and agree that an environmental review is important. This bill allows for that while ensuring local businesses, including those like Ka'anapali surf club, can continue to operate.

As a surf instructor, my job supports my family. If this bill isn't passed, I, along with many of my coworkers, will lose our jobs, which would be devastating, especially after the struggles we've faced since the August 2023 fires.

Please support SB 1074 SD1, so that businesses like mine can continue providing jobs and contributing to Maui's economy while also respecting the environment.

Thank you for your time and consideration.

Mahalo,

James Kemper

SB-1074-SD-1

Submitted on: 2/24/2025 7:23:38 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Drew H	Individual	Support	Written Testimony Only

Comments:

Aloha,

Please **support of SB1074_SD1** to keep Kā'anapali's charter boats running to keep our much needed jobs. Without this bill, long-standing businesses could be shut down for years, putting jobs at risk.

SB1074_SD1 is a solution that allows businesses to stay open while following environmental rules.

Thank you for your time and consideration.

SB-1074-SD-1

Submitted on: 2/24/2025 7:33:44 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Jim Medeiros Sr.	Individual	Oppose	Written Testimony Only

Comments:

I live in Honaunau on Moku O Keawe, Hawaii Island. I am a PKO (Protect Keopuka Ohana, Native Hawaiian Kupuna, and rely on healthy reefs for perpetuating Native Hawaiian culture and religious practices, living, and eating.

I **strongly oppose** SB 1074, SD1, which would allow agencies to keep rubberstamping environmentally harmful activities (like commercial aquarium collection) until whenever the agencies may get around to actually looking at the impacts and doing anything about it.

I am deeply concerned how this bill would affect Hawai‘i’s reefs and lawai‘a pono practices.

· Commercial aquarium collectors have devastated reef ecosystems around O‘ahu and Hawai‘i Island, extracting ***hundreds of thousands of fish and invertebrates each year*** in hotspots including West Hawai‘i and Kāne‘ohe Bay. Collected species include lau‘ipala (yellow tang), kole (goldring surgeonfish), pāku‘iku‘i (Achilles tang), among many other native and endemic species that are critical for maintaining healthy reefs and supporting Native Hawaiian subsistence fishing and cultural practices.

· This reef life is sold and shipped in plastic bags to the continent and around the world to supply the ***global pet market for ornamental reef fish***, instead of staying on the reefs to support ecosystem health and Native Hawaiian fishing practices that have been handed down for generations.

· Thanks to HEPA and recent court rulings, our reefs have ***finally gotten a break from unlimited aquarium extraction*** while the collectors and State look at environmental and cultural impacts, mitigation measures, and alternatives through the public environmental review process.

· Please let HEPA do its job to ***inform agency decision-making beforehand***, rather than handing industry a free pass to continue causing harm for years on end until they get around to completing the environmental review process. This bill would turn HEPA review into an afterthought and meaningless formality to justify harm that’s already been done . . . and can’t be undone.

· This bill would ***gut HEPA’s whole purpose*** and is unnecessary. HEPA provides for ***exemptions of activities that have truly minor impacts***.

I strongly urge you to **VOTE NO on SB 1074, SD1.**

SB-1074-SD-1

Submitted on: 2/24/2025 7:35:41 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
israel m maka	Individual	Comments	Written Testimony Only

Comments:

My name is Israel Mikiala Maka and I strongly support SB1074.

As a resident and employee of West Maui, we have already endured so many hardships. Please support us while we continue to recover by passing SB1074.

I am for the environment and SB1074 simply allows our Ka'anapali employees to continue earning a living while undergoing any required environmental reviews if permits are challenged.

Our industry has operated for over 40 years and is highly regulated by the USCG and existing State administrative rules; all of the operations on Ka'anapali Beach are and have been in compliance with.

This bill strikes a fair balance between protecting Hawai'i's natural resources while supporting long-standing, regulated ocean activities operation.

Forcing lawfully permitted operators to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies will inevitably lead to the closure of local business and the loss of job for me, and so many more of our West Maui residents.

History has shown that activities that have lost their permits and been shut down don't come back. Please do not let this be the case for the hundreds of businesses and thousands of residents that depend on these activities for their livelihoods.

Please pass SB1074 and support our local families and businesses.

Mahalo for considering my testimony.

SB-1074-SD-1

Submitted on: 2/24/2025 7:35:49 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Cody Ryan Christopher	Individual	Support	Written Testimony Only

Comments:

Subject: Support for SB1074 – Protecting Local Businesses and Jobs**Aloha,****My name is Cody Christopher, and I am writing to express my strong support for SB1074.**

As a resident and employee here on Maui, I have seen firsthand the challenges our community has faced, especially in recent times. We need legislation like SB1074 to help us recover and continue growing. This bill provides important support, and I urge you to pass it so that we can continue on our path to recovery.

At Three's Bar & Grill, we've been serving locals and visitors for over 15 years, offering a welcoming place for everyone. Our success is directly tied to the health of the local economy, and SB1074 will allow us to keep operating without the threat of unnecessary delays or forced closures due to environmental reviews.

We also operate a catering service that supports Teralani Sailing Charters, serving tens of thousands of meals each year to guests aboard their boats. This partnership has been a key part of our business, helping us reach more people and contribute to the local tourism industry. With more than 80 employees, many of whom are family members, we depend on the business we provide through both the restaurant and our catering service. Passing SB1074 will help protect these jobs and allow us to continue supporting our dedicated team.

I believe in protecting Hawaii's environment, and SB1074 strikes a fair balance by allowing businesses like ours to continue operating while undergoing necessary environmental reviews if permits are contested.

Passing SB1074 will protect both the environment and the livelihoods of families who depend on businesses like ours. Forcing lawfully permitted businesses to shut down for years to conduct costly studies would hurt the local economy, lead to job losses, and decrease the number of customers we rely on.

History shows that businesses that lose their permits and shut down rarely recover. This bill is essential to ensuring that Three's Bar & Grill, our catering service, and other local businesses remain strong parts of Maui's economy for years to come.

Please pass SB1074 to support the businesses and families that are the heart of West Maui.

Mahalo for considering my testimony and for your continued support of our community.

**Sincerely,
Cody Christopher
Owner/Employee, Three's Bar & Grill**

SB-1074-SD-1

Submitted on: 2/24/2025 7:37:48 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Heidi Waiamau	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Senate Judiciary Committee,

My name is [Your name] and **I STRONGLY OPPOSE SB1074 SD1**, which would allow illegally authorized activities to be continued, potentially indefinitely, without a consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

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

This bill would do the opposite, allowing activities that have been previously, but unlawfully, authorized without environmental review, to continue while environmental review is pending. As we have seen in cases such as East Maui, where stream diversions by a politically connected plantation were allowed to continue for nearly 20 years after an environmental assessment had been ordered, years' or decades' worth of devastating yet potentially avoidable impacts could occur without the benefit of environmental review, should this measure be passed into law.

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

I urge you to **HOLD SB1074 SD1**.

Sincerely,

Heidi Waiamau This bill would significantly undermine the environmental and cultural protections embodied in our environmental review process, which requires agencies to take

a hard look at environmental impacts and ways to reduce those impacts before allowing certain proposed activities to proceed or continue. The bill would instead allow previously-authorized activities to continue while environmental review is pending - which could result in years if not decades of mounting, unaccounted-for, and avoidable impacts to our natural and cultural resources, food security, water security, and public health.*

Hawaii State Legislature,

My name is Bryce Worth, and I am writing to you as both a deckhand and a resident of Lahaina, Hawaii. I wish to formally express my unwavering support for Senate Bill 1074 (SB1074), which is currently under consideration by the Senate. This legislation is pivotal for the future of our local economy and the livelihoods of numerous individuals and families within the Ka'anapali community.

The recent devastating fires in Lahaina have compounded the challenges our community has faced, leading to significant loss of life, property, and economic stability. As we strive to rebuild and recover from these tragedies, it is crucial that we also focus on the future of our local industries. Many businesses, particularly those in tourism and hospitality, are struggling to regain their footing. The uncertainties surrounding permit renewals for ocean activities only add to the challenges we face in this recovery process.

Senate Bill 1074 aims to address these critical issues by allowing existing operators to continue their activities while undergoing necessary environmental reviews. This bill is essential for maintaining compliance with environmental regulations while preventing the prolonged shutdown of permitted operations. Given the expiration of certain permits by May 2025, time is of the essence, and the potential impact on our community cannot be overstated.

For over four decades, our industry has operated under stringent oversight by the United States Coast Guard and state regulatory bodies. We are deeply committed to the preservation of Hawaii's natural resources and the protection of our unique marine environment. SB1074 strikes an essential balance between environmental stewardship and economic sustainability, enabling us to conduct our operations responsibly while ensuring that jobs and businesses remain intact.

The potential consequences of failing to pass this bill are dire. Historical data demonstrate that once permits are revoked or operations are halted, the likelihood of reinstatement diminishes significantly. This could lead to the irrevocable loss of jobs and livelihoods for many families who rely on these industries for their sustenance, especially now as we seek to recover from the recent disasters.

I respectfully urge all stakeholders to lend their support to SB1074. Its passage is vital not only for the survival of local businesses but also for the well-being of the community as a whole. Supporting this legislation means supporting the families and employees who make Ka'anapali their home.

Sincerely,

Bryce Worth

Deckhand, Lahaina Resident

SB-1074-SD-1

Submitted on: 2/24/2025 7:40:39 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Steve Dennis	Individual	Oppose	Written Testimony Only

Comments:

My name is Steve Dennis and I live part-time in South Kohala on the island of Hawaii. I'm an ocean advocate and along with my wife Sona we teach ocean conservation at the Monterey Bay Aquarium when we are on the mainland.

I **strongly oppose** SB1074, SD1, which would allow agencies to keep rubberstamping environmentally harmful activities (like commercial aquarium collection) until whenever the agencies may get around to actually looking at the impacts and doing anything about it.

I am deeply concerned how this bill would affect Hawai'i's reefs and lawai'a pono practices.

- Commercial aquarium collectors have devastated reef ecosystems around O'ahu and Hawai'i Island, extracting **hundreds of thousands of fish and invertebrates each year** in hotspots including West Hawai'i and Kāne'ohe Bay. Collected species include lau'ipala (yellow tang), kole (goldring surgeonfish), pāku'iku'i (Achilles tang), among many other native and endemic species that are critical for maintaining healthy reefs and supporting Native Hawaiian subsistence fishing and cultural practices.
- This reef life is sold and shipped in plastic bags to the continent and around the world to supply the **global pet market for ornamental reef fish**, instead of staying on the reefs to support ecosystem health and Native Hawaiian fishing practices that have been handed down for generations.
- Thanks to HEPA and recent court rulings, our reefs have **finally gotten a break from unlimited aquarium extraction** while the collectors and State look at environmental and cultural impacts, mitigation measures, and alternatives through the public environmental review process.
- Please let HEPA do its job to **inform agency decision-making beforehand**, rather than handing industry a free pass to continue causing harm for years on end until they get around to completing the environmental review process. This bill would turn HEPA review into an afterthought and meaningless formality to justify harm that's already been done . . . and can't be undone.
- This bill would **gut HEPA's whole purpose** and is unnecessary. HEPA provides for **exemptions of activities that have truly minor impacts**.
- I strongly urge you to **VOTE NO** on **SB1074, SD1**.

Sincerely, Steven & Sona Dennis

SB-1074-SD-1

Submitted on: 2/24/2025 7:41:13 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
G. R. Karpowitz	Individual	Support	Written Testimony Only

Comments:

Please Support SB1074

Aloha,

I'm writing to **strongly support for SB1074_SD1**.

My name is Rich, I've seen how tough the past few years have been for our island. Families and local businesses are still trying to recover, and we need all the help we can get. SB1074 will help protect jobs and keep businesses running.

Please **pass SB1074_SD1** to support our local economy and the people who depend on it.

Mahalo for your time!

Thank you, Rich Karpowitz

SB-1074-SD-1

Submitted on: 2/24/2025 7:49:44 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Mila Neizman	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am writing in SUPPORT of SB1074. I believe this will impact more than just the boating industry. I care for the environment, but shutting down boat activity while the EIS is taking place is damaging our already fragile tourist industry. The State has failed to enforce laws they put in place and have not regulated any rules, and they are trying to pass the blame to the boat industries. That is not fair for the businesses and the residents of Maui. I am born and raised in Lahaina and lost my home in the Lahaina Fires, and I support this because it is not fair, and although life is not fair, I believe the State should step in and make it fair.

SB-1074-SD-1

Submitted on: 2/24/2025 7:49:50 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Aloha, my name is Aubrey Christopher, and I strongly support SB1074.

As a business owner in Maui, my company supplies and works closely with the operators affected by this bill. Like so many others, we have endured immense hardships-first with COVID, then the devastating wildfires. The passage of SB1074 is critical to ensuring that businesses like mine, our employees, and the many boat operators we support can continue to recover and rebuild.

I care deeply about the environment, and SB1074 strikes a fair balance by allowing Kaanapalis long-standing, regulated ocean activities to continue operating while undergoing any necessary environmental reviews if permits are challenged. These businesses have been operating for over 40 years under strict regulations from the USCG and existing state administrative rules, remaining fully compliant throughout.

If this bill does not pass, the economic impact will be devastating, not just for boat operators but for the many businesses like mine that rely on them. Forcing legally permitted businesses to shut down for years while undergoing costly environmental studies will inevitably lead to closures, resulting in job losses across multiple industries and further destabilizing our community.

History has shown that once these businesses lose their permits and shut down, they rarely return. We cannot afford to let that happen. The ripple effect would be felt by hundreds of businesses and thousands of residents who depend on this industry for their livelihoods.

Please pass SB1074 and help protect local families, businesses, and the future of West Maui's economy.

Mahalo for considering my testimony.

SB-1074-SD-1

Submitted on: 2/24/2025 7:49:57 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Emily Johnston	Individual	Support	Written Testimony Only

Comments:

Aloha,

Please support of SB1074_SD1 to keep Ka'anapali's charter boats running to keep our much needed jobs. Without this bill, long-standing businesses could be shut down for years, putting jobs at risk.

SB1074_SD1 is a solution that allows businesses to stay open while following environmental rules.

Thank you for your time and consideration.

-Capt. Emily Johnston

SB-1074-SD-1

Submitted on: 2/24/2025 7:53:53 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Kerri Smith	Individual	Support	Written Testimony Only

Comments:

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

My name is Kerri Smith and I am a resident of Maui and I work on the ocean on a Ka'anapali Charter boat.

I am writing to express my **strong support for SB1074**. Our community has been through so much, and we need support to recover. SB1074 provides that support, and I urge you to pass it so we can continue working and building our future.

Thank you for your help with this matter. Kerri Smith

SB-1074-SD-1

Submitted on: 2/24/2025 8:00:09 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Lorna Holmes	Individual	Oppose	Written Testimony Only

Comments:

I STRONGLY OPPOSE SB1074 SD1, which would allow illegally authorized activities to be continued, potentially indefinitely, without a consideration of their environmental, cultural, and social impacts to our islands and our present and future generations. I urge you to defeat this bill, for the good of all. Mahalo for your attention.

SB-1074-SD-1

Submitted on: 2/24/2025 8:04:10 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Ezra offergeld	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Ezra Offergeld, and I'm a surf instructor here on Maui. Born and raised in lahaina. I am writing in support of SB 1074 SD1.

Maui's local surf schools provide a vital service to both our residents and visitors, offering an authentic experience while supporting alot of jobs. If this bill is not passed, many of us, including myself, will lose our ability to continue working. This would be devastating not only to me but also to my family, as we rely on this job to support ourselves.

After the challenges we've faced from the August 2023 fires, our community is still recovering. Losing jobs in local businesses would set us back even further. SB 1074 SD1 gives us a fair opportunity to continue our work while addressing environmental concerns, allowing us to move forward without putting families at risk.

I respectfully ask for your support in passing this bill, so we can keep our jobs and help rebuild our community.

Mahalo,

Ezra offergeld

SB-1074-SD-1

Submitted on: 2/24/2025 8:05:04 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Nina Monasevitch	Individual	Oppose	Written Testimony Only

Comments:

My name is Nina Monasevitch, I live in Lihue on the island of Kaua'i. I'm an ocean advocate. I have been Scuba diving, snorkeling and long distance ocean swimming in Hawaii for 47 years. I have seen the degradation of the reef ecosystems and diversity. From Pu'u honua o Honanau on Big Island to Makua/Tunnels Reefs on Kaua'I, the changes I have witnessed are drastic and heartbreaking. We are in a mass extinction event and we need to do everything possible to preserve biodiversity for future generations and all life on the planet.

I **strongly oppose** SB1074, SD1, which would allow agencies to keep rubberstamping environmentally harmful activities (like commercial aquarium collection) until whenever the agencies may get around to actually looking at the impacts and doing anything about it.

I am deeply concerned how this bill would affect Hawai'i's reefs and lawai'a pono practices.

- Commercial aquarium collectors have devastated reef ecosystems around O'ahu and Hawai'i Island, extracting **hundreds of thousands of fish and invertebrates each year** in hotspots including West Hawai'i and Kāne'ohe Bay. Collected species include lau'ipala (yellow tang), kole (goldring surgeonfish), pāku'iku'i (Achilles tang), among many other native and endemic species that are critical for maintaining healthy reefs and supporting Native Hawaiian subsistence fishing and cultural practices.

- This reef life is sold and shipped in plastic bags to the continent and around the world to supply the **global pet market for ornamental reef fish**, instead of staying on the reefs to support ecosystem health and Native Hawaiian fishing practices that have been handed down for generations.

- Thanks to HEPA and recent court rulings, our reefs have **finally gotten a break from unlimited aquarium extraction** while the collectors and State look at environmental and cultural impacts, mitigation measures, and alternatives through the public environmental review process.

- Please let HEPA do its job to **inform agency decision-making beforehand**, rather than handing industry a free pass to continue causing harm for years on end until they get around to completing the environmental review process. This bill would turn HEPA review into an afterthought and meaningless formality to justify harm that's already been done . . . and can't be undone.

· This bill would **gut HEPA's whole purpose** and is unnecessary. HEPA provides for **exemptions of activities that have truly minor impacts**.

I strongly urge you to **VOTE NO** on **SB1074, SD1**.

Sincerely,

Nina Monasevitch

My name is Nina Monasevitch, I live in Lihue on the island of Kaua'i. I'm an ocean advocate. I have been Scuba diving, snorkeling and long distance ocean swimming in Hawaii for 47 years. I have seen the degradation of the reef ecosystems and diversity. From Pu'uuhonua o Honanau on Big Island to Makua/Tunnels Reefs on Kaua'I, the changes I have witnessed are drastic and heartbreaking. We are in a mass extinction event and we need to do everything possible to preserve biodiversity for future generations and all life on the planet.

I strongly oppose SB1074, SD1, which would allow agencies to keep rubberstamping environmentally harmful activities (like commercial aquarium collection) until whenever the agencies may get around to actually looking at the impacts and doing anything about it.

I am deeply concerned how this bill would affect Hawai'i's reefs and lawai'a pono practices.

· Commercial aquarium collectors have devastated reef ecosystems around O'ahu and Hawai'i Island, extracting **hundreds of thousands of fish and invertebrates each year** in hotspots including West Hawai'i and Kāne'ohe Bay. Collected species include lau'ipala (yellow tang), kole (goldring surgeonfish), pāku'iku'i (Achilles tang), among many other native and endemic species that are critical for maintaining healthy reefs and supporting Native Hawaiian subsistence fishing and cultural practices.

· This reef life is sold and shipped in plastic bags to the continent and around the world to supply the **global pet market for ornamental reef fish**, instead of staying on the reefs to support ecosystem health and Native Hawaiian fishing practices that have been handed down for generations.

· Thanks to HEPA and recent court rulings, our reefs have **finally gotten a break from unlimited aquarium extraction** while the collectors and State look at environmental and cultural impacts, mitigation measures, and alternatives through the public environmental review process.

· Please let HEPA do its job to **inform agency decision-making beforehand**, rather than handing industry a free pass to continue causing harm for years on end until they get around to completing the environmental review process. This bill would turn HEPA review into an

afterthought and meaningless formality to justify harm that's already been done . . . and can't be undone.

· This bill would **gut HEPA's whole purpose** and is unnecessary. HEPA provides for **exemptions of activities that have truly minor impacts**.

I strongly urge you to **VOTE NO** on **SB1074, SD1**.

Sincerely,

Nina Monasevitch

SB-1074-SD-1

Submitted on: 2/24/2025 8:06:17 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Danielle Rohlfing	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am writing this in support of SB1074_SD1 to keep Kā'anapali charter boats running to keep our much needed jobs, safety, and education. Without this bill, long standing business may be shut down for years putting large numbers of jobs at risk.

Thank you for your time and consideration.

SB-1074-SD-1

Submitted on: 2/24/2025 8:07:29 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Ella Aki	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Senate Judiciary Committee,

My name is Ella Aki, and **I STRONGLY OPPOSE SB1074 SD1**, which would allow illegally authorized activities to be continued, potentially indefinitely, without a consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

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

This bill would do the opposite, allowing activities that have been previously, but unlawfully, authorized without environmental review, to continue while environmental review is pending. As we have seen in cases such as East Maui, where stream diversions by a politically connected plantation were allowed to continue for nearly 20 years after an environmental assessment had been ordered, years' or decades' worth of devastating yet potentially avoidable impacts could occur without the benefit of environmental review, should this measure be passed into law.

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

I urge you to **HOLD SB1074 SD1**.

Mahalo piha,

Ella Henanipuakea Aki

SB-1074-SD-1

Submitted on: 2/24/2025 8:07:30 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Russell Lewis	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Russell Lewis and I strongly support SB1074.

As a resident and employee of West Maui, we have already endured so many challenges. Please support us by passing SB1074.

I support the environment but SB1074 simply allows our Ka'anapali employees to continue earning a living while undergoing any required environmental studies.

Thank you for your time and support, Russell Lewis

SB-1074-SD-1

Submitted on: 2/24/2025 8:17:35 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

So yet again!!!

Thank you comity for the audacity of a bill that will shut down a user group that bennifts the states tax coffers and the access to our tourism businesses. Only this comity would even indulge the absurdity of this bill. I actually implore this group to shut down the ocean resources off kanapalli beach. So we can pursue legal actions against you and the the designers of this bill.
Captain Jimmy Akana

SB-1074-SD-1

Submitted on: 2/24/2025 8:19:34 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Tepua Ho	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Senate Judiciary Committee,

My name is Tepua Ho and I STRONGLY OPPOSE SB1074 SD1, which would allow illegally authorized activities to be continued, potentially indefinitely, without a consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

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

This bill would do the opposite, allowing activities that have been previously, but unlawfully, authorized without environmental review, to continue while environmental review is pending. As we have seen in cases such as East Maui, where stream diversions by a politically connected plantation were allowed to continue for nearly 20 years after an environmental assessment had been ordered, years' or decades' worth of devastating yet potentially avoidable impacts could occur without the benefit of environmental review, should this measure be passed into law.

By allowing illegally authorized activities to continue while environmental review compliance is pending - something that has taken literal decades in the dewatering of East Maui's streams - this bill would turn our environmental review process into an

afterthought, legitimizing unlawful and irresponsible agency practices that have inflicted and that will continue to inflict tremendous generational harms and injustices upon our islands and communities.

I urge you to HOLD SB1074 SD1.

Sincerely,

Tepua Ho

SB-1074-SD-1

Submitted on: 2/24/2025 8:21:55 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

To Chair Rhoads, Vice Chair Gabbard, Senator San Buenaventura, and fellow members of the Senate Judiciary Committee,

My name is Susie Davis and I **STRONGLY OPPOSE SB1074 SD1**. This bill would allow agencies such as DLNR to continue allow the corporate exploitation of our public trust resources for years if not decades, while environmental review processes are “pending.” This bill will allow illegally authorized activities to be continued, potentially indefinitely, without a consideration of their environmental, cultural, and social impacts to our islands and our present and future generations. It is a bad bill for thos who care about the health of Hawaii’s fragile environment.

Our environmental review laws ensure prudent planning while reducing conflict, minimizing adverse outcomes, and safeguarding the health and well-being of present and future generations. This bill would encourage the opposite of that process. As we have seen in cases such as East Maui, where stream diversions by a politically connected plantation were allowed to continue for nearly 20 years after an environmental assessment had been ordered, years’ or decades’ worth of devastating yet potentially avoidable impacts could occur without the benefit of environmental review, should this measure be passed into law.

By allowing illegally authorized activities to continue while environmental review compliance is pending, 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 am specifically concerned about giving any further loophole to the Aquarium industry operatives who our island's people have resolutely opposed for many years. We again say NO!

I urge you to **HOLD SB1074 SD1**.

Susie Davis

Kapaau, HI

SB-1074-SD-1

Submitted on: 2/24/2025 8:24:13 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Gwendolyn Hufalar	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

My name is Gwendolyn Hufalar and I'm one of the workers for Aqualani (Westin KOR). I don't support this bill because it will cut a lot of people's job who is in the hospitality ocean sport and recreation industry

pop

SB-1074-SD-1

Submitted on: 2/24/2025 8:31:03 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Please stand up against commercial aquarium collection of Hawaiian sealife for private profit. Our sealife faces many increasing challenges, and is a resource deserving our protection. Reef life has been severely diminished compared to past times and we must protect what remains for future survival.

Please stand against short term profiteering that threatens long term harm.

Mahalo.

SB-1074-SD-1

Submitted on: 2/24/2025 8:34:34 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

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

Please support SB1074 for ocean tour boats. This bill is essential for ensuring that ocean tourism operators in Kaanapali can continue their operations while undergoing environmental review. Without this bill, these longstanding, regulated operators face the risk of being shut down for years—even when they have complied with all permitting requirements.

These tour operators allow residents and visitors to experience Hawaii’s marine environment with minimal disruption, supporting conservation efforts through education and sustainable tourism practices.

This bill strikes a fair balance between protecting our natural resources through 343 and supporting the small ocean tour businesses that have operated responsibly under state oversight for decades.

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

Mahalo,

Ginger Lucy

SB-1074-SD-1

Submitted on: 2/24/2025 8:34:48 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Capt Andrew Weight	Individual	Support	Written Testimony Only

Comments:

Aloha, my name is Capt Andrew Weight, and I have worked in Ka'anapali for 17 years.

I respectfully ask for your **SUPPORT of SB1074_SD1**, a very important bill that allows Kaanapali's ocean boat operators to continue running while undergoing environmental review.

Hawai'i's ocean tourism industry plays a vital role in connecting people with our marine environment through education, conservation, and sustainable practices. These responsible operators not only protect our waters but also contribute significantly to the local economy.

Please pass SB1074_SD1 to protect our local ocean tourism industry, the jobs it supports.

Mahalo for your time and consideration, Capt Andrew Weight

SB-1074-SD-1

Submitted on: 2/24/2025 8:38:17 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Jayden Walker	Individual	Support	Written Testimony Only

Comments:

I support this bill.

SB-1074-SD-1

Submitted on: 2/24/2025 8:41:20 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Freddy Camacho	Individual	Support	Written Testimony Only

Comments:

My name is Freddy Camacho and I strongly support SB1074.

I urge you to pass this bill. Myself and many many others make their livelihood from water activities in Kaanapali. There are so many people in the tourism industry in Kaanapali that will be directly affected if this bill does not pass.

Many of our companies have been operating legally with permits for over 40 years. Please allow us to continue to work and provide for our families and loved ones while an environment study is performed.

Allowing companies to continue may also provide a time for mediation and coming to some mutual and reasonable agreement between those who support and those who are against SB1074.

Thank You.

SB-1074-SD-1

Submitted on: 2/24/2025 8:43:00 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Pauline Fiene	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Rhoads, Vice Chair Gabbard, Senator Chang, Senator San Buenaventura, and Senator Awa,

My name is Pauline Fiene and I have been a Maui resident for 40 years.

I strongly **oppose** SB1074, SD1, which would allow environmentally harmful activities (like commercial aquarium capturing) to continue while agencies examine the impacts of said activity.

We are all aware that our reefs are, in general, declining due to our actions on land such as introducing fertilizers/cesspool seepage into the ocean increasing algae growth, soil pouring into the ocean during storms which smothers coral, as well as overfishing, and larger natural events such as coral bleaching/death. The last thing we need is for the extractive aquarium trade to remove wildlife that is badly needed where it belongs – on the reef – doing its job in keeping algae growth down and reproducing to keep fish populations from declining further.

Please vote **NO** on **SB1074, SD1**.

Sincerely, Pauline Fiene

SB-1074-SD-1

Submitted on: 2/24/2025 8:43:33 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
kiriana lawrence	Individual	Support	Written Testimony Only

Comments:

Hi,

My name is Kiriana Lawrence and I am writing to express my strong support for SB1074 SD1, which would allow my boyfriend, Tyler Larronde, to renew his permit for his surf school. This business is not only his passion but also our primary source of income, supporting both of us financially.

Tyler has dedicated himself to teaching surfing and fostering a love for the ocean within our community. His surf school provides a safe, educational, and fun environment for people of all ages to learn and appreciate the sport. It also provides jobs for 15 surf instructors born and raised on Maui.

The renewal of his permit is vital to our livelihood. Without this opportunity, we would face significant financial hardship, as the surf school is our main source of income. Tyler has worked hard to build his business with integrity, passion, and a commitment to both his students and our community. Denying his permit renewal would not only affect us personally but would also limit access to a beloved recreational and cultural activity that benefits many in our area.

I respectfully urge you to support SB1074 SD1 and help ensure that Ka'anapali Surf Club can continue to operate.

SB-1074-SD-1

Submitted on: 2/24/2025 8:45:45 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Karie L Wakat	Individual	Oppose	Written Testimony Only

Comments:

I oppose **SB1074, SD1**.

Please let HEPA do its job to ***inform agency decision-making beforehand***, rather than handing industry a free pass to continue causing harm for years on end until they get around to completing the environmental review process. This bill would turn HEPA review into an afterthought and meaningless formality to justify harm that's already been done . . . and can't be undone.

- This bill would **gut HEPA's whole purpose** and is unnecessary. HEPA provides for **exemptions of activities that have truly minor impacts**.

I strongly urge you to **VOTE NO** on **SB1074, SD1**.

Sincerely,
Karie L Wakat

SB-1074-SD-1

Submitted on: 2/24/2025 8:46:57 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Aloha,

I'm Kawika Regidor, a surf instructor on Maui, and I strongly support SB 1074 SD1. This bill strikes the right balance between protecting our environment and allowing local businesses to keep running responsibly.

As an instructor, I depend on my job to support my family, and so do many of my colleagues. If this bill doesn't pass, we risk losing our livelihoods. After the hardships caused by the August 2023 fires, many of us are just starting to rebuild, and the thought of losing our work is incredibly hard to bear.

Please consider the people who are trying to make an honest living while also caring for our land. SB 1074 SD1 gives us the opportunity to continue our work and help Maui's economy recover without compromising the environment.

Thank you for your time and support.

Mahalo,

Kawika Regidor

SB-1074-SD-1

Submitted on: 2/24/2025 8:50:33 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Anna Leahey	Individual	Support	Written Testimony Only

Comments: My name is Anna Leahey and I strongly support SB1074. As a resident and employee of West Maui, we have already endured so many hardships. Please support us while we continue to recover by passing SB1074. I am for the environment and SB1074 simply allows our Ka'anapali employees to continue earning a living while undergoing any required environmental reviews if permits are challenged. Our industry has operated for over 40 years and is highly regulated by the USCG and existing State administrative rules; all of the operations on Ka'anapali Beach are and have been in compliance with. This bill strikes a fair balance between protecting Hawaii's natural resources while supporting long-standing, regulated ocean activities operation. Forcing lawfully permitted operators to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies will inevitably lead to the closure of local business and the loss of job for me, and so many more of our West Maui residents. History has shown that activities that have lost their permits and been shut down don't come back. Please do not let this be the case for the hundreds of businesses and thousands of residents that depend on these activities for their livelihoods. Please pass SB1074 and support our local families and businesses. Mahalo for considering my testimony. Anna Leahey

SB-1074-SD-1

Submitted on: 2/24/2025 8:55:13 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Dear Chair Rhoads, Vice Chair Gabbard, Senator Chang, Senator San Buenaventura, and Senator Awa,

I strongly oppose SB1074, SD1, and I am deeply concerned about how it would affect Hawai‘i’s reefs.

Commercial aquarium collectors have severely impacted reef ecosystems around O‘ahu and Hawai‘i Island, extracting hundreds of thousands of fish and invertebrates yearly, including West Hawai‘i and Kāne‘ohe Bay. The collected species include lau‘ipala (yellow tang), Kole (goldring surgeonfish), and pāku‘iku‘i (Achilles tang), among many other native and endemic species essential for maintaining healthy reefs and supporting Native Hawaiian subsistence fishing and cultural practices.

Our environmental review law allows decision-makers and the public to make more informed choices, balancing and mitigating potential long-term impacts on the public interest from certain proposed activities before they can proceed. This ensures prudent planning, reduces conflict, minimizes adverse outcomes, and safeguards the health and well-being of both present and future generations.

I urge you to strongly oppose SB1074, SD1.

Mahalo

Cynthia Punihaole Kennedy

Kalaoa, Kona

Island of Hawai‘i

SB-1074-SD-1

Submitted on: 2/24/2025 8:55:54 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Joshua Stewart	Individual	Support	Written Testimony Only

Comments:

My name is Joshua Stewart and I strongly support SB1074.

As a resident and employee of West Maui, we have already endured so many hardships. Please support us while we continue to recover by passing SB1074.

I am for the environment and SB1074 simply allows our Ka'anapali employees to continue earning a living while undergoing any required environmental reviews if permits are challenged.

Our industry has operated for over 40 years and is highly regulated by the USCG and existing State administrative rules; all of the operations on Ka'anapali Beach are and have been in compliance with.

This bill strikes a fair balance between protecting Hawaii's natural resources while supporting long-standing, regulated ocean activities operation.

Forcing lawfully permitted operators to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies will inevitably lead to the closure of local business and the loss of job for me, and so many more of our West Maui residents.

History has shown that activities that have lost their permits and been shut down don't come back. Please do not let this be the case for the hundreds of businesses and thousands of residents that depend on these activities for their livelihoods.

Please pass SB1074 and support our local families and businesses.

Mahalo for considering my testimony.

Joshua Stewart

SB-1074-SD-1

Submitted on: 2/24/2025 8:59:23 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

I'm a resident of Hawi on the Big Island. I have been previously involved with EIS issues as a litigant. I can understand the motivation for this bill, and the restrictions on grading and building and such certainly help to minimize adverse effects.

However, I believe that this will allow unwarranted discretion to agencies and can even be opening up an avenue for corruption. Specifically, a government agency could use this as a way to fast track an activity by issuing a negative declaration to EIS requirements. It could give such a declaration even when it knows it is likely to be overturned by the courts. Currently, in this situation the possible penalty for the applicant would be large.

I can imagine that this could allow some currently or previously permitted activities to resume even while under legal challenge. That seems wrong. I can understand that the legislature would like to allow for expeditious permitting but a weakening of our environmental procedures should not be inflicted on the citizens of Hawaii.

Please set this bill aside for future sessions when it can be better scrutinized.

Bill Graham

SB-1074-SD-1

Submitted on: 2/24/2025 8:59:53 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

My family of 5 (Myself, my wife, my 2 teens and my toddler) and 2 dogs depend on me to keep food on the table and lights on in the our home which we own and not rent.

By putting me out of a job, this will put a financial burden on my family.

I support this bill.

SB-1074-SD-1

Submitted on: 2/24/2025 9:00:47 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Senate Judiciary Committee,

My name is Earl Kim Kim and I **STRONGLY OPPOSE SB1074 SD1**, which would allow illegally authorized activities to be continued, potentially indefinitely, without a consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

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

This bill would do the opposite, allowing activities that have been previously, but unlawfully, authorized without environmental review, to continue while environmental review is pending. As we have seen in cases such as East Maui, where stream diversions by a politically connected plantation were allowed to continue for nearly 20 years after an environmental assessment had been ordered, years' or decades' worth of devastating yet potentially avoidable impacts could occur without the benefit of environmental review, should this measure be passed into law.

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

I urge you to **HOLD SB1074 SD1**.

Sincerely,
Earl Kim

SB-1074-SD-1

Submitted on: 2/24/2025 9:02:16 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Kamalani Waipa	Individual	Support	Written Testimony Only

Comments:

Aloha

I support SB1074. It will be a shame for all the families whos only income comes from these jobs were to lose it.

SB-1074-SD-1

Submitted on: 2/24/2025 9:03:49 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Meredith Lins	Individual	Support	Written Testimony Only

Comments:

Aloha Committee,

I would like testify in support in SB 1074_SD1.

I kindly ask for your **support of SB1074_SD1** to keep Kā'anapali's ocean boat operators running during environmental review. I work both on a Ka'anapali boat as well as a photographer.

These boat tours do more than take people on the water—they protect our ocean, support conservation, and boost the local economy.

Please **pass SB1074_SD1** to protect local jobs and families.

Mahalo for your time, Meredith Lins

SB-1074-SD-1

Submitted on: 2/24/2025 9:10:05 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Harry Shimmin	Individual	Support	Written Testimony Only

Comments:

My name is Harry Shimmin and I strongly support SB1074.

As a resident and employee of West Maui, we have already endured so many hardships. Please support us while we continue to recover by passing SB1074.

I am for the environment and SB1074 simply allows our Ka'anapali employees to continue earning a living while undergoing any required environmental reviews if permits are challenged.

Our industry has operated for over 40 years and is highly regulated by the USCG and existing State administrative rules; all of the operations on Ka'anapali Beach are and have been in compliance with.

This bill strikes a fair balance between protecting Hawaii's natural resources while supporting long-standing, regulated ocean activities operation.

Forcing lawfully permitted operators to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies will inevitably lead to the closure of local business and the loss of job for me, and so many more of our West Maui residents.

History has shown that activities that have lost their permits and been shut down don't come back. Please do not let this be the case for the hundreds of businesses and thousands of residents that depend on these activities for their livelihoods.

Please pass SB1074 and support our local families and businesses.

Mahalo for considering my testimony.

Harry Shimmin

SB-1074-SD-1

Submitted on: 2/24/2025 9:10:25 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Morgan Kraver	Individual	Support	Written Testimony Only

Comments:

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

Please support SB1074 for ocean tour boats. This bill is essential for ensuring that ocean tourism operators in Ka'anapali can continue their operations while undergoing environmental review. Without this bill, these longstanding, regulated operators face the risk of being shut down for years—even when they have complied with all permitting requirements.

These tour operators allow residents and visitors to experience Hawaii's marine environment with minimal disruption, supporting conservation efforts through education and sustainable tourism practices.

This bill strikes a fair balance between protecting our natural resources through 343 and supporting long-standing, regulated ocean tour businesses and activities that have operated responsibly under state oversight for decades.

Forcing lawfully permittee operators to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies will inevitably lead to the closure of local business and loss of jobs for me and so many other West Maui residents who have already lost so much due to the fires.

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

SB-1074-SD-1

Submitted on: 2/24/2025 9:11:47 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Iwa Shaw	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am writing in SUPPORT of SB1074. Permitted commercial operators need to be able to continue operating while undergoing environmental review. Our livelihood, the jobs we provide, and the other businesses we support depend on it. To be shut down for any amount of time would be very detrimental.

Mahalo

SB-1074-SD-1

Submitted on: 2/24/2025 9:23:22 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Alicia Mohondro	Individual	Support	Written Testimony Only

Comments:

I strongly support SB1074

SB-1074-SD-1

Submitted on: 2/24/2025 9:31:46 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Senate Judiciary Committee,

My name is Andrew Isoda and I **STRONGLY OPPOSE SB1074 SD1**, which would allow illegally authorized activities to be continued, potentially indefinitely, without a consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

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

This bill would do the opposite, allowing activities that have been previously, but unlawfully, authorized without environmental review, to continue while environmental review is pending. As we have seen in cases such as East Maui, where stream diversions by a politically connected plantation were allowed to continue for nearly 20 years after an environmental assessment had been ordered, years' or decades' worth of devastating yet potentially avoidable impacts could occur without the benefit of environmental review, should this measure be passed into law.

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

I urge you to **HOLD SB1074 SD1**.

Sincerely,
Andrew Isoda

Lahaina, Mau'i

SB-1074-SD-1

Submitted on: 2/24/2025 9:32:41 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Sammy Larrazabal	Individual	Support	Written Testimony Only

Comments:

My name is Sammy Larrazabal and I strongly support SB1074.

As a resident and employee of West Maui, we have already endured so many hardships. Please support us while we continue to recover by passing SB1074.

I am for the environment and SB1074 simply allows our Ka'anapali employees to continue earning a living while undergoing any required environmental reviews if permits are challenged.

Our industry has operated for over 40 years and is highly regulated by the USCG and existing State administrative rules; all of the operations on Ka'anapali Beach are and have been in compliance with.

This bill strikes a fair balance between protecting Hawaii's natural resources while supporting long-standing, regulated ocean activities operation.

Forcing lawfully permitted operators to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies will inevitably lead to the closure of local business and the loss of job for me, and so many more of our West Maui residents.

History has shown that activities that have lost their permits and been shut down don't come back. Please do not let this be the case for the hundreds of businesses and thousands of residents that depend on these activities for their livelihoods.

Please pass SB1074 and support our local families and businesses.

Mahalo for considering my testimony.
Sammy Larrazabal

SB-1074-SD-1

Submitted on: 2/24/2025 9:40:51 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Suparna Vashisht	Individual	Oppose	Written Testimony Only

Comments:

I am writing to let you know that I STRONGLY OPPOSE SB1074 SD1, which would allow illegally authorized activities to be continued, potentially indefinitely, without a consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

This bill would allow activities that have been previously, but unlawfully, authorized without environmental review, to continue while environmental review is pending. As we have seen in cases such as East Maui, where stream diversions by a politically connected plantation were allowed to continue for nearly 20 years after an environmental assessment had been ordered, years' or decades' worth of devastating yet potentially avoidable impacts could occur without the benefit of environmental review, should this measure be passed into law.

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

I urge you to **HOLD SB1074 SD1.**

Sincerely,

Suparna Vashisht

Maui, HI

SB-1074-SD-1

Submitted on: 2/24/2025 10:05:41 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
James Sheaffer	Individual	Support	Written Testimony Only

Comments:

Aloha,

Being a Lahaina Fire victim and seeing and living through the devastating impacts of the fire on community. I stand in strong support of the Boat companies continued use of Ka'anapali Beach to conduct their business.

Many tourists plan their trip around the many offerings that launch from Ka'anapali Beach and not having an alternate boat harbor in Lahaina would devastate these businesses should their permits not be renewed.

The domino effect of impacted businesses is extreme--it would result in many to close down and hundreds of jobs lost. Seeing so many of the families in my community struggle from the fires and now to have to have added stress of wondering if their employer is going to be able to stay in business.

I think we need to do everything we can to support the businesses on the westside, and move forward from this as best we can.

SB-1074-SD-1

Submitted on: 2/24/2025 10:22:16 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Ravi Bugga	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members,

I'm writing to support the continued commercial operations on Kaanapali Beach during the environmental review process.

Thank you for your consideration.

Ravi Bugga

Lahaina

SB-1074-SD-1

Submitted on: 2/24/2025 10:35:37 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Dawn Morais Webster Ph.D.	Individual	Oppose	Written Testimony Only

Comments:

Chair Rhoads, Vice Chair Gabbard, Senator Chang, Senator San Buenaventura, and Senator Awa:

This is no time to let down our guard--not when a wrecking ball is being taken to government. I strongly oppose SB1074 because of what I have learned from the fishing communities with whom I have worked over the past several years. Passing this bill would allow many illegal activities to continue, potentially indefinitely, without consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

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

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

By allowing illegally authorized activities to continue while environmental review challenges are resolved - something that could take decades, 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 harms and injustices upon our islands and communities for generations.

Please VOTE NO on SB1074. Mahalo.

SB-1074-SD-1

Submitted on: 2/24/2025 11:04:16 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Julia Matseshe	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Rhoads, Vice Chair Gabbard, and Committee Members,

I hope this message finds you well. I am writing as a resident of Waimea Valley on the island of Kaua‘i to express my strong opposition to SB 1074, SD1. This bill would effectively dismantle HEPA—a cornerstone environmental law that requires a thorough review of environmental and cultural impacts before any activities take place. Instead of ensuring responsible evaluations, SB 1074, SD1 would allow state agencies like DLNR to continue issuing permits without properly examining these impacts.

For years, DLNR has issued permits for extensive water diversions and large-scale reef fish extractions across East Maui, Kaua‘i, Hawai‘i Island, and O‘ahu without adequate review. Our communities have fought back in court to hold DLNR accountable, and this progress is at risk of being undone by the proposed bill. Moreover, this legislation appears to be driven by a scare campaign aimed at weakening our environmental protections. Rather than providing reasonable exemptions for activities with minor impacts, it would give commercial users a blanket exemption from scrutiny on our public trust lands, water, and ocean resources—essentially taking a sledgehammer to a fly. SB 1074, SD1 represents a dangerous erosion of our environmental safeguards, aligning with federal and corporate agendas that threaten our natural resources.

I urge you to protect the principles of environmental stewardship and democratic accountability that are the foundation of our community.

Please vote NO on SB 1074, SD1.

Thank you for your time and consideration.

Sincerely,
Julia Matseshe
mightierwebmarketing@gmail.com
(309) 212-0790

SB-1074-SD-1

Submitted on: 2/24/2025 11:40:21 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Donna Zoghby	Individual	Support	Written Testimony Only

Comments:

Dear Chair & Members of the committee,

Please support SB 1074 for the ocean tour boats. I feel it is essential to have this amenity not only for tourism but for the locals to enjoy the amazing beauty of this island.

Please pass SB 1074 for the small businesses that have been essential to our community.

Thank you for your consideration.

Sincerely,

Donna Zoghby

SB-1074-SD-1

Submitted on: 2/24/2025 11:43:31 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

As a resident and employee of West Maui, we have already endured so many hardships. Please support us while we continue to recover by passing SB1074. Tourism is already down 40%.

I don't live on the west side anymore since after the fire, but I still work over there on the boats. This bill if not passed will affect hundreds of employees, their families and beyond because everything is interconnected on Maui and in Hawaii in General. Many locals will be forced to move off island because they don't have a job and can't afford to live here.

I am for the environment and SB1074 as it simply allows our Ka'anapali employees to continue earning a living while undergoing any required environmental reviews if permits are challenged.

Our industry has operated for over 40 years and is highly regulated by the USCG and existing State administrative rules; all of the operations on Ka'anapali Beach are and have been in compliance with.

This bill strikes a fair balance between protecting Hawaii's natural resources while supporting long-standing, regulated ocean activities operation.

Forcing lawfully permitted operators to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies will inevitably lead to the closure of local business and the loss of job for me, and so many more of our West Maui residents.

History has shown that activities that have lost their permits and been shut down don't come back. Please do not let this be the case for the hundreds of businesses and thousands of residents that depend on these activities for their livelihoods.

Please pass SB1074 and support our local families and businesses.

Mahalo for considering my testimony.

SB-1074-SD-1

Submitted on: 2/24/2025 11:55:55 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Senate Judiciary Committee,

My name is Bo Breda and I **STRONGLY OPPOSE SB1074 SD1**, which would allow illegally authorized activities to be continued, potentially indefinitely, without a consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

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

This bill would do the opposite, allowing activities that have been previously, but unlawfully, authorized without environmental review, to continue while environmental review is pending. As we have seen in cases such as East Maui, where stream diversions by a politically connected plantation were allowed to continue for nearly 20 years after an environmental assessment had been ordered, years' or decades' worth of devastating yet potentially avoidable impacts could occur without the benefit of environmental review, should this measure be passed into law.

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

I urge you to **HOLD SB1074 SD1**.

Sincerely,
Bo Breda

SB-1074-SD-1

Submitted on: 2/24/2025 11:57:14 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Senate Judiciary Committee,

My name is Peter Wilson and I **STRONGLY OPPOSE SB1074 SD1**, which would allow illegally authorized activities to be continued, potentially indefinitely, without a consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

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

This bill would do the opposite, allowing activities that have been previously, but unlawfully, authorized without environmental review, to continue while environmental review is pending. As we have seen in cases such as East Maui, where stream diversions by a politically connected plantation were allowed to continue for nearly 20 years after an environmental assessment had been ordered, years' or decades' worth of devastating yet potentially avoidable impacts could occur without the benefit of environmental review, should this measure be passed into law.

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

I urge you to **HOLD SB1074 SD1**.

Sincerely,
Peter Wilson

SB-1074-SD-1

Submitted on: 2/25/2025 1:45:34 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Ryan Gantzer	Individual	Support	Written Testimony Only

Comments:

Support this bill. Save my job along with thousands of others. Already lost my job in Lahaina harbor with the fires. Don't take away my current livelihood while we're still trying to rebuild.

SB-1074-SD-1

Submitted on: 2/25/2025 5:36:07 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

My name is Emma, and I work for Trilogy Excursions. I strongly support **SB1074** because Kaanapali is vital to my job and many others who rely on ocean tourism to stay on Maui.

After the Lahaina fire, many of us lost our homes and livelihoods. Working in Kaanapali has been one of the few ways to rebuild and support our families. Our boats operate with minimal impact—leaving only bubbles and taking only photos—while providing jobs and keeping our community afloat.

If boat operators are forced to shut down due to lengthy environmental reviews, many of us will lose our jobs and our ability to stay on Maui. **Please pass SB1074** to protect our livelihoods and help our community recover.

Mahalo.

SB-1074-SD-1

Submitted on: 2/25/2025 5:50:22 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Sunshine Eckstrom	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, Senator Chang, Senator San Buenaventura, and Senator Awa,

I strongly oppose SB1074, 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.

Don't let our islands be exploited. Please oppose SB1074.

SB-1074-SD-1

Submitted on: 2/25/2025 6:39:59 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

I have been a resident of Kailua-Kona for 14 years. I am a full-time volunteer for many cultural and environmental projects to help restore Hawaiian culture and natural resources which have been sadly lost or denigrated by greedy profit-seeing businesses.

As a snorkeler and "citizen scientist", I participate in fish counts and coral observations.

The most important fish on our reefs are HERBIVORES which have been taken in huge numbers by AQ collectors. Taking of these fish should be permanently banned. Scientists agree that we must increase herbivores if our reefs are to survive and become healthy again, especially to combat reef damage from climate change and warming ocean.

It is critically important to maintain healthy coral reefs to preserve this valuable natural resource which also provides a sustainable source of food for our Hawaiian families. Priority must be given to Hawaiian food fishers, not to AQ collectores.

I STRONGLY OPPOSE SB1074 which would entirely gut the Hawaii Environmental Policy Act (HEPA) by allowing potentially destructive activities to continue during any required environmental review. These destructive activities could cause irreparable damage to our fragile environment and could go on indefinitely with nothing mitigating their harmful impacts because there are no laws or rulles setting time constraints on preparing or comleting environmental studies.

Thank you for your consideration.

Susan Olson

75-6081 Alii Dr. #F102 / Kailua-Kona, HI. 96740

SB-1074-SD-1

Submitted on: 2/25/2025 6:41:45 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael A. Snow	Individual	Support	Written Testimony Only

Comments:

I am in support of this bill

SB-1074-SD-1

Submitted on: 2/25/2025 6:47:22 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Judith Soltz	Individual	Oppose	Written Testimony Only

Comments:

Oppose this bill. protect our reefs and fish

SB-1074-SD-1

Submitted on: 2/25/2025 6:48:11 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
KIMI ABBOTT-JACKSON	Individual	Oppose	Written Testimony Only

Comments:

I highly oppose SB1074 I believe at this point in our lifetime we must protect the most valuable assets we've been given "our environment and natural resources." Please look out for these entities. We must do the right thing before all is lost.

SB-1074-SD-1

Submitted on: 2/25/2025 6:56:44 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Nancy Maupin	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB1074 because it will allow potentially destructive activities to continue during the required environmental review.

SB-1074-SD-1

Submitted on: 2/25/2025 7:03:29 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Mahie Carpio	Individual	Support	Written Testimony Only

Comments:

Aloha Board and Committee Members,

Please pass bill SB1074. We need your help to ensure our hard working local community is not put out of jobs which would happen if this bill is not passed.

I strongly support SB1074.

Mahalo

SB-1074-SD-1

Submitted on: 2/25/2025 7:05:21 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Kamalei Warrington	Individual	Support	Written Testimony Only

Comments:

My name is Kamalei and I strongly support SB1074.

As a resident and employee of West Maui, we have already endured so many hardships. Please support us while we continue to recover by passing SB1074.

I am for the environment and SB1074 simply allows our Ka'anapali employees to continue earning a living while undergoing any required environmental reviews if permits are challenged.

Our industry has operated for over 40 years and is highly regulated by the USCG and existing State administrative rules; all of the operations on Ka'anapali Beach are and have been in compliance with.

This bill strikes a fair balance between protecting Hawaii's natural resources while supporting long-standing, regulated ocean activities operation.

Forcing lawfully permitted operators to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies will inevitably lead to the closure of local business and the loss of job for me, and so many more of our West Maui residents.

History has shown that activities that have lost their permits and been shut down don't come back. Please do not let this be the case for the hundreds of businesses and thousands of residents that depend on these activities for their livelihoods.

Please pass SB1074 and support our local families and businesses.

Mahalo for considering my testimony.
Kamalei

SB-1074-SD-1

Submitted on: 2/25/2025 7:07:03 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Judy Forehand	Individual	Oppose	Written Testimony Only

Comments:

Please do not pass this bill. The reefs need protection from aquarium collections. There's too much raping and pillaging of our environment already.

SB-1074-SD-1

Submitted on: 2/25/2025 7:10:53 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Erin Pinto	Individual	Oppose	Written Testimony Only

Comments:

Please oppose SB1074. It allows gutting of the Hawaii Environmental Policy Act and will almost certainly allow harmful practices to continue, potentially for an extended period of time until environmental review is complete. This review can go on for years while significant environmental damage is allowed to continue. Our aina is critically important to residents and visitors alike. We cannot afford to allow its exploitation during lengthy environmental review.

SB-1074-SD-1

Submitted on: 2/25/2025 7:19:42 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Aloha Hawaii State Senate,

Thank you for your time.

I support Senate Bill 1074 (SD1074) to allow continued commercial operations in Ka'anapali while environmental studies are conducted. These long-standing activities provide vital economic benefits to Hawai'i and its residents. Let's take the opportunity to gather any clear evidence of harm, and negative impact from operators who do not follow strict regulations to protect the environment. A full pause on permits could have unnecessary consequences if studies ultimately find current management sustainable. Let's preserve jobs, support local businesses, and showcase Hawai'i's beauty responsibly. Please allow permit renewals during this review process.

Venus Yi

Local Resident (born & raised)

Lahaina, Hawaii

SB-1074-SD-1

Submitted on: 2/25/2025 7:23:53 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Maki Morinoue	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, Senator Chang, Senator San Buenaventura, and Senator Awa,

I strongly oppose SB1074 because it would legitimize illegally authorized activities—like commercial aquarium collection—that devastate Hawai‘i’s ecosystems, cultural heritage, and future generations.

For years, commercial collectors have extracted hundreds of thousands of fish from our reefs, including essential species like lau‘ipala (yellow tang) and pāku‘iku‘i (Achilles tang). This reckless removal disrupts marine ecosystems and threatens Native Hawaiian subsistence fishing. Thanks to HEPA and court rulings, our reefs have finally had a chance to recover. SB1074 would undo this progress, allowing harmful activities to continue indefinitely without proper environmental review.

Hawai‘i’s environmental review law ensures that decision-makers and the public can weigh long-term impacts before permitting actions that could cause irreversible harm. When agencies fail to follow these laws—such as permitting unlimited aquarium fish collection or dewatering East Maui’s streams for decades—the results are severe and often irreparable.

By allowing these illegally authorized activities to continue while challenges drag on for years, SB1074 would turn HEPA into a meaningless afterthought. It would reward irresponsible agency practices that prioritize industry profits over environmental protection, cultural preservation, and the well-being of our communities.

VOTE NO on SB1074. Protect our reefs, our culture, and our future.

Mahalo for taking the time to listen to the public,
Maki Morinoue
Holualoa, HI

SB-1074-SD-1

Submitted on: 2/25/2025 7:26:57 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
cheryl hendrickson	Individual	Oppose	Written Testimony Only

Comments:

.By allowing illegally authorized activities to continue while environmental review compliance is pending - 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.

SB-1074-SD-1

Submitted on: 2/25/2025 7:34:42 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
arleen velasco	Individual	Oppose	Written Testimony Only

Comments:

I sttrongly oppose this bill. This bill is a knee jerk reaction created by the incompetence of a few individuals. The real solution to the problem should be addressed with training and procedures not changing a law intended to protect our environment. Changing the law that prrotects our fragile Hawaii ecosystem may well have some very damaging unintended consequences in the future. Please protect our beautiful islands and do not pass this bill.

SB-1074-SD-1

Submitted on: 2/25/2025 7:37:11 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Shauna Springer	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Rhoads, Vice Chair Gabbard, Senator Chang, Senator San Buenaventura, and Senator Awa,

My name is Kēhaunani and I live in Puna on the island of Hawai‘i. I‘m an ocean advocate.

I **strongly oppose** SB1074, SD1, which would allow agencies to keep rubberstamping environmentally harmful activities (like commercial aquarium collection) until whenever the agencies may get around to actually looking at the impacts and doing anything about it.

I am deeply concerned how this bill would affect Hawai‘i’s reefs and lawai‘a pono practices.

- Commercial aquarium collectors have devastated reef ecosystems around O‘ahu and Hawai‘i Island, extracting **hundreds of thousands of fish and invertebrates each year** in hotspots including West Hawai‘i and Kāne‘ohe Bay. Collected species include lau‘ipala (yellow tang), kole (goldring surgeonfish), pāku‘iku‘i (Achilles tang), among many other native and endemic species that are critical for maintaining healthy reefs and supporting Native Hawaiian subsistence fishing and cultural practices.
- This reef life is sold and shipped in plastic bags to the continent and around the world to supply the **global pet market for ornamental reef fish**, instead of staying on the reefs to support ecosystem health and Native Hawaiian fishing practices that have been handed down for generations.
- Thanks to HEPA and recent court rulings, our reefs have **finally gotten a break from unlimited aquarium extraction** while the collectors and State look at environmental and cultural impacts, mitigation measures, and alternatives through the public environmental review process.
- Please let HEPA do its job to ***inform agency decision-making beforehand***, rather than handing industry a free pass to continue causing harm for years on end until they get around to completing the environmental review process. This bill would turn HEPA review into an afterthought and meaningless formality to justify harm that’s already been done . . . and can’t be undone.
- This bill would **gut HEPA’s whole purpose** and is unnecessary. HEPA provides for **exemptions of activities that have truly minor impacts**.

I strongly urge you to **VOTE NO** on **SB1074, SD1**.

Aloha nō

SB-1074-SD-1

Submitted on: 2/25/2025 7:40:29 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

I support bill SB1074 - the livley hoods of hard working maui residents depends on this.

SB-1074-SD-1

Submitted on: 2/25/2025 7:48:45 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

You must please stop the collection of aquarium fish that's my opposition. The rest is ok but the bill leaves opening for this disgusting practice. I'm a diver for 40 plus years in Hawaii my kids are born here, I have personal seen the damage caused by this practice

our reefs are stripped no more angel fish. I have personally watched this practice and was threatened by them aggressively when I went to document it

SB-1074-SD-1

Submitted on: 2/25/2025 7:50:24 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Yvette Kay	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, Senator Chang, Senator San Buenaventura, and Senator Awa,

I strongly oppose SB1074 because it would legitimize illegally authorized activities—like commercial aquarium collection—that devastate Hawai‘i’s ecosystems, cultural heritage, and future generations.

For years, commercial collectors have extracted hundreds of thousands of fish from our reefs, including essential species like lau‘ipala (yellow tang) and pāku‘iku‘i (Achilles tang). This reckless removal disrupts marine ecosystems and threatens Native Hawaiian subsistence fishing. Thanks to HEPA and court rulings, our reefs have finally had a chance to recover. SB1074 would undo this progress, allowing harmful activities to continue indefinitely without proper environmental review.

Hawai‘i’s environmental review law ensures that decision-makers and the public can weigh long-term impacts before permitting actions that could cause irreversible harm. When agencies fail to follow these laws—such as permitting unlimited aquarium fish collection or dewatering East Maui’s streams for decades—the results are severe and often irreparable.

By allowing these illegally authorized activities to continue while challenges drag on for years, SB1074 would turn HEPA into a meaningless afterthought. It would reward irresponsible agency practices that prioritize industry profits over environmental protection, cultural preservation, and the well-being of our communities.

VOTE NO on SB1074. Protect our reefs, our culture, and our future.

Mahalo for taking the time to listen to the public,
Yvette Kay

SB-1074-SD-1

Submitted on: 2/25/2025 7:52:32 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Barbara Best	Individual	Oppose	Written Testimony Only

Comments:

SB1074 would allow illegally authorized activities to be continued, potentially indefinitely, without a consideration of their environmental, cultural, and social impacts to our islands and our present and future generations, and 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. Please do not let this bill go any further.

Mahalo, Bobbie Best, Wailuku



February 25, 2025

Senator Karl Rhoads, Chair
Committee on Judiciary
Senate
Conference Room 016
State Capitol
415 S. Beretania Street
Honolulu, HI 96813

Subject: Testimony in Strong Support of SB1074 – Relating to Environmental Impact Statements

Aloha Chair Rhoads and Members of the Committee on Judiciary

My name is Edwin Torres, General Manager of the OUTRIGGER Kā'anapali Beach Resort, and I strongly **support SB1074**

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

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

This bill ensures that long-standing, law-abiding commercial activities are not unfairly subjected to redundant environmental reviews under Chapter 343. Hawaii's ocean tourism operators already comply with strict administrative rules designed to protect natural resources. SB1074 provides much-needed clarity and prevents unnecessary disruptions.

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

Mahalo for considering this testimony.

Sincerely,

A handwritten signature in black ink, appearing to read "Edwin Torres".

Edwin Torres
General Manager

SB-1074-SD-1

Submitted on: 2/25/2025 7:53:45 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Judith Jennet	Individual	Oppose	Written Testimony Only

Comments:

Dear Folks,

My name is Judith Jennet and I live in Waikoloa on the island of Hawai‘i. I’m an ocean advocate.

I **strongly oppose** SB1074, SD1, which would allow agencies to keep rubberstamping environmentally harmful activities (like commercial aquarium collection) until whenever the agencies may get around to actually looking at the impacts and doing anything about it.

I am deeply concerned how this bill would affect Hawai‘i’s reefs and lawai‘a pono practices.

- Commercial aquarium collectors have devastated reef ecosystems around O‘ahu and Hawai‘i Island, extracting **hundreds of thousands of fish and invertebrates each year** in hotspots including West Hawai‘i and Kāne‘ohe Bay. Collected species include lau‘ipala (yellow tang), kole (goldring surgeonfish), pāku‘iku‘i (Achilles tang), among many other native and endemic species that are critical for maintaining healthy reefs and supporting Native Hawaiian subsistence fishing and cultural practices.
- This reef life is sold and shipped in plastic bags to the continent and around the world to supply the **global pet market for ornamental reef fish**, instead of staying on the reefs to support ecosystem health and Native Hawaiian fishing practices that have been handed down for generations.
- Thanks to HEPA and recent court rulings, our reefs have **finally gotten a break from unlimited aquarium extraction** while the collectors and State look at environmental and cultural impacts, mitigation measures, and alternatives through the public environmental review process.
- Please let HEPA do its job to ***inform agency decision-making beforehand***, rather than handing industry a free pass to continue causing harm for years on end until they get around to completing the environmental review process. This bill would turn HEPA review into an afterthought and meaningless formality to justify harm that’s already been done . . . and can’t be undone.
- This bill would **gut HEPA’s whole purpose** and is unnecessary. HEPA provides for **exemptions of activities that have truly minor impacts**.

I strongly urge you to **VOTE NO** on **SB1074, SD1**.

Sincerely,
Judith Jennet

SB-1074-SD-1

Submitted on: 2/25/2025 8:04:17 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Xander Domingo	Individual	Support	Written Testimony Only

Comments:

I do Support this Bill

SB-1074-SD-1

Submitted on: 2/25/2025 8:04:37 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Nancy Schaffer Lodding	Individual	Oppose	Written Testimony Only

Comments:

Although this bill contains other marine activities, I am writing to specifically say that any poaching of our reef fish for commercial purposes should not be approved!

our reefs are fragile, and our fish numbers are limited. There's absolutely no reason to allow the aquarium industry to harvest off of our reefs at this time.

SB-1074-SD-1

Submitted on: 2/25/2025 8:05:18 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

I strongly oppose SB1074 and urge you to vote against this bill. Our reefs and all the life they support need maximum protection for their long-term survival. The aquarium trade especially serves no purpose but greed and is contrary to all cultural and environmental values and practices.

SB-1074-SD-1

Submitted on: 2/25/2025 8:08:01 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Rick Warshauer	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB1074. While the bill provides regulatory relief for many tour operators, it also will allow the resumption of the rapacious aquarium industry back onto Hawaii's beleaguered reefs. This would be an unconscionable disaster. Please kill the bill or amend it to absolutely prevent any resumption of the aquarium trade in any form or scale.

SB-1074-SD-1

Submitted on: 2/25/2025 8:08:04 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Katherine Fryer	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose SB1074 SD1, which would allow illegally authorized activities to be continued, potentially indefinitely, without a consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

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

This bill would do the opposite, allowing activities that have been previously but unlawfully authorized without environmental review, to continue while environmental review is pending. As we have seen in cases such as East Maui, where stream diversions by a politically connected plantation were allowed to continue for nearly 20 years after an environmental assessment had been ordered, years' or decades' worth of devastating yet potentially avoidable impacts could occur without the benefit of environmental review, should this measure be passed into law.

By allowing illegally authorized activities to continue while environmental review compliance is pending, this bill would turn our environmental review process into an afterthought, legitimizing illegal and irresponsible agency practices that have inflicted and will continue to inflict tremendous generational damage and injustices upon our islands and communities.

SB-1074-SD-1

Submitted on: 2/25/2025 8:10:33 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
linda willaby	Individual	Oppose	Written Testimony Only

Comments:

My name is Linda Willaby and I strongly oppose SB 1074. I live on the island of Hawaii and I am an ocean advocate who has seen firsthand the destruction of the ocean reefs due to declining fish populations. I oppose SB1074 because commercial aquarium collection contributes to the destruction of our reef ecosystems. Thousands of fish and invetebrates are shipped off island instead of staying here to on our reefs to support a healthy reef and support Native Hawaiian subsistance fishing. Stop handing out passes to continue reef destruction while HEPA conducts their review. This bill would gut HEPA's whole purpose.

Aquarium fish collecting is destructive to the environment and frankly, I don't know why this keeps coming up all the time. Look to our future instead of a quick buck to those who would destroy it.

SB-1074-SD-1

Submitted on: 2/25/2025 8:11:49 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Tiani Ruiz	Individual	Oppose	Written Testimony Only

Comments:

Aloha, I live on the island of Kauai and i'm writing today in strong opposition to this bill.

I STRONGLY OPPOSE SB1074, SD1, which would gut HEPA, one of our bedrock environmental laws. HEPA requires consideration of the environmental and cultural impacts of activities BEFORE they occur. instead, the bill would allow state agencies like DLNR to keep rubberstamping permits until whenever they may get around to actually looking at the impacts.

DLNR has for years rubberstamped diversions of billions of gallons of water in East Maui and Kauai and extraction of millions of reef fish on Hawaii Island and Oahu, without ever looking at the impacts. Communities in Kauai and across Hawaii paeaina have successfully taken the agency to court to demand accountability by DLNR. this bill would eliminate this progress and hand these destructive activities a free pass.

This bill isn't necessary and is the result of a scare campaign aimed at gutting our environmental protections. HEPA is meant to apply broadly to promote environmental consciousness, but nonetheless, provides for exemptions of activities that have minor impacts. this bill instead seeks to give a blanket free pass to commercial users of our public trust land, water, and ocean resources, no matter what the harms. it takes a sledgehammer to the law to swat at a fly. the bill joins the all-out war against our environmental protections by the Trump administration and corporate interests. Hawaii should know and do better than this and not wreck our bedrock laws that uphold fundamental principles of environmental stewardship and democracy.

I strongly urge you to VOTE NO on SB1074, SD1! Mahalo nui.

SB-1074-SD-1

Submitted on: 2/25/2025 8:12:21 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Mark Kellam	Individual	Support	Written Testimony Only

Comments:

Strongly Support SB1074 WITH CHANGES

Aloha Chairs Rhodes and Vice Chair Gabbard and committee members,

My name is Mark Kellam. I have been a Captain working at Kaanapali beach since 2008. I spend more waking hours at this beach than I do all other places combined. On January 23, 2008 I met my wife on this beach. We have grown our family with the addition of our 2 children. My family comes to Kaanapali beach to see their Ohana. We respect the aina like it's our own. We urge the committee to please allow our community in Kaanapali to continue to thrive. With the passage of this bill we hope to continue operations while any reviews are to be completed.

SB1074 allows previously permitted activities to continue operating while undergoing environmental assessment, or an environment impact statement is required. This is critical for ensuring regulatory stability and preventing unnecessary interruptions for compliant businesses. **In no way is this Bill meant to undermine the Umberger Ruling.**

Usually, an environmental review is required before opening an area to commercial activities. However, for those commercial activities that started some 40 years ago, this review may not have taken place a simple oversight. Activities that use Hawaii's natural resources in a non-consumptive manner are stewards of the place being used. They provide education, safety, security, and access to the place. These users support environmental protection. They have become collateral damage as a result of HEPA not recognizing these oversight, now that we ALL have become better stewards of this place.

Many of the people that work in Kaanapali were adversely affected by the wildfires that took our town in August of 2023. Displaced, disheveled, and distraught, we have lost so much already. I plead for help from you now to allow us to continue to rebuild our lives after such devastation.

Recommendation:

Add exceptions to Hawaii Environmental Policy Act (HEPA) for:

- Areas where commercial, permitted and government oversight exists, and these activities have been ongoing for over 30 years.
- This exception is ONLY for non-consumptive permitted activities

Without this determination, over 230 families will directly be out work and countless other vendors which serves these businesses will also be impacted, due to a recent ruling regarding Ka'anapali Beach's ORMA district.

Mahalo for your time and consideration.

SB-1074-SD-1

Submitted on: 2/25/2025 8:18:43 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Rachel Dacks	Individual	Oppose	Written Testimony Only

Comments:

I firmly oppose SB 1074, SD1, as it would dismantle HEPA, one of our most essential environmental laws. HEPA ensures that the environmental and cultural effects of activities are thoroughly considered before they take place. However, this bill would allow state agencies like DLNR to continue approving permits without evaluating the impacts until much later, if at all.

For years, DLNR has rubber-stamped the diversion of billions of gallons of water in East Maui and Kaua'i, as well as the extraction of millions of reef fish from Hawai'i Island and O'ahu, all without considering the consequences. Communities across Kaua'i and Hawai'i have fought back, successfully holding the agency accountable in court. This bill would undo that progress and give a free pass to these harmful practices.

This bill is unnecessary and is the product of a fear-driven campaign aimed at weakening our environmental safeguards. HEPA is designed to broadly promote environmental awareness, but it already allows for exemptions in cases of minor impacts. Instead, this bill seeks to grant a blanket exemption to commercial users of our public land, water, and ocean resources, regardless of the damage they cause. It's an overreaction to a problem that doesn't require such drastic measures.

This bill is part of the larger attack on environmental protections, much like the actions of the Trump administration and corporate interests. Hawai'i should be better than this and not dismantle the fundamental laws that protect our environment and uphold democratic principles.

I strongly urge you to VOTE NO on SB 1074, SD1.

SB-1074-SD-1

Submitted on: 2/25/2025 8:19:36 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

I am so sorry to hear that the aquarium trade has resurrected their harmful behaviors and practices that are causing such irreparable harm and damage to our reefs and ocean ecosystem. Please do not allow this industry to continue to damage our reef communities that have been harmed by this irresponsible practices in past decades. The Reefs need every single member of the Marine communities to protect the environment. Each single fish and invertebrate organism is doing its best job as nature intended to take care of the coral reefs and to ensure that they are healthy and growing.

The Marine ecosystem should not be allowed to be destroyed by collecting the only animals that are actually working on removing algae and detritus from the corals. Please do not use your vote for harm and please continue to vote to protect our beloved reef wildlife.

SB-1074-SD-1

Submitted on: 2/25/2025 8:19:59 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Shannon Matson	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, Senator Chang, Senator San Buenaventura, and Senator Awa,

I strongly oppose SB1074 because it would legitimize illegally authorized activities that are still waiting proper review—like commercial aquarium collection—that devastate Hawai‘i’s ecosystems, cultural heritage, and future generations.

For years, commercial collectors have extracted hundreds of thousands of fish from our reefs, including essential species like lau‘ipala (yellow tang) and pāku‘iku‘i (Achilles tang). This reckless removal disrupts marine ecosystems and threatens Native Hawaiian subsistence fishing. Thanks to HEPA and court rulings, our reefs have finally had a chance to recover. SB1074 would undo this progress, allowing harmful activities to continue indefinitely without proper environmental review.

Hawai‘i’s environmental review law ensures that decision-makers and the public can weigh long-term impacts before permitting actions that could cause irreversible harm. When agencies fail to follow these laws—such as permitting unlimited aquarium fish collection or dewatering East Maui’s streams for decades—the results are severe and often irreparable.

By allowing these illegally authorized activities to continue while challenges drag on for years, SB1074 would turn HEPA into a meaningless afterthought. It would reward irresponsible agency practices that prioritize industry profits over environmental protection, cultural preservation, and the well-being of our communities.

VOTE NO on SB1074. Protect our environment, our culture, and our future.

Mahalo,
Shannon Matson

Hawai‘i Island Resident

SB-1074-SD-1

Submitted on: 2/25/2025 8:21:03 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
C.Yamamoto	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I strongly oppose SB1074 because it would legitimize illegally authorized activities—like commercial aquarium collection—that devastate Hawai‘i’s ecosystems and cultural heritage, and would negatively impact future generations.

For years, commercial collectors have extracted hundreds of thousands of fish from our reefs, including essential species like lau‘ipala (yellow tang) and pāku‘iku‘i (Achilles tang). This reckless removal disrupts marine ecosystems and threatens Native Hawaiian subsistence fishing. Thanks to HEPA and court rulings, our reefs have finally had a chance to recover. SB1074 would undo this progress, allowing harmful activities to continue indefinitely without proper environmental review.

Hawai‘i’s environmental review law ensures that decision-makers and the public can weigh long-term impacts before permitting actions that could cause irreversible harm. When agencies fail to follow these laws — such as permitting unlimited aquarium fish collection or dewatering East Maui’s streams — the results are severe and often irreparable.

By allowing these illegally authorized activities to continue while challenges drag on for years, SB1074 would turn HEPA into a meaningless afterthought. It would reward irresponsible agency practices that prioritize industry profits over environmental protection, cultural preservation, and the well-being of our communities.

VOTE NO on SB1074. Protect our reefs, our culture, and our future.

Thank you for your consideration.

SB-1074-SD-1

Submitted on: 2/25/2025 8:24:21 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Chasen Kusunoki	Individual	Support	Written Testimony Only

Comments:

I support sb 1074

SB-1074-SD-1

Submitted on: 2/25/2025 8:31:02 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Norman Windham	Individual	Support	Written Testimony Only

Comments:

I support SB1074 SD1 PLEASE PASS IT

SB-1074-SD-1

Submitted on: 2/25/2025 8:31:43 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Jayme-Lee Mokulehua	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Rhoads, Vice Chair Gabbard, and Committee Members,

Aloha my name is Jayme Mokulehua and my family has relied on the ocean for many generations.

I strongly oppose SB 1074, SD1, which would allow agencies to keep rubberstamping environmentally harmful activities (like commercial aquarium collection) until whenever the agencies may get around to actually looking at the impacts and doing anything about it.

I am deeply concerned how this bill would affect Hawai‘i’s reefs and lawai‘a pono practices.

· Commercial aquarium collectors have devastated reef ecosystems around O‘ahu and Hawai‘i Island, extracting hundreds of thousands of fish and invertebrates each year in hotspots including West Hawai‘i and Kāne‘ohe Bay. Collected species include lau‘ipala (yellow tang), kole (goldring surgeonfish), pāku‘iku‘i (Achilles tang), among many other native and endemic species that are critical for maintaining healthy reefs and supporting Native Hawaiian subsistence fishing and cultural practices.

· This reef life is sold and shipped in plastic bags to the continent and around the world to supply the global pet market for ornamental reef fish, instead of staying on the reefs to support ecosystem health and Native Hawaiian fishing practices that have been handed down for generations.

· Thanks to HEPA and recent court rulings, our reefs have finally gotten a break from unlimited aquarium extraction while the collectors and State look at environmental and cultural impacts, mitigation measures, and alternatives through the public environmental review process.

· Please let HEPA do its job to inform agency decision-making beforehand, rather than handing industry a free pass to continue causing harm for years on end until they get around to completing the environmental review process. This bill would turn HEPA review into an afterthought and meaningless formality to justify harm that’s already been done . . . and can’t be undone.

· This bill would gut HEPA's whole purpose and is unnecessary. HEPA provides for exemptions of activities that have truly minor impacts.

I strongly urge you to VOTE NO on SB 1074, SD1.

SB-1074-SD-1

Submitted on: 2/25/2025 8:34:41 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Rebecca Melendez	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, Senator Chang, Senator San Buenaventura, and Senator Awa,

I strongly oppose SB1074 because it would legitimize illegally authorized activities—like commercial aquarium collection—that devastate Hawai‘i’s ecosystems, cultural heritage, and future generations.

For years, commercial collectors have extracted hundreds of thousands of fish from our reefs, including essential species like lau‘ipala (yellow tang) and pāku‘iku‘i (Achilles tang). This reckless removal disrupts marine ecosystems and threatens Native Hawaiian subsistence fishing. Thanks to HEPA and court rulings, our reefs have finally had a chance to recover. SB1074 would undo this progress, allowing harmful activities to continue indefinitely without proper environmental review.

Hawai‘i’s environmental review law ensures that decision-makers and the public can weigh long-term impacts before permitting actions that could cause irreversible harm. When agencies fail to follow these laws—such as permitting unlimited aquarium fish collection or dewatering East Maui’s streams for decades—the results are severe and often irreparable.

By allowing these illegally authorized activities to continue while challenges drag on for years, SB1074 would turn HEPA into a meaningless afterthought. It would reward irresponsible agency practices that prioritize industry profits over environmental protection, cultural preservation, and the well-being of our communities.

VOTE NO on SB1074. Protect our reefs, our culture, and our future.

Mahalo for taking the time to listen to the public,

Rebecca Melendez

SB-1074-SD-1

Submitted on: 2/25/2025 8:35:01 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Wendy Noritake	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB1074. I am a writer and underwater photographer who has witnessed the devastation and loss of our reef fish to the aquarium trade. I believe that passing this bill would allow the poachers an easier time of collecting our beloved and beautiful fish. The last few years I've seen the zodiac boats at Lapakahi and Mahukona who have taken, in particular, the flame angelfish from several locations I could count on seeing them. They've also destroyed antler coral in a number of spots to take leaf scorpionfish as well as taken the actual coral head. Many of our reef fish (wrasses) are endemic to Hawaii, found nowhere else on earth! Please do not allow SB1074 to pass. I strongly oppose this bill. Mahalo for listening to me. Wendy Noritake

SB-1074-SD-1

Submitted on: 2/25/2025 8:35:45 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Mehana Vaughan	Individual	Oppose	Written Testimony Only

Comments:

Aloha mai kākou honorable Senate Committee on the Judiciary,

I am writing in opposition to SB1074 SD1. Hawai'i's environment is one of the most precious and fragile on earth, the foundation of our economy, and quality of life, for all of us who live in and love this place. Moreover, our 'āina is our kuleana, our first ancestor, and that which feeds us all - not only physically, but in restoring our health and spirit, and bringing us together as community. Our lands and waters are ever more imperiled by climate change, and at the same time, ever more essential to the survival of our people in this place, buffering us from sea level rise, collecting water in our forests and watersheds, and providing rich soil to grow the food we will need to increasingly source locally. Today is a time to provide more protection and care of our resources, not allow agencies to rubberstamp environmentally harmful activities as this bill does. Our HEPA laws are thoughtfully developed over multiple generations and should not be turned on their heads to serve special interests. Thank you for your time, attention and killing this destructive, poorly thought out bill.

Sincerely,

Mehana Blaich Vaughan

Kīlauea, Kaua'i

SB-1074-SD-1

Submitted on: 2/25/2025 8:38:04 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

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

Please support SB1074 for ocean tour boats. We travel to Maui regularly and have dear friends that work in the industry - responsibly, taking great care in treating the environment with the utmost respect. SB1074 is essential for ensuring that ocean tourism operators in Kaanapali can continue their operations while undergoing environmental review. Without this bill, these longstanding, regulated operators face the risk of being shut down for years—even when they have complied with all permitting requirements. This impact will ruin good people trying to support their families and tourism will suffer greatly.

These tour operators allow residents and visitors to experience Hawaii's marine environment with minimal disruption, supporting conservation efforts through education and sustainable tourism practices.

This bill strikes a fair balance between protecting our natural resources through 343 and supporting the small ocean tour businesses that have operated responsibly under state oversight for decades. Do not put this industry at risk...and the citizens working in this industry at risk either!

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

SB-1074-SD-1

Submitted on: 2/25/2025 8:38:23 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Kathleen Clark	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill. Marine life is at a tipping point and allowing any legislation that will further jeopardize that should not move forward.

Kathleen Clark

SB-1074-SD-1

Submitted on: 2/25/2025 8:40:39 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Lela Kalama	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Senate Judiciary Committee,

My name is Lela Kalama and I **STRONGLY OPPOSE SB1074 SD1**, which would allow illegally authorized activities to be continued, potentially indefinitely, without a consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

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

This bill would do the opposite, allowing activities that have been previously, but unlawfully, authorized without environmental review, to continue while environmental review is pending. As we have seen in cases such as East Maui, where stream diversions by a politically connected plantation were allowed to continue for nearly 20 years after an environmental assessment had been ordered, years' or decades' worth of devastating yet potentially avoidable impacts could occur without the benefit of environmental review, should this measure be passed into law.

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

I urge you to **HOLD SB1074 SD1**.

Sincerely,
Lela Kalama

Keaau, HI

SB-1074-SD-1

Submitted on: 2/25/2025 8:48:21 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Heather Brown	Individual	Support	Written Testimony Only

Comments:

My name is Heather Brown and I strongly support SB1074.

As a resident and employee of West Maui, we have already endured so many hardships. Please support us while we continue to recover by passing SB1074.

I am for the environment and SB1074 simply allows our Ka'anapali employees to continue earning a living while undergoing any required environmental reviews if permits are challenged.

Our industry has operated for over 40 years and is highly regulated by the USCG and existing State administrative rules; all of the operations on Ka'anapali Beach are and have been in compliance with.

This bill strikes a fair balance between protecting Hawaii's natural resources while supporting long-standing, regulated ocean activities operation.

Forcing lawfully permitted operators to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies will inevitably lead to the closure of local business and the loss of job for me, and so many more of our West Maui residents.

History has shown that activities that have lost their permits and been shut down don't come back. Please do not let this be the case for the hundreds of businesses and thousands of residents that depend on these activities for their livelihoods.

Please pass SB1074 and support our local families and businesses.

Mahalo for considering my testimony.
Heather Brown

SB-1074-SD-1

Submitted on: 2/25/2025 8:53:22 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

I oppose this measure.

SB-1074-SD-1

Submitted on: 2/25/2025 8:54:35 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Michele Uematsu	Individual	Support	Written Testimony Only

Comments:

Protect our reef! Protect our local and native fish! Stop allowing our island to be poisoned and exploited for profit.

SB-1074-SD-1

Submitted on: 2/25/2025 8:54:36 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Jennifer Ching	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, Senator Chang, Senator San Buenaventura, and Senator Awa,

I strongly oppose SB1074 because it would legitimize illegally authorized activities—like commercial aquarium collection—that devastate Hawai‘i’s ecosystems, cultural heritage, and future generations.

For years, commercial collectors have extracted hundreds of thousands of fish from our reefs, including essential species like lau‘ipala (yellow tang) and pāku‘iku‘i (Achilles tang). This reckless removal disrupts marine ecosystems and threatens Native Hawaiian subsistence fishing. Thanks to HEPA and court rulings, our reefs have finally had a chance to recover. SB1074 would undo this progress, allowing harmful activities to continue indefinitely without proper environmental review.

Hawai‘i’s environmental review law ensures that decision-makers and the public can weigh long-term impacts before permitting actions that could cause irreversible harm. When agencies fail to follow these laws—such as permitting unlimited aquarium fish collection or dewatering East Maui’s streams for decades—the results are severe and often irreparable.

By allowing these illegally authorized activities to continue while challenges drag on for years, SB1074 would turn HEPA into a meaningless afterthought. It would reward irresponsible agency practices that prioritize industry profits over environmental protection, cultural preservation, and the well-being of our communities.

VOTE NO on SB1074. Protect our reefs, our culture, and our future.

Mahalo for taking the time to listen,
Herb and Jennifer Ching
Holualoa, HI

February 24, 2025

Committee on Judiciary
Chair Rhoads
Vice Chair Gabbard

Wednesday February 26, 2025 - 9:40am

Conference Room 106
State Capitol
415 South Beretania Street

Re: TESTIMONY IN STRONG OPPOSITION OF SENATE BILL 1074 - RELATING TO ENVIRONMENTAL IMPACT STATEMENTS.

Aloha nō e Chair Rhoads, Vice Chair Gabbard, and Committee Members,

My name is Moana Ching (Ulu), I am a lineal descendant of the ahupua'a of Kawanui and Keauhou in North Kona, Hawai'i and currently live in Ponahawai, Hilo. Members of my immediate family (husband and children) as well as my extended family (father, brothers, sisters nieces, and nephews) are active lawai'a who not only rely on healthy reef and nearshore ecosystems to feed our families but to maintain and perpetuate the lifeways of Hawai'i, inclusive of the values, knowledge, and practices that make up our unique island consciousness. I submit this letter noting my **strong opposition to SB 1074, SD1**, which would allow agencies to continue to authorize environmentally harmful activities (like commercial aquarium collection) without first ensuring a thorough and meaningful environmental review is completed.

I am deeply concerned how this bill would affect Hawai'i's reefs and lawai'a pono practices.

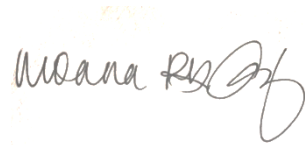
- Commercial aquarium collectors have devastated reef ecosystems around O'ahu and Hawai'i Island, extracting **hundreds of thousands of fish and invertebrates each year** in hotspots including West Hawai'i and Kāne'ohe Bay. Collected species include lau'ipala (yellow tang), kole (goldring surgeonfish), pāku'iku'i (Achilles tang), among many other native and endemic species that are critical for maintaining healthy reefs and supporting Native Hawaiian subsistence fishing and cultural practices.
- This reef life is sold and shipped in plastic bags to the continent and around the world to supply the **global pet market for ornamental reef fish**, instead of

staying on the reefs to support ecosystem health and Native Hawaiian fishing practices that have been handed down for generations.

- Thanks to HEPA and recent court rulings, our reefs have ***finally gotten a break from unlimited aquarium extraction*** while the collectors and State look at environmental and cultural impacts, mitigation measures, and alternatives through the public environmental review process.
- HEPA must be empowered to its fullest extent to ***inform agency decision-making beforehand***, rather than handing industry a free pass to continue causing harm for years on end until they get around to completing the environmental review process. This bill would turn HEPA review into an afterthought and meaningless formality to justify harm that's already been done . . . and can't be undone.
- This bill would ***gut HEPA's whole purpose*** and is unnecessary. HEPA provides for ***exemptions of activities that have truly minor impacts***.

Mahalo for receiving my testimony on this bill. I strongly urge you to **VOTE NO on SB 1074, SD1.**

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Moana P.K. Ching". The signature is fluid and cursive, with a large, stylized "M" and "C".

Moana P.K. Ching (Ulu)

uluching@gmail.com

SB-1074-SD-1

Submitted on: 2/25/2025 8:56:40 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Collin Brown	Individual	Support	Written Testimony Only

Comments:

My name is Collin Brown and I strongly support SB1074.

As a resident and employee of West Maui, we have already endured so many hardships. Please support us while we continue to recover by passing SB1074.

I am for the environment and SB1074 simply allows our Ka'anapali employees to continue earning a living while undergoing any required environmental reviews if permits are challenged.

Our industry has operated for over 40 years and is highly regulated by the USCG and existing State administrative rules; all of the operations on Ka'anapali Beach are and have been in compliance with.

This bill strikes a fair balance between protecting Hawaii's natural resources while supporting long-standing, regulated ocean activities operation.

Forcing lawfully permitted operators to shut down for years while spending hundreds of thousands of dollars to conduct environmental studies will inevitably lead to the closure of local business and the loss of job for me, and so many more of our West Maui residents.

History has shown that activities that have lost their permits and been shut down don't come back. Please do not let this be the case for the hundreds of businesses and thousands of residents that depend on these activities for their livelihoods.

Please pass SB1074 and support our local families and businesses.

Mahalo for considering my testimony.
Collin Brown

SB-1074-SD-1

Submitted on: 2/25/2025 8:57:03 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Liat Portner	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Rhoads, Vice Chair Gabbard, and Committee Members,

My name is Liat Portner, I live in Hale‘iwa, O‘ahu and I **strongly oppose** SB 1074, SD1, which would gut HEPA, one of our bedrock environmental laws. HEPA requires consideration of the environmental and cultural impacts of activities *before* they occur. Instead, the bill would allow state agencies like DLNR to keep rubberstamping permits until whenever they may get around to actually looking at the impacts.

DLNR has for years rubberstamped diversions of billions of gallons of water in East Maui and Kaua‘i and extraction of millions of reef fish on Hawai‘i Island and O‘ahu, without ever looking at the impacts. Communities in Kaua‘i and across Hawai‘i pae‘āina have successfully taken the agency to court to demand accountability by DLNR. This bill would eliminate this progress and hand these destructive activities a free pass.

This bill isn’t necessary and is the result of a scare campaign aimed at gutting our environmental protections. HEPA is meant to apply broadly to promote environmental consciousness, *but nonetheless provides for exemptions of activities that have minor impacts*. This bill instead seeks to give a blanket free pass to commercial users of our public trust land, water, and ocean resources, *no matter what the harms*. It takes a sledgehammer to the law to swat at a fly.

The bill joins the all-out war against our environmental protections by the Trump administration and corporate interests. Hawai‘i should know and do better than this and not wreck our bedrock laws that uphold fundamental principles of environmental stewardship and democracy.

I strongly urge you to **VOTE NO on SB 1074, SD1**.

Thank you for protecting our natural resources and ensuring that they can provide essential services for generations to come.

Sincerely,

Liat Portner

SB-1074-SD-1

Submitted on: 2/25/2025 8:59:36 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Liz Lees	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill as it has may have unintended consequences like allowing aquarium collection to resume. More time should be allowed for public review.

Mahalo!

SB-1074-SD-1

Submitted on: 2/25/2025 9:03:25 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Rita Massey	Individual	Oppose	Written Testimony Only

Comments:

Please do not move this bill forward! This would allow aquarium fish harvesting and other extractive practices to go on without review. Tourism activities are already exempt per DLNR so this is a ruse to allow extraction activity to go on while under review allowing real environmental damage. Mahalo.

SB-1074-SD-1

Submitted on: 2/25/2025 9:03:45 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Eve Furchgott	Individual	Oppose	Written Testimony Only

Comments:

The damage to our ocean ecosystem cannot support delaying this protective legislation. Please do not approve this bill.

SB-1074-SD-1

Submitted on: 2/25/2025 9:10:44 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Kenneth Steffen	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

My name is Kenneth Steffen, and I am writing in strong support of SB1074.

This bill is essential in ensuring that previously permitted activities can continue operating while undergoing environmental review if their permits are challenged. By allowing businesses to remain open during this process, SB1074 helps maintain regulatory stability and prevents unnecessary disruptions for compliant operators.

SB1074 upholds environmental protections while also preventing redundant reviews that can impose excessive financial and operational burdens on longstanding, law-abiding businesses. It strikes a fair balance between preserving Hawaii's natural resources and supporting regulated commercial activities that have been an integral part of our local economy for years.

I respectfully urge the committee to pass SB1074 and help protect Hawaii's local businesses and working families.

Mahalo for your time and consideration.

SB-1074-SD-1

Submitted on: 2/25/2025 9:11:02 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Please do everything you can to protect our marine environment and reefs.

The health and beauty of our reefs has declined significantly over the 27 years we have lived here. Environmental studies need to be done, and the marine environment needs to be protected while this happens. Protection needs to include stopping the Aquarium Trade from collecting fish and animals from our reefs. Removing more fish which are an irreplaceable part of the ecosystem would cause further destruction.

Please oppose SB1074 SD

Carol Riccio, Ron Riccio

Kihei, Maui, Hawai'i

RE: STRONG SUPPORT OF SB 1074 WITH NO PERMIT EXCLUSIONS

WTL/AED,JDC

Date: Feb. 26, 2025

Time: 9:40am

Dear Senator,

There are (3) reasons I stand in support of SB1074 to apply evenly to ALL Ocean User Groups WITHOUT EXEMPTIONS:

- TO EXCEPT one user group is DISCRIMINATORY and UNCONSTITUTIONAL particularly when part of that user group (ie. part of the aquarium fishery- West HI Fishery) has already PASSED HEPA, holds a BLNR approved EIS, and the courts have ordered the state to give them their permits back.
- If you take away the permitted “activity” or livelihoods from the permittee, which has been permitted and managed without incident for 30 years in some cases, HOW ARE THEY SUPPOSED TO PAY FOR THE HEPA’S Environmental Impact Statement (EIS)?
- The Aquarium (AQ) Fishery of Hawaii is one of the most highly managed and sustainable fisheries in the world, as evidenced by over (20) years of data from Dept. of Aquatic Resources, and the fishery winning of (3) cases in Hawaii’s lower courts prior to being ordered to complete an Environmental Impact Statement (EIS).

Please do not change SB1074 to exempt and discriminate against one user group. It is not moral or pono.

Sincerely,

Mary Tubbs, M.Ed.

SB-1074-SD-1

Submitted on: 2/25/2025 9:13:12 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Helen Hastedt	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Rhoads, Vice Chair Gabbard, and Committee Members,

I live in Honolulu on the island of O‘ahu.

I strongly oppose SB 1074, SD1, as it undermines essential environmental protections and weakens oversight of harmful activities. Private entities have repeatedly engaged in actions that threaten Hawai‘i’s land and waters, often without proper review. This bill would further erode accountability by allowing state agencies to approve permits without fully assessing environmental and cultural impacts.

For years, agencies like DLNR have permitted large-scale water diversions in East Maui and Kaua‘i and the extraction of millions of reef fish without adequate oversight. Legal challenges brought by communities across Hawai‘i have been crucial in holding these entities accountable. Weakening these protections would undo progress and allow further exploitation of natural resources without consequences.

SB 1074, SD1, is unnecessary and serves only to benefit commercial interests at the expense of Hawai‘i’s ecosystems and communities. While existing laws already allow for exemptions in cases of minimal impact, this bill would grant broad exemptions to private actors, disregarding long-term environmental harm. Safeguards must be strengthened, not dismantled, to ensure that illegal and harmful activities are properly studied and regulated.

Protecting the ‘āina for future generations requires upholding rigorous environmental review processes, not weakening them. Hawai‘i must remain committed to responsible stewardship rather than prioritizing short-term economic interests over the well-being of its people and natural resources.

Mahalo for your time!

SB-1074-SD-1

Submitted on: 2/25/2025 9:13:51 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Susan Bambara	Individual	Oppose	Written Testimony Only

Comments:

PLEASE, VOTE NO on SB1074.

Protect our reefs, our culture, and our future!

SB-1074-SD-1

Submitted on: 2/25/2025 9:14:19 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Doug Fetterly	Individual	Oppose	Written Testimony Only

Comments:

I am completely disappointed in a government that puts the well-being of the people, and their rights, last. You should be ashamed.

SB-1074-SD-1

Submitted on: 2/25/2025 9:14:44 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Dear Chair Rhoads, Vice Chair Gabbard, and Committee Members,

My name is Josh Mori and I live, coach, farm, and raise children in Waimea Valley on the Island of Kaua'i. SB1074 SD1 is a poor attempt to gut environmental protections in the wake of bad American policy with the new regim. This bill stands in direct opposition to the motto of your employer "ua mau ke ea o ka aina i ka pono". To gut HIPA and allow the ongoing rubberstamping of bad stewardship practices while agencies like DLNR kick the can down the road have already led us to where we stand today, In drought and susceptible to bully led fear campaigns's further separating kanaka from aina and aina from wellness. This bill isn't necessary and is the result of a scare campaign aimed at gutting our environmental protections. HEPA is meant to apply broadly to promote environmental consciousness, *but nonetheless provides for exemptions of activities that have minor impacts*. This bill instead seeks to give a blanket free pass to commercial users of our public trust land, water, and ocean resources, *no matter what the harms*. It takes a sledgehammer to the law to swat at a fly. In the face of unthought out executive orders, irresponsible and dangerous federal actions perpetrated by undereducated, over reactionary billionaires, Hawai'i doesn't have to follow suit. We have a chance to protect our island nation and our relationship to resources. The large coroporations who are the only benefactors of this bill passing, do not live here. They are not from here, and as we have seen over the past 150 years, will leave once they have dried out our water ways, polluted our land, and sickened our people. So yah I strongly oppose the weakling of an already weak proctection for our Wai, Kai, Aina, and Kanaka. Mahalo



KO'OLAUPOKO HAWAIIAN CIVIC CLUB

February 25, 2025

Senate Committee on Judiciary

February 26, 2025, at 9:40 AM, State Capitol Conference Room 016

Testimony in **STRONG OPPOSITION** to SB1047, SD1 Relating to Environmental Impact Statements

Aloha Chair Rhoads, Vice Chair Gabbard, and Honorable Committee Members,

The Ko'olaupoko Hawaiian Civic Club (KPHCC) submits this testimony in strong opposition to SB1074, SD1. KPHCC is a not-for-profit community organization established in 1937 by a group of kama'āina residents in the Ko'olaupoko area. Our membership exceeds 100 adult and 'ōpio members including cultural practitioners, community leaders, lawai'a, and descendants of konohiki families with roots in the Ko'olaupoko community dating back to time immemorial. KPHCC's primary mission is to perpetuate and cultivate Native Hawaiian culture and values, including lawai'a pono, mālama 'āina, 'āina momona, and aloha 'āina. KPHCC furthers its mission through advocacy, volunteerism, community engagement, and education.

Ending commercial aquarium collection in Ko'olaupoko (which includes Kāne'ohe Bay, a collection hot-spot), has been a club priority for decades. Our club mission and lifeways depend upon Hawai'i's coral reef ecosystems, which provide recreational, cultural, educational, subsistence, and other social benefits, as well as ecological and structural protections against the effects of climate change. For many years, the KPHCC and its members have actively engaged in legislative and administrative efforts to prohibit commercial aquarium collection statewide.

Thanks to the Hawai'i Environmental Policy Act ("HEPA") and recent court rulings, our reefs have finally gotten a break from unlimited aquarium extraction while the collectors and the Department of Land and Natural Resources ("DLNR") take a hard look at environmental and cultural impacts, mitigation measures, and alternatives through the public environmental review process, a process our club has been actively engaged. HEPA has allowed our community to demand accountability by DLNR for our public trust resources.

SB 1074, SD 1 would undo decades of public education and advocacy efforts to ensure informed agency decision-making *before* handing the global pet market a free pass to extract millions of fish and invertebrates from Hawai'i's reefs. SB 1074, SD 1 would turn HEPA review into an afterthought—a meaningless formality to rationalize or justify decisions already made. Please do not hand agencies like DLNR a blank check to rubberstamp environmentally harmful activities like commercial aquarium collection without any prior look at the action's environmental impacts.

The Ko'olaupoko Hawaiian Civic Club was established in 1937 and is one of the largest in the Association of Hawaiian Civic Clubs nationwide. Ko'olaupoko HCC is a not-for-profit community organization dedicated to preserving and perpetuating the history, heritage and culture of Native Hawaiians and providing leadership and scholarships. Its membership is open to people of Hawaiian ancestry and those who are "Hawaiian at heart."



KO'OLAUPOKO HAWAIIAN CIVIC CLUB

Page 2

HEPA is the cornerstone of Hawai'i's statutory environmental protections. The KPHCC strongly urges your Committee to uphold the integrity of HEPA and **vote 'A'OLE to SB 1074, SD 1.**

Me ke aloha 'āina,

Charles Na'umu Pelekikena (President)
Ko'olaupoko Hawaiian Civic Club

The Ko'olaupoko Hawaiian Civic Club was established in 1937 and is one of the largest in the Association of Hawaiian Civic Clubs nationwide. Ko'olaupoko HCC is a not-for-profit community organization dedicated to preserving and perpetuating the history, heritage and culture of Native Hawaiians and providing leadership and scholarships. Its membership is open to people of Hawaiian ancestry and those who are "Hawaiian at heart."

SB-1074-SD-1

Submitted on: 2/25/2025 9:17:36 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Support

Klayton Kubo

Waimea, Kaua'i

SB-1074-SD-1

Submitted on: 2/25/2025 9:21:20 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Avalon Paradea	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, Senator Chang, Senator San Buenaventura, and Senator Awa,

I strongly oppose SB1074 because it would legitimize illegally authorized activities—like commercial aquarium collection—that devastate Hawai‘i’s ecosystems, cultural heritage, and future generations.

For years, commercial collectors have extracted hundreds of thousands of fish from our reefs, including essential species like lau‘ipala (yellow tang) and pāku‘iku‘i (Achilles tang). This reckless removal disrupts marine ecosystems and threatens Native Hawaiian subsistence fishing. Thanks to HEPA and court rulings, our reefs have finally had a chance to recover. SB1074 would undo this progress, allowing harmful activities to continue indefinitely without proper environmental review.

Hawai‘i’s environmental review law ensures that decision-makers and the public can weigh long-term impacts before permitting actions that could cause irreversible harm. When agencies fail to follow these laws—such as permitting unlimited aquarium fish collection or dewatering East Maui’s streams for decades—the results are severe and often irreparable.

By allowing these illegally authorized activities to continue while challenges drag on for years, SB1074 would turn HEPA into a meaningless afterthought. It would reward irresponsible agency practices that prioritize industry profits over environmental protection, cultural preservation, and the well-being of our communities.

VOTE NO on SB1074. Protect our reefs, our culture, and our future.

SB-1074-SD-1

Submitted on: 2/25/2025 9:21:36 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
pat gegen	Individual	Oppose	Written Testimony Only

Comments:

I **strongly oppose** SB 1074, SD1, which would gut HEPA, one of our bedrock environmental laws. HEPA requires consideration of the environmental and cultural impacts of activities *before* they occur. Instead, the bill would allow state agencies like DLNR to keep rubberstamping permits until whenever they may get around to actually looking at the impacts.

DLNR has for years rubberstamped diversions of billions of gallons of water in East Maui and Kaua'i and extraction of millions of reef fish on Hawai'i Island and O'ahu, without ever looking at the impacts. Communities in Kaua'i and across Hawai'i pae'āina have successfully taken the agency to court to demand accountability by DLNR. This bill would eliminate this progress and hand these destructive activities a free pass.

This bill isn't necessary and is the result of a scare campaign aimed at gutting our environmental protections. HEPA is meant to apply broadly to promote environmental consciousness, *but nonetheless provides for exemptions of activities that have minor impacts*. This bill instead seeks to give a blanket free pass to commercial users of our public trust land, water, and ocean resources, *no matter what the harms*. It takes a sledgehammer to the law to swat at a fly.

The bill joins the all-out war against our environmental protections by the Trump administration and corporate interests. Hawai'i should know and do better than this and not wreck our bedrock laws that uphold fundamental principles of environmental stewardship and democracy.

I strongly urge you to **VOTE NO on SB 1074, SD1**.

SB-1074-SD-1

Submitted on: 2/25/2025 9:22:05 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, Senator Chang, Senator San Buenaventura, and Senator Awa,

I OPPOSE SB1074!

My name is Leslie Blok and I strongly oppose SB1074, 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 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.

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

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.

Sincerely

Leslie Blok

SB-1074-SD-1

Submitted on: 2/25/2025 9:25:18 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
William Newhouse	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Will Newhouse and I am writing to express my strong support for allowing permits to be renewed and boat operations to continue at Ka'anapali Beach during the environmental assessment process. In the wake of the devastating Lahaina fire in 2023, West Maui has been struggling to recover, and Ka'anapali remains one of the few vibrant tourist areas left on the island. The commercial ocean activities operating out of Ka'anapali are a critical lifeline for our community, providing not only enjoyment for visitors but also essential employment for hundreds of local residents.

If boat operations were to cease during the environmental assessment—a process that could take years to complete—the consequences would be severe. Jobs would be lost, livelihoods would be disrupted, and many hardworking people would be forced to seek employment elsewhere, potentially even off-island. This mass exodus would be devastating for our community, further compounding the economic challenges we are already facing.

Ocean recreation is the heart of Ka'anapali's tourism appeal. Without these activities, we risk losing a significant portion of our visitor base, which would not only impact those directly employed by boat charters but also the many local businesses that depend on tourism, such as restaurants, retail stores, and service providers.

We fully support and understand the importance of environmental stewardship and are committed to preserving the natural beauty that makes Maui so special. However, it is possible to conduct a thorough and responsible environmental assessment without halting all boat operations. Many local operators already practice sustainable tourism and follow strict environmental guidelines to minimize their impact.

We urge decision-makers to find a balanced solution that allows businesses to continue operating while the environmental assessment is conducted. This approach would support the community's economic stability, preserve jobs, and sustain the tourism industry that so many of us depend on.

Mahalo for considering the voices of those who live and work in this beautiful community. We kindly ask for your support in keeping Ka'anapali Beach vibrant and economically viable during this challenging time.

Respectfully,

Will Newhouse

Trilogy Excursions

SB-1074-SD-1

Submitted on: 2/25/2025 9:27:35 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Megan Vynne	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill

SB-1074-SD-1

Submitted on: 2/25/2025 9:28:30 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Wayne Grenier	Individual	Support	Written Testimony Only

Comments:

I am Wayne Grenier and I strongly support SB1074.

Lahaina and West Maui have already endured so many hardships. Please support us while we continue to recover.

SB1074 allows previously permitted activities to continue operating while undergoing environmental review if permits are challenged.

This bill strikes a fair balance between protecting Hawaii's natural resources while supporting long-standing, regulated ocean activities operation.

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

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

Please pass SB1074 and support our local families and businesses.

Mahalo for considering my testimony,

SB-1074-SD-1

Submitted on: 2/25/2025 9:29:07 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Fred Findlen	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

I am in support of SB 1074 SD1. Recent events including the fire in Lahaina have been devastating to hotels, tourism and businesses related to the hospitality industry. Eliminating or taking away any other business activities for our visitors to take part in would be devastating to the local community. Upwards of \$250 plus families would be impacted with the loss of jobs, forcing people to potentially leave the island which would be devastating to the schools and local economy. We've already seen so much loss and families leaving the island that this would exasperate it even further.

Please vote for and pass SB 1074 SD1 as it is vital for the future of our community.

Mahalo,

Fred G. Findlen

General Manager

Hyatt Regency Maui Resort and Spa

SB-1074-SD-1

Submitted on: 2/25/2025 9:29:31 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Melisa Neizman	Individual	Support	Written Testimony Only

Comments:

Aoha,

I support SB1074 and I don't want to see more jobs lost here on the west side of Maui. I lost my home and job and I know for a fact it is a struggle to find good work and good workers. Please do not halt a already fragile work industry.

SB-1074-SD-1

Submitted on: 2/25/2025 9:30:46 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Susan Stayton	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Rhoads, Vice Chair Gabbard, Senator Chang, Senator San Buenaventura, and Senator Awa,

My name is Susan and I live in Lawai on the island of Kauai. I'm an ocean advocate.

I **strongly oppose** SB1074, SD1, which would allow agencies to keep rubberstamping environmentally harmful activities (like commercial aquarium collection) until whenever the agencies may get around to actually looking at the impacts and doing anything about it.

I am deeply concerned how this bill would affect Hawai'i's reefs and lawai'a pono practices.

Thank you for your consideration,

Susan

SB-1074-SD-1

Submitted on: 2/25/2025 9:32:56 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
CAROLINE LANDRY	Individual	Oppose	Written Testimony Only

Comments:

This bill will allow potentially destructive activities to **continue** during any required environmental review. This is wrong, as irreparable damage can happen during that undetermined period of time. The reason for the review in the first place is to determine if there will be damage, so it does not make sense to have it as hoc.

Our environment is already under stress with climate change and overtourism. We need to do all we can to protect our coral, our fishes, our forests... all that make Hawai'i the wonderful place that we cherish.

Dear Chair Rhoads, Vice Chair Gabbard, Senator Chang, Senator San Buenaventura, and Senator Awa,

My name is Marc Mowrey and I live in Halaula on the island of Hawaii]. I'm an ocean advocate.

I **strongly oppose** SB1074, SD1, which would allow agencies to keep rubber-stamping environmentally harmful activities (like commercial aquarium collection) until whenever the agencies may get around to actually looking at the impacts and doing anything about it.

I am deeply concerned how this bill would affect Hawai'i's reefs and lawai'a pono practices.

- Commercial aquarium collectors have devastated reef ecosystems around O'ahu and Hawai'i Island, extracting **hundreds of thousands of fish and invertebrates each year** in hotspots including West Hawai'i and Kāne'ohe Bay. Collected species include lau'ipala (yellow tang), kole (goldring surgeonfish), pāku'iku'i (Achilles tang), among many other native and endemic species that are critical for maintaining healthy reefs and supporting Native Hawaiian subsistence fishing and cultural practices.
- This reef life is sold and shipped in plastic bags to the continent and around the world to supply the **global pet market for ornamental reef fish**, instead of staying on the reefs to support ecosystem health and Native Hawaiian fishing practices that have been handed down for generations.
- Thanks to HEPA and recent court rulings, our reefs have **finally gotten a break from unlimited aquarium extraction** while the collectors and State look at environmental and cultural impacts, mitigation measures, and alternatives through the public environmental review process.
- Please let HEPA do its job to ***inform agency decision-making beforehand***, rather than handing industry a free pass to continue causing harm for years on end until they get around to completing the environmental review process. This bill would turn HEPA review into an afterthought and meaningless formality to justify harm that's already been done . . . and can't be undone.
- This bill would **gut HEPA's whole purpose** and is unnecessary. HEPA provides for **exemptions of activities that have truly minor impacts**.

I strongly urge you to **VOTE NO** on **SB1074, SD1**. Thank you for your consideration.

Sincerely,
Marc Mowrey

SB-1074-SD-1

Submitted on: 2/25/2025 9:36:33 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Dominique Magnenat	Individual	Oppose	Written Testimony Only

Comments:

I am in opposition of Sb 1074 as it will destroy our coastal ecosystems and will infringe on kanaka maoli's right to access these areas for cultural practice

SB-1074-SD-1

Submitted on: 2/25/2025 9:37:46 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Travis Ray Dewater	Individual	Support	Written Testimony Only

Comments:

My name is Travis, and I work for Trilogy Excursions. I strongly support SB1074 because Kaanapali is vital to my job and many others who rely on ocean tourism to stay on Maui.

After the Lahaina fire, many of us lost our homes and livelihoods. Working in Kaanapali has been one of the few ways to rebuild and support our families. Our boats operate with minimal impact—leaving only bubbles and taking only photos—while providing jobs and keeping our community afloat.

If boat operators are forced to shut down due to lengthy environmental reviews, many of us will lose our jobs and our ability to stay on Maui. Please pass SB1074 to protect our livelihoods and help our community recover.

Mahalo.

Travis

SB-1074-SD-1

Submitted on: 2/25/2025 9:38:44 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
shantee brown	Individual	Oppose	Written Testimony Only

Comments:

[**SB1074**](#) would allow a vast range of illegally authorized activities to continue, potentially indefinitely, without a consideration of their environmental, cultural, and social impacts to our islands and our present and future generations. Please vote no on SB1074.

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 9:40:25 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Asking for any type of grace in the EIS process while you have a boat sitting on the rocks in a marine life conversation district is ballsy. See attached photo

These people want to say it's about aquarium fishing, when in reality it's about tourism. They have a big impact, and you can just look to the Hanauma Bay studies during Covid to see tourism displaces fish.

Dumping hundred of thousands of people into the same locations year after year has an impact. These same groups sued to require environmental review on fisheries because they "did not see fish" when they are to blame

when you point a finger at someone, three are pointed at yourself and these tourism groups are to blame.

No segregation, no carve outs, and no unfair treatment. Equal application of law is a constitutional federal and state right.

Do Not allow tourism to skirt environmental review. If the aquarium fishery can compete the process, so can they

oppose this measure

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 9:40:26 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Scott Naccarato	Individual	Support	Written Testimony Only

Comments:

Hello all,

I am in full support of Bill SB1074. I have been coming to Maui for 45 years now, I have honeymooned there, I bring my family there, I own a timeshare there, and we come every year. There has not been a single year that we have not been on either a day sail, or a sunset cruise. Many of my family's very best memories vacationing together are on those boats. It is my wife's favorite thing to do. My mom and dad have been coming there since the '70s, they are the ones that started the tradition of spending time on those boats. They have owned a home on Maui for over 30 years now and spend months on the island every year. They too go on the boats numerous times during their stays.

To make the process more time-consuming and arduous for these small businesses would be irresponsible of those in charge. For each day that goes by, valuable dollars are lost in tourism which equates to massive losses in tax dollars to the state and counties that rely on that money to stay viable, not to mention it puts undue stress on the individual business owners literally fighting to stay afloat. With every delay caused by inefficient government intervention, revenue for these businesses is missed and can never be made up therefore effectively taking the decision out of their hands and forcing them into closing, and in many cases, into bankruptcy. In my opinion, this is not a scenario that is good for anyone in the state of Hawai'i. Therefore, with all due respect, my family and I are requesting that you pass Bill SB1074 and let's all work together to make Maui whole again.

All Best,

Scott Naccarato

SB-1074-SD-1

Submitted on: 2/25/2025 9:42:32 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

LATE

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

Comments:

My name is Amy West, and I work for Trilogy Excursions. I strongly support **SB1074** because Kaanapali is vital to my job and many others who rely on ocean tourism to stay on Maui.

After the Lahaina fire, many of us lost our homes and livelihoods. Working in Kaanapali has been one of the few ways to rebuild and support our families. Our boats operate with minimal impact—leaving only bubbles and taking only photos—while providing jobs and keeping our community afloat.

If boat operators are forced to shut down due to lengthy environmental reviews, many of us will lose our jobs and our ability to stay on Maui. **Please pass SB1074** to protect our livelihoods and help our community recover.

Mahalo.

SB-1074-SD-1

Submitted on: 2/25/2025 9:44:00 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

LATE

Submitted By	Organization	Testifier Position	Testify
Nanea Lo	Individual	Oppose	Written Testimony Only

Comments:

Hello

Chair Rhoads, Vice Chair Gabbard, Senator Chang, Senator San Buenaventura, and Senator Awa,

My name is [Your name] and I strongly oppose SB1074, which would allow a vast range of illegally authorized activities to continue, potentially indefinitely, without a required consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

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

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

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

I urge you to HOLD SB1074.

me ke aloha 'āina,

Nanea Lo

Mō'ili'ili, HI 96826

Sierra Club of Hawai'i Executive Commission Member

Board Member, Hawai‘i Workers Center
Kanakanaka Maoli/Lineal Descendant of the Hawaiian Kingdom

LATE

Aloha,

I am submitting testimony in **strong support of SB 1074** and the need for responsible businesses like **Sea Maui** to continue operating. The passage of this bill is critical—not just for the local economy, but for individuals like me who depend on this work to support our ‘ohana.

I have lived and worked on Maui since 2006, running a surf photography business from 2008 until August 8, 2023. The Lahaina wildfires took away my livelihood, as my work was entirely based at the Breakwall. Like so many others, I had to start over. Thankfully, I found employment with **Sea Maui**, which has allowed me to continue providing for my family.

If SB 1074 does not pass, I will once again face financial uncertainty, and **the hardship on my ‘ohana would be crushing**. I am not alone—many hardworking locals rely on Sea Maui for their income. This company is more than just a business; it truly embodies the Aloha spirit in how it treats employees, guests, and the community. Despite their own losses in the fires, the owners **gave back to Lahaina residents**, even donating food to those protesting the TVR laws on Ka’anapali Beach.

Hawai‘i’s ocean tour operators play an important role in allowing residents and visitors to experience our marine environment **with minimal disruption**, while also promoting conservation through education and sustainable tourism practices. Companies like Sea Maui operate with respect for the ‘āina and the kai, sharing a love for these waters in a way that deepens appreciation and **encourages protection of our natural resources**.

SB 1074 strikes a fair balance between environmental responsibility and economic stability. It ensures compliance with **Hawai‘i Revised Statutes Chapter 343**, while also recognizing the importance of **small ocean tour businesses** that have operated responsibly under state oversight for decades. These businesses are not large corporations—they are local operators, providing jobs and keeping the economy afloat.

Sea Maui also operates with great care for the local community. They provide **designated parking** for employees and guests, helping to keep beach access open for everyone.

To take away this opportunity from those who love and respect these islands would be a heavy blow—not just financially, but emotionally. **Morale is already low** among many who have lost so much, yet we continue to grind, work hard, and rebuild our lives. **Passing SB 1074 will allow us to move forward instead of being pushed back again.**

I urge lawmakers to **pass SB 1074** so that businesses like Sea Maui can continue to operate, provide jobs, and share the true spirit of Maui with visitors, all while working toward environmental compliance.

Mahalo nui loa for your time and consideration.

Derek Benbrook

SB-1074-SD-1

Submitted on: 2/25/2025 9:51:37 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

LATE

Submitted By	Organization	Testifier Position	Testify
Gregory Misakian	Individual	Oppose	Written Testimony Only

Comments:

My name is Gregory Misakian and I do not support SB1074 SD1.

Laws and regulations must be followed and Environmental Impact Statements are extremely important to protect not only the environment, but the rights of the people of Hawaii. Any challenge to ensure that an EIS is required or completed should be addressed prior to the start of any project, and if a project is underway and there is reason to believe that it is moving forward improperly, it should be paused.

An Environmental Impact Statement is also required for the proposed Ala Wai Pedestrian Bridge Project, which the Department of Transportation Services (DTS) is not addressing, and has a duty of care and responsibility to act properly and not misinform the public.

SB-1074-SD-1

Submitted on: 2/25/2025 9:55:57 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

LATE

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

Comments:

My family & I STRONGLY OPPOSE SB1074 SD1, which would allow illegally authorized activities to be continued, potentially indefinitely, without a consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 10:04:52 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Larry O'Brien	Individual	Oppose	Written Testimony Only

Comments:

I am writing in opposition to this bill. The aquarium trade industry has seized on this bill as a route back towards our threatened reefs. This industry benefits only a few individuals while abundant reef fish populations provide vastly greater economic, environmental, and cultural benefits.

SB-1074-SD-1

Submitted on: 2/25/2025 10:07:28 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

LATE

Submitted By	Organization	Testifier Position	Testify
helen raine	Individual	Oppose	Written Testimony Only

Comments:

I am a resident of Kalaheo on the island of Kauaʻi. I strongly oppose SB 1074, SD1, which would dismantle HEPA—one of our most fundamental environmental laws. HEPA ensures that environmental and cultural impacts are carefully considered before actions take place. Instead, this bill would allow state agencies to continue issuing permits without fully assessing the consequences, indefinitely delaying necessary reviews.

This bill is unnecessary. HEPA is designed to encourage environmental awareness while already allowing exemptions for activities with minimal impact. However, this bill goes far beyond that, granting blanket immunity to commercial users of our public trust land, water, and ocean resources—regardless of the damage they cause.

By pushing this bill forward, Hawaiʻi would be aligning with the broader assault on environmental protections led by corporate interests and past federal rollbacks. We should stand for stronger environmental stewardship, not the erosion of the laws that protect our land, culture, and future.

SB-1074-SD-1

Submitted on: 2/25/2025 10:10:31 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

LATE

Submitted By	Organization	Testifier Position	Testify
Caren Diamond	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Rhoads, Vice Chair Gabbard, and Committee Members,

I strongly oppose SB 1074, SD1, as HEPA laws that protect our environment would be negatively impacted. Environmental and cultural impacts cannot be negated if projects are allowed to proceed before evaluating the impacts. I strongly urge you to vote No on SB 1074, SD1 and uphold Hawaii's environmental management laws.

Mahalo, Caren Diamond, Kauai resident

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 10:13:43 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Aloha,

I oppose this measure. These commercial guys are just like any other discretionary license making money out there. I'm not against earning a living on the water, I support that in fact. I'm against double standards. I'm against carve outs and saying these guys get a special allowance to run their ocean based business, but these guys over here can not. That's illegal and a violation of Federal and Constitutional rights. You cant arbitrarily apply the law,or make exceptions that are prejudicial and without logic. I read through the testimony of some of these operators, or their supporters,and honestly, they need to be humbled. Saying they're "non-extractive" These guys have an impact, they clog up the boat ramps all day with their business activity pissing off the local fishermen, their boats break off and end up on the reef. Most importantly though, their business activity puts hundreds of thousands of tourists out on the reefs every year in the same places, over and over, and that is VERY disruptive to the wildlife. ANYONE claiming no impact is delusional and doesn't know a thing about this aquatic wildlife. Let them do HEPA just like the aquarium guys did. Those guys had to shut their business down and even after doing the process they still not fishing. Fair is fair, equal treatment under the law

SB-1074-SD-1

Submitted on: 2/25/2025 10:16:34 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

LATE

Submitted By	Organization	Testifier Position	Testify
De Andre Makakoa	Individual	Oppose	Written Testimony Only

Comments:

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

Hawai‘i’s environmental laws exist for a reason: **to protect our land, water, and people from unchecked exploitation. Senate Bill 1074, SD1, is a direct attack on those protections**—a reckless attempt to gut the Hawai‘i Environmental Policy Act (HEPA) and give industries a free pass to continue destructive practices with no accountability.

HEPA is not an obstacle; it is a safeguard. It ensures that before a project moves forward, its impacts on our ecosystems and cultural resources are **understood, addressed, and mitigated. SB 1074 flips that process on its head, allowing state agencies to rubberstamp permits indefinitely—without ever taking a hard look at the damage being done.**

We have seen the consequences of weak enforcement before. **Water diversions that left streams dry. Reef fish extraction that stripped our oceans.** And now, in the wake of the Lahaina fire, we know all too well what happens when profit is prioritized over environmental responsibility. **We cannot afford to let history repeat itself.**

This bill is unnecessary. A **pending settlement already resolves the concerns raised by boaters** without dismantling HEPA. The real issue is not the law—it’s agencies failing to enforce it. **If anything, we need stronger oversight, not loopholes that allow corporations to sidestep accountability.**

I strongly urge you to **VOTE NO on SB 1074, SD1.** Protect HEPA. Protect our resources. Protect the future of Hawai‘i.

Mahalo for your time and your commitment to upholding the law.

De Andre Makakoa

SB-1074-SD-1

Submitted on: 2/25/2025 10:22:17 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

LATE

Submitted By	Organization	Testifier Position	Testify
Sharde Freitas	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Senate Judiciary Committee,

My name is Sharde Freitas and I **STRONGLY OPPOSE SB1074 SD1**, which would allow illegally authorized activities to be continued, potentially indefinitely, without a consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

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

This bill would do the opposite, allowing activities that have been previously, but unlawfully, authorized without environmental review, to continue while environmental review is pending. As we have seen in cases such as East Maui, where stream diversions by a politically connected plantation were allowed to continue for nearly 20 years after an environmental assessment had been ordered, years' or decades' worth of devastating yet potentially avoidable impacts could occur without the benefit of environmental review, should this measure be passed into law.

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

I urge you to **HOLD SB1074 SD1**.

Sincerely,

Sharde Freitas

SB-1074-SD-1

Submitted on: 2/25/2025 10:44:17 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

LATE

Submitted By	Organization	Testifier Position	Testify
Hideki Kimukai	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Senate Judiciary Committee,

My name is Hideki Kimukai and I **strongly oppose SB1074 SD1**.

Mahalo nui,

Hideki Kimukai

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 10:44:57 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Robert H Pecoraro Jr	Individual	Oppose	Written Testimony Only

Comments:

It's unfortunate that supporters of healthy Hawaiian reefs must keep fighting to defend the tropical fish that inhabit our waters and keep the aquatic environment in balance. You would think that it would be a no-brainer, and those charged with protecting it, would actually work toward those means. The Division of Aquatic Resources has a mission statement on the first page of their website, which reads: "The mission of the Division of Aquatic Resources is to work with the people of Hawai'i to manage, conserve and restore the state's unique aquatic resources and ecosystems for present and future generations." It seems to me that they are working for the benefit of a few of the people of Hawaii, to the detriment of all others. Our reefs are already suffering badly, because of climate change and sewage spills/leakages into our once pristine ecosystem. Now they want to add the pressure of removing the fish that keep the algae at bay. These herbivores give the reefs at least a fighting chance to survive. Since the tropical fish collecting ban, the populations of these fish, and other popular aquarium trade fishes have increased. We are finally seeing once rare fish, such as Longfin Anthias, Bicolor Anthias, Flame Wrasse and other fish that had all but disappeared whilst they were being collected. The fish that are collected have a high mortality rate. Those that survive end up in an aquarium, for a few to enjoy, rather than remaining on the reef, free for all to enjoy, while keeping the ecosystem in balance. Before we moved to Hawaii, we traveled here frequently to dive and enjoy a unique environment, where about 25% of the aquatic life is endemic to Hawaii. We should strive toward preserving these creatures in their natural environment, rather than allowing them to be collected, killed and/or shipped out of Hawaii. It makes no sense to allow tropical fish collection again, especially since it has been banned for six or seven years. Please consider the wishes of those who care, including Native Hawaiian groups, and do the right thing. Please put a permanent ban on tropical fish collection and help give the reefs a fighting chance to survive. In the interim, please continue to require that a non-biased environmental impact statement be completed BEFORE allowing such environmentally destructive practices. This will allow for a real measure of the impact of such a decision.

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 10:49:26 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
emily gambino	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, Senator Chang, Senator San Buenaventura, and Senator Awa,

My name is Emily Gambino and I strongly oppose SB1074, which would allow a vast range of illegally authorized activities to continue, potentially indefinitely, without a required consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

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

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

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

I urge you to HOLD SB1074.

Sincerely,
Emily Gambino

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 11:10:12 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Dear Sir or Madam,

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

By allowing potentially damaging activities to continue unchecked during the lengthy process of acquiring an Environmental Impact Statement/review defeats the purpose of HEPA and undercuts the entire purpose of environmental protections. These destructive activities, with their potential to irreparably damage our fragile environment, could go on indefinitely, with nothing mitigating their harmful impacts, because there are no laws/rules setting time constraints on preparing or completing environmental studies.

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

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

Mahalo,

Pamela Small

Kawaihae

SB-1074-SD-1

Submitted on: 2/25/2025 11:13:35 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

LATE

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

Comments:

Aloha Committee members,

I **STRONGLY** support SB 1074 SD1 if there are no exclusions for permits

Mahalo

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 11:17:31 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Senate Judiciary Committee,

My name is Shay Chan Hodges and I **STRONGLY OPPOSE SB1074 SD1**, which would allow illegally authorized activities to be continued, potentially indefinitely, without a consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

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

This bill would do the opposite, allowing activities that have been previously, but unlawfully, authorized without environmental review, to continue while environmental review is pending. As we have seen in cases such as East Maui, where stream diversions by a politically connected plantation were allowed to continue for nearly 20 years after an environmental assessment had been ordered, years' or decades' worth of devastating yet potentially avoidable impacts could occur without the benefit of environmental review, should this measure be passed into law.

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

I urge you to **HOLD SB1074 SD1**.

Sincerely,
Shay Chan Hodges

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 11:45:48 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Sheena Lopes	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Senate Judiciary Committee,

My name is Sheena Lopes and I STRONGLY OPPOSE SB1074 SD1, which would allow illegally authorized activities to be continued, potentially indefinitely, without a consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

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

This bill would do the opposite, allowing activities that have been previously, but unlawfully, authorized without environmental review, to continue while environmental review is pending. As we have seen in cases such as East Maui, where stream diversions by a politically connected plantation were allowed to continue for nearly 20 years after an environmental assessment had been ordered, years' or decades' worth of devastating yet potentially avoidable impacts could occur without the benefit of environmental review, should this measure be passed into law.

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

I urge you to

HOLD SB1074 SD1.

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 11:48:42 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Marc Rosenkrans	Individual	Support	Written Testimony Only

Comments:

At my place of employment, we service many boat vendors including Teralani, Sea Maui, etc and the loss of their business would also negatively impact our business and possibly my employment.

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 11:50:24 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Aloha mai kakou -

I started off writing a flowery testimony about my life on Kane'ohe Bay - the fish, honu, rays, etc. but at the end of the day my testimony is simply STOP DESCIMATING THE AINA and act as the protectors of this place you CLAIM to serve (as a reminder, your job is that of a public servant).

Hawai'i already has the largest number of endangered species in THE WORLD and yet you. the Hawai'i government, allow the continued abuse of our home by the military, tourists, developers, and anyone else who wants to profit by abusing the land and it's resources. In the case of the animals, it is even more disgusting and heartless as it is their home too and I would even say firstly.

PLEASE do the right thing as it pertains to SB 1074 and vote against it. If not to protect Hawai'i then to protect yourselves as the people are pissed and that is why more and more are voting Republican. I personally do not want to see this trend continue but it is up to you and yours to stop it by voting for the people instead of against them

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 11:54:01 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Connor Kuykendall	Individual	Support	Written Testimony Only

Comments:

Aloha!

I am one of many others whose livelihoods depend on the tourism industry in Ka'anapali. I respectfully urge you to schedule SB1074. This bill is critical to our ability to continue working and providing for our families. We sincerely ask for your support in giving it the opportunity to be heard.

I was a teacher last year and was let go due to the fires on the island. Working in the tourism industry has allowed me to get back on my feet and I am forever grateful for Teralani. This job has provided for me in more ways than one. Please consider scheduling SB1074.

Sincerely,

Connor Kuykendall

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 11:57:25 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

I am in strong support of sb1074. i believe in businesses that utilize nature should be done sustainably. I believe that industries that require an eis should still be allowed to operate until and eis deems them unsustainable.

SB-1074-SD-1

Submitted on: 2/25/2025 11:57:29 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

LATE

Submitted By	Organization	Testifier Position	Testify
Andrew Stauffer	Individual	Support	Written Testimony Only

Comments:

This move will have a major negative impact on all the restraunts and employment in the imidiate area of whalers where all the boats do their buisness.

We here at aloha self storage house many of these companies, loosing their buisness will directly affect a big percentage of our occupancy and will in turn put my employees and my job in jeopardy.

the boats need to stay unchanged in their buisness.

Sincerely,

Andrew Stauffer

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 12:10:18 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Stephanie Naccarato	Individual	Support	Written Testimony Only

Comments:

Dear Chair, Vice Chair and members of the Committee,

Please support SB1074 for ocean tour boats. I have been coming to Maui for 40 years. Honeymooned in Maui. I have a timeshare in Maui and my Parents in law own a home on Maui. We spend numerous trips on the Catamarans each visit to the island. It is definately one activities that brings us to the island. I am very much in support of SB1074 ensuring that ocean tourism operators in Kaanapali can continue their operations while undergoing environmental review.

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

Sincerely,

Stephanie Naccarato

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 12:11:08 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

I oppose SB1074 SD1. This bill isn't necessary and is aimed at gutting our environmental protections. HEPA is meant to apply broadly to promote environmental consciousness, *but nonetheless provides for exemptions of activities that have minor impacts*. This bill instead seeks to give a blanket free pass to commercial users of our public trust land, water, and ocean resources, *no matter what the harms*. This will do massive harm to the environment.

LATE

SB-1074-SD-1

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

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Judy Dalton	Individual	Oppose	Written Testimony Only

Comments:

I STRONGLY OPPOSE SB1074 SD1 which would allow illegal activities to continue without consideration of their environmental, cultural, and social impacts on our islands and our present and future generations.

I urge you to HOLD SB1074 SD1

Sincerely,

Judy Dalton

SD



MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

LATE

**HEARING BEFORE THE SENATE COMMITTEE ON JUDICIARY
HAWAII STATE CAPITOL, SENATE CONFERENCE ROOM 016
Wednesday, February 26, 2025 AT 9:40 A.M.**

To The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
Members of the committee on Judiciary

SUPPORT SB1074 SD1 RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

The Maui Chamber of Commerce **SUPPORTS SB1074 SD1**, which allows a previously authorized or permitted activity or operations to continue operation while the appropriate agency determines whether the activity or operation is subject to or exempt from the environmental review process when challenged; and allows a person with oversight of a previously authorized or permitted activity to renew the appropriate permits while under the environmental review process.

The Chamber emphasizes that these permitted activities have been conducted for decades without incident. Our collaboration with commercial ocean recreation permittees has shown that they often exceed environmental protection standards, ensure guest safety, and comply with regulations. Many permit holders are exemplary stewards of the environment, educating both residents and visitors on how to safeguard the ocean and marine life. This is especially true for the Ka'anapali Ocean Recreation Management Area (ORMA) operators, who need full support as we all recover from the recent disasters. If this bill is not passed, not only will Ka'anapali operators face significant challenges, but it will also greatly impact state revenues from permit fees to DLNR, general excise tax (GET) revenue, and more.

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

For these reasons we **SUPPORT SB1074 SD1** 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.

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 12:31:54 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

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

Please support SB1074 for ocean tour boats. This bill is essential for ensuring that ocean tourism operators in Kaanapali can continue their operations while undergoing environmental review. Without this bill, these longstanding, regulated operators face the risk of being shut down for years—even when they have complied with all permitting requirements.

These tour operators allow residents and visitors to experience Hawaii’s marine environment with minimal disruption, supporting conservation efforts through education and sustainable tourism practices.

This bill strikes a fair balance between protecting our natural resources through 343 and supporting the small ocean tour businesses that have operated responsibly under state oversight for decades.

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

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 2:11:29 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Zachary LaPrade	Testifying for Quicksilver Charters	Support	Written Testimony Only

Comments:

Dear Chair, Vice Chair, and Committee Members,

I respectfully urge your support for SB1074, a bill crucial to allowing ocean tour operators in Kaanapali to continue their services during the environmental review process. Without this legislation, even well-regulated, longstanding operators who have met all permitting requirements could face extended shutdowns.

These operators provide both residents and visitors with a unique opportunity to experience Hawaii's marine environment responsibly. They also play an important role in conservation by educating the public and promoting sustainable tourism practices.

SB1074 offers a balanced approach—safeguarding our natural resources while supporting the small ocean tour businesses that have operated under state oversight for decades. I encourage you to pass this bill to protect our local ocean tourism industry, the jobs it creates, and the families who depend on it.

Zachary LaPrade

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 1:55:16 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Aloha,

My name is Daniel Hazen, Operations Manager for Holo Holo Charters on Kauai. I am writing to express my **strong support for Senate Bill 1074**. This bill is vital for ensuring that previously permitted activities can continue operating while undergoing environmental review if their permits are challenged. That said, I understand that the bill could have consequences beyond what was intended. I am open to language that supports legal, commercially permitted users operating out of DLNR and DOT harbors.

An amended SB1074 provides a necessary safeguard for businesses, preventing unnecessary disruptions and costly shutdowns during environmental reviews. It strikes a fair balance between maintaining environmental protection and supporting regulated operations that comply with the law. If operators are forced to suspend their activities while conducting extensive environmental studies, it could lead to the closure of businesses and a devastating loss of jobs.

I urge you to pass SB1074 with amendments and support the families, businesses, and local communities that depend on these activities for their livelihoods.

Sincerely,
Daniel Hazen

Operations Manager

SB-1074-SD-1

Submitted on: 2/25/2025 12:51:24 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

LATE

Submitted By	Organization	Testifier Position	Testify
Brian Rose	Individual	Support	Written Testimony Only

Comments:

Aloha,

As a 23-year resident and business person on Maui, I strongly support this bill and the local businesses it supports. These businesses have hundreds of employees who live on Maui and depend on the jobs provided to pay rent, and bills and support their families. We should protect local businesses as much as possible.

Thank you

LATE

SB-1074-SD-1

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

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Tim Petru	Testifying for Hula Girl Sailing And Snorkeling Boat	Support	Written Testimony Only

Comments:

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

Please support SB1074. It is very important to allow people to operate their business and provide for their families and help employees provide for theirs. Tourism is a major industry of Hawaii and visitors want to experience all the beauty of Hawaii and that includes it's Ocean and reefs. These sailing charters and boats allow tourists who spend thousands to get to Hawaii and do these types of tours. Every sailing charters we have been on that loads out of Kaanapali has 100% care of the coast line, the beaches, the water, the reefs, and the safety of their guests and crew at the top of their lists. As a tourist, it's my families favorite thing to do. This is important to keep going and allow these businesses to operate. Please support SB1074.

Sincerely,

Tim Petru

resident of Texas and frequent visitor to Maui. God bless America!!!

LATE



Environmental Caucus of The Democratic Party of Hawai'i

February 25, 2025

Testimony in Opposition to SB1074 SD1: RELATING TO ENVIRONMENTAL IMPACT STATEMENTS.

To: Chair Karl Rhoads, Vice Chair Mike Gabbard, and Judiciary Committee

From: Environmental Caucus of the Democratic Party of Hawaii

Date: February 26, 2025 **Time:** 9:40 a.m.

Location: Conference Room 016 and Videoconference

Subject: Opposition to SB1074 SD1

Aloha Chair Rhoads, Vice Chair Gabbard and Members of the Judiciary Committee,

The Environmental Caucus of the Democratic Party of Hawaii strongly oppose SB1074 SD1. This bill, which allows previously authorized or permitted commercial activities to continue operation while under environmental review, poses significant risks to our environment and undermines the integrity of the environmental review process. We respectfully urge you to reject this bill for the following reasons:

1. **Undermines Environmental Protections:** Allowing commercial activities to continue while under environmental review could lead to irreversible environmental damage. The purpose of the environmental review process is to assess potential impacts and mitigate harm before activities commence. SB1074 SD1 circumvents this critical safeguard.
2. **Sets a Dangerous Precedent:** By permitting activities to proceed without completed environmental assessments, this bill sets a dangerous precedent. It signals that economic interests can override environmental protections, potentially leading to more lenient regulations and increased environmental degradation in the future.
3. **Lack of Accountability:** The bill allows for the renewal of permits during the environmental review process, which could result in prolonged and unchecked operations. This lack of accountability undermines the effectiveness of environmental oversight and could lead to ongoing harm without timely intervention.
4. **Potential for Abuse:** SB1074 SD1 opens the door for potential abuse by allowing operators to exploit the review process. Operators could intentionally delay the completion of environmental assessments to continue their activities without proper scrutiny, further endangering our natural resources.

5. **Contradicts Environmental Goals:** Hawaii has committed to ambitious environmental goals, including the protection of our unique ecosystems and the promotion of sustainable practices. This bill contradicts these goals by prioritizing commercial interests over environmental stewardship.
6. **Public Trust and Confidence:** The public relies on the environmental review process to ensure that activities are conducted responsibly and sustainably. Allowing activities to proceed without completed reviews erodes public trust and confidence in the regulatory framework designed to protect our environment.

In conclusion, we urge the Judiciary Committee to reject SB1074 SD1. Protecting our environment is paramount, and this bill undermines the very processes designed to safeguard it. We must prioritize thorough and complete environmental assessments before allowing any commercial activities to proceed.

Thank you for considering our testimony.

Mahalo nui loa,

Melodie Aduja and Alan Burdick

Co-chairs, Environmental Caucus of the Democratic Party of Hawaii

LATE



Hawaii's Thousand Friends

335 Hahani Street #342132 * Kailua, HI 96734 * Phone (808) 262-0682 E-Mail: htf3000@gmail.com

February 26, 2025

COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

SB 1074 SD1

RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

Aloha Chair Rhoads, Vice Chair Gabbard and Committee members

Hawaii's Thousand Friends, a non-profit organization dedicated to ensuring that appropriate planning, management and land use decisions are made that protect the environment, human health and cultural resources and that decision are made in conformity with the law opposes SB 1074 SD1 , which seeks to amend HRS 343, Hawaii Environmental Policy Act, to allow previously authorized or permitted commercial activity or operations to continue while the appropriate agency determines whether the activity or operation is subject to or exempt from the environmental review process when challenged.

It is unclear where SB 1074 SD1 got the idea that the environmental review process was only for new projects and *not to disrupt ongoing, well-regulated activities*. This is misleading when the purpose of HRS 343 is to *integrate the review of environmental concerns with existing planning processes of the State and counties and alert decision makers to significant environmental effects which may result from the implementation of certain actions*.

If passed SB 1074 SD1 would allow commercial activities, even if those activities that are illegal, to continue even if their practices harm the environment. Just because a commercial activity was approved without going through the environmental review process does not mean that the activity is not harmful to the environment.

Ignoring harmful activities whether permitted or unpermitted violates the State Constitution Article XI Section 1 *For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawaii's natural beauty and all natural resources, including land, water, air, minerals and energy sources, and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State.*

All public natural resources are held in trust by the State for the benefit of the people. (State Constitution Article XI Section 1)

Hawaii's public trust doctrine is a constitutional principal that requires the state to protect the state's natural resources for the benefit of the public. This applies to water, land, air, minerals, and natural beauty.

Once environmental damage is identified the State has a public trust responsibility to protect impacted natural resources and prevent any further degradation. If such action requires stopping a commercial activity, permitted or not, and requiring an environmental review under HRS 343 so be it.

To help preserve and protect Hawaii's fragile and finite natural resources we urge the Committee to hold SB 1074 SD1.

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 3:00:12 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Chandra Bertsch

Co-Owner & General Manager

Holo Holo Charters

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

This bill is about fairness and stability, allowing responsible businesses to continue operating during environmental reviews instead of facing costly, prolonged shutdowns. Without it, we risk losing not just businesses, but jobs and industry expertise that have shaped our economy for generations.

Environmental oversight is important, but the process has been misused to drag businesses into expensive legal battles. SB1074 ensures operations continue unless proven harmful—just as individuals are innocent until proven guilty.

This bill protects both our environment and our economy. Let's keep Hawai'i working—please pass SB1074.

SB-1074-SD-1

Submitted on: 2/25/2025 3:59:18 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

LATE

Submitted By	Organization	Testifier Position	Testify
Kai Nishiki	Testifying for Na Papa'i Wawae 'Ula'ula	Oppose	Written Testimony Only

Comments:

Aloha Committee,

Nā Pāpa'i Wāwae 'Ula'ula submits this testimony in **strong opposition to SB 1074**.

In addition to voicing our strong opposition to SB 1074, we would like to take the opportunity to provide this Committee with additional information and context regarding the lawsuit involving the commercial boating operations in Kā'anapali and the tentative agreement we have reached, which renders this drastic bill completely unnecessary.

In 2017, we filed suit against DLNR asking it to consider the environmental impacts of the increased commercial activity in Kā'anapali because of concerns for public safety in the ocean, as well as public access and parking, discharge of wastewater into our nearshore environment, among other things. In 2024, the court ordered DLNR to halt issuing and renewing commercial permits off Kā'anapali until DLNR could complete an environmental assessment, or determine the permits are exempt from review.

Following the Court's decision, Nā Pāpa'i immediately reached out to DLNR to propose an interim solution that implemented common sense permit conditions and actions that would allow commercial activity to continue while environmental assessments were ongoing. We received no response from DLNR.

DLNR's inaction unnecessarily escalated this situation and has pitted West Maui community members and families against each other. Thankfully, community leaders took matters into their own hands and contacted the boaters directly to work out a solution, long before this bill was introduced. The commercial boating community was extremely receptive, and we have since been in talks with boating industry leaders.

The parties have reached a tentative agreement that would allow boating activities to continue, with protections in place that address the community's concerns, including ocean safety and public access while environmental review takes place. Sadly, instead of engaging with the parties to reach a solution in this case, DLNR has dragged its feet on this agreement, and is now begging the state legislature for a blank check that would further enable their on-going mismanagement, while also systemically dismantling environmental protections with no recourse. This bill would give DLNR free reign to continue to rubberstamp a variety of destructive activities far beyond boating with no accountability to the community, the courts, or this legislative body. If DLNR

were interested in actually helping the parties reach a consensus, we would be there already, but DLNR, and their attorney, Miranda Steed, have been nothing but an obstacle in this process.

We urge you to vote NO on SB 1074. Having this bill pending while we are trying to finalize our settlement is only driving a further wedge between the parties and our community, and it is not conducive to finding workable solutions that benefit everyone. The urgency to pass SB1074 is manufactured. This bill is drastic, divisive, and unnecessary. **Please reject SB1074.**

Please do not hesitate to reach out if you have any questions or if I can be a further resource for you.

Mahalo,

Kai Nishiki

Director,

Nā Pāpa‘i Wāwae ‘Ula‘ula’

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 4:10:05 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Nichole Hutaff Nakamura	Testifying for Valley Isle Excursions	Support	Written Testimony Only

Comments:

Strongly Support HB661 WITH NOTED CHANGES

Aloha Chairs and committee members,

My name is Nichole Hutaff-Nakamura I strongly supports HB661 with noted changes below.

HB661 has been under opposition by those seeing this as a threat to HEPA, aka: Umberger Ruling regarding aquarium fishing. In no way is this Bill meant to undermine the Umberger Ruling. It's intention is to prevent the shut down of non-consumptive tour boats off of Ka'anapali beach out of business.

To pass this Bill will directly help 32 permitted Ka'anapali companies keep running while the EA is done. To shut down businesses who have been running legally and ethically (some for 4 decades) all of a sudden without any proof that any one of them has specifically done anything wrong is just completely unfair and frankly scary. This is an unintended consequence of the current HEPA process, intended to stop consumptive activities, e.g. aquarium collection activities.

If not stopped, what is happening in Ka'anapali will set a precedent for every harbor, beach, park, special management area, etc. in the state. If this same very vocal anti-tourism minority group that is suing the Ka'anapali and Mala permits (and they are the same people) get these businesses shut down without one piece of proof offered up, the rest of the state may find themselves in the same position.

Bringing balance and protection to our delicate and unique ecosystems takes precedence, acknowledging the importance of an EA, but an abrupt and immediate stop to the existing permitted activities, would create another imbalance. One that would impact the economic systems on Maui which are already in a very delicate state given COVID and the August 8, 2023 WildFires.

Recommendation:

Add exceptions to Hawaii Environmental Policy Act (HEPA) for:

- **Areas where commercial, permitted and government oversight exists, and these activities have been ongoing for over 30 years.**
- **This exception is ONLY for non-consumptive permitted activities**

Without this determination, over 230 families will directly be out work and countless other vendors which serve these businesses will also be impacted.

Mahalo for your time and consideration

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 4:12:59 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Aloha,

I'm writing today to ask you to please pass SB1074 SD1 on behlf of the many family members of our associates here at the golf courses who will lose their jobs. Many of our young adults who have graduted from Lahainaluna HS and work in our outside services department have parents who rely on the income from working in the local boating industry. Many of these families have already suffered enough by losing their homes in the fire and have yet to settle major life issues in their like permanant housing, day care, and schooling. The last thing they need in is more family upheaval and taking their jobs away will have a very long and negative impact on these families. They've already gone through so much in the past 18 months. Unfortunately, many have told us they will need to relocate off island if their family members lose their current jobs.Thank you four your time and reading and hope you consider my testimony. Regards, Karl Reul, GM.

SB-1074-SD-1

Submitted on: 2/25/2025 1:06:30 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

LATE

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

Comments:

I support this bill because the environmental impact is being assessed, and Lahaina people can keep their jobs in the interim. I understand the significance of doing all studies necessary to make sure we are not damaging the ocean. Please don't take jobs away from people on west Maui.

SB-1074-SD-1

Submitted on: 2/25/2025 1:11:55 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

LATE

Submitted By	Organization	Testifier Position	Testify
Tyler Thompson	Individual	Support	Written Testimony Only

Comments:

Aloha my name is Tyler and I STRONGLY SUPPORT BILL SB1074 for many reasons as it is a very large part of how hundreds of local families are able to pay bills and make a living especially out here in Lahaina which has obviously taken a very large hit already.

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 1:18:23 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Jennifer Robertson	Individual	Comments	Written Testimony Only

Comments:

Aloha! I was asked to submit testimony for extra credit by my college professor. I do not know enough about this bill to take a stance on it, but she posted it today and said we should do it quickly. I urge you all to act in good conscience and do what is best for the land and the preservation of the Hawaiian way of life. Mahalo.

SB-1074-SD-1

Submitted on: 2/25/2025 1:31:53 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

LATE

Submitted By	Organization	Testifier Position	Testify
Jun Szegedi-Duffield	Individual	Oppose	Written Testimony Only

Comments:

Dear Members of the Judiciary Committee:

I strongly oppose SB 1074, SD1, which would allow businesses with existing permits to continue operations—even if their activities are under environmental review—and renew permits while the review is ongoing. This bill undermines Hawai‘i’s environmental protections and creates a dangerous loophole that allows potentially harmful activities to persist unchecked.

Key concerns to take under consideration:

- **Weakens oversight:** Businesses under environmental review should be *paused*, not allowed to continue operations that may harm Hawai‘i’s ecosystems.
- **Encourages exploitation:** The bill allows operators to renew permits indefinitely without completing proper environmental assessments, throwing accountability out the door.
- **Undermines public trust:** Environmental review is meant to identify and prevent damage before it happens—not after the harm is done. Allowing activities to continue defeats the purpose of these protections.

Hawai‘i’s land, ocean, and wildlife are irreplaceable. This bill prioritizes industry convenience over the long-term health of our environment and communities. I urge you to vote NO on SB 1074, SD1 to uphold the integrity of Hawai‘i’s environmental laws and keep what’s left of Hawai‘i’s land, ocean, and wildlife under closer protections.

Mahalo for your consideration.

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 1:34:12 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Lori Houson	Individual	Support	Written Testimony Only

Comments:

Strong Support for HB661 with Amendments

Aloha Chairs Tarnas, Vice Chair Poepoe, and committee members,

This bill is not a threat to the HEPA ruling (Umberger decision) on aquarium fishing. Its sole purpose is to prevent the unjust shutdown of long-standing, legally operating non-consumptive tour boats off Ka'anapali Beach.

If this issue in Ka'anapali is not addressed, it could set a dangerous precedent affecting harbors, beaches, parks, and special management areas statewide. The same vocal anti-tourism group challenging Ka'anapali and Mala permits could use this case as a model to shut down other businesses—without presenting any real evidence of harm.

Recommended Changes:

- Exempt areas where permitted commercial activities have existed for over 30 years.
- Limit this exception to non-consumptive, legally permitted activities.

Without action, 200+ families will lose their livelihoods, along with many vendors who rely on these businesses.

Mahalo for your time and consideration.

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 1:42:48 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Olivia Hughes	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

My name is Olivia Hughes. I have lived on O‘ahu since 2009, and am a University of Hawai‘i graduate with a bachelor's degree in Global Environmental Science. I am writing to testify my opposition of SB 1074 SD1, which would allow illegally authorized activities to be continued, potentially indefinitely, without a consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

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

This bill would do the opposite, allowing activities that have been previously, but unlawfully, authorized without environmental review, to continue while environmental review is pending. As we have seen in cases such as East Maui, where stream diversions by a politically connected plantation were allowed to continue for nearly 20 years after an environmental assessment had been ordered, years' or decades' worth of devastating yet potentially avoidable impacts could occur without the benefit of environmental review, should this measure be passed into law.

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

I urge you to **HOLD SB1074 SD1**.

Sincerely,
Olivia Hughes.

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 1:47:03 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

I STRONGLY OPPOSE this bill; please HOLD it.

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

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 1:50:10 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

I EMPHATICALLY OPPOSE THIS BILL.

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 2:11:24 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Paula Le Blanc	Individual	Support	Written Testimony Only

Comments:

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

Please support SB1074 for ocean tour boats. This bill is essential for ensuring that ocean tourism operators in Kaanapali can continue their operations while undergoing environmental review. Without this bill, these longstanding, regulated operators face the risk of being shut down for years—even when they have complied with all permitting requirements.

These tour operators allow residents and visitors to experience Hawaii’s marine environment with minimal disruption, supporting conservation efforts through education and sustainable tourism practices.

This bill strikes a fair balance between protecting our natural resources through 343 and supporting the small ocean tour businesses that have operated responsibly under state oversight for decades.

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

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 2:34:00 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Eileen McKee	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am writing in strong support for SB1074, a dangerous bill that would entirely gut the Hawai'i Environmental Policy Act. I hope you will consider my a bit tardy testimony.

Mahalo,

Eileen McKee, Kihei

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 3:20:26 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Protect the ocean, protect the reefs, protect the marine creatures!!!
I strongly OPPOSE!!!

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 2:37:37 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Christopher T White	Individual	Support	Written Testimony Only

Comments:

My name is Christopher White, and I am writing in **strong support of SB1074**.

This bill is essential in ensuring that previously permitted activities can continue operating while undergoing environmental review if their permits are challenged. By allowing businesses to remain open during this process, SB1074 helps maintain regulatory stability and prevents unnecessary disruptions for compliant operators.

SB1074 upholds environmental protections while also preventing redundant reviews that can impose excessive financial and operational burdens on longstanding, law-abiding businesses. It strikes a fair balance between preserving Hawaii's natural resources and supporting regulated commercial activities that have been an integral part of our local economy for years.

Requiring lawfully permitted operators to cease operations while waiting years for environmental studies to be conducted coupled with significant financial resources required for the maintenance of these vessels will inevitably result in business closures and job losses. History has shown that once certain industries lose their permits and are shut down, they do not return, which negatively impacts the revenue generated from commercial operators (HB649 suggests to increase gross receipt fees from 3% to 5% - which is irrelevant if commercial operators have to cease operations). We cannot afford to let this happen again, especially when so many businesses and residents depend on these activities for their livelihoods.

I respectfully urge the committee to pass SB1074 and help protect Hawaii's local businesses and working families.

Mahalo for your time and consideration.

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 3:21:29 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
James Silva	Individual	Support	Written Testimony Only

Comments:

Testimony in Strong Support for SB 1074, by Captain James Silva of the Krista . Kewalo Basin charter business Captain Jim Sportfishing Honolulu LLC.

SB-1074-SD-1

Submitted on: 2/25/2025 3:34:14 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

LATE

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

Comments:

1 / 3

TESTIMONY SB:1074 SD1***TESTIMONY IN SUPPORT of SB 1074 SD1 – Environmental Review*****Aloha Chair and Members of the Committee,*****I'm writing in support of SB 1074 SD1***

Upon writing this today Maui and Lahaina / Ka'anapali remain in critical condition. Recovery for us following the horrendous fires as residents, employees and businesspeople has been at a snail's pace that does not seem to be moving forward with any real pace now or for the foreseeable future. Hotels, tourism and the businesses related to the hospitality industry are struggling to regain any level of occupancy and productivity. Exacerbating this by any measure to remove, eliminate or further take away business or activities for our guests to participate in while staying in Ka'anapali or West Maui seems unconscionable. Due to a position taken recently by Judge Cahill "*ALL*" businesses in Kaanapali for ocean recreation, boating and watersports will cease to exist once their current permits expire and remain closed until an environmental assessment is conducted. This is untenable and would immediately bankrupt and force 27 professional operations to close. Again, this is beyond thinkable and puts 260 families out onto the street! In fact, it seems like those of us in the boating and ocean recreation industry have been unreasonably caught up as "*collateral damage*" with other ongoing conservation and environmental related challenges elsewhere. The Ka'anapali ORMA permit holders and ocean recreation operators provide a service and experience without the taking, harvesting, gathering or any potential negative impact to natural resources. Simply hosting a guest on a sunset or whale watch sail or offering a surfing lesson or even outrigger canoe ride is vastly different than other challenges the State may have.

My interpretation of SB 1074 SD1 is that it provides for an operator to go forward and continue with their operations and services during the process of an environmental review. Services as

permitted would be allowed to continue everything for operations as is normal circumstance if / when permits are challenged for environmental or other concerns. Having this continuation of services is very important as it allows the operator to remain in business and continue until or if reviews show that for any reason operations should be stopped.

I appreciate and respect the considerations for the environment, but also strongly support small business in Hawaii and Kaanapali.

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 3:44:06 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Lewis Moreno	Individual	Support	Written Testimony Only

Comments:

My is Lewis and I'm writing to show my support of SB1047.

We the people of Maui survive of off the tourism industry. Do you know how many jobs will be lost if those boats can no longer operate? I'm talking about both directly and indirectly. Let us at least somewhat recover from the fires. You guys simply can not do that us.

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 5:22:17 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

This Wednesday, February 26, the Senate Committee on Judiciary will decide whether to pass SB1074, a dangerous bill that would entirely gut the Hawai'i Environmental Policy Act (HEPA) by allowing potentially destructive activities to **continue** during any required environmental review.

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

Worse, these destructive activities, with their potential to irreparably damage our fragile environment, could go on indefinitely, with nothing mitigating their harmful impacts, because there are no laws/rules setting time constraints on preparing or completing environmental studies.

Kill the bill, not the fish.

SB-1074-SD-1

Submitted on: 2/25/2025 3:50:59 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

LATE

Submitted By	Organization	Testifier Position	Testify
Philip Fernandez	Individual	Support	Written Testimony Only

Comments:

Strongly Support is bill.

This bill does not rule out that the EIS from being completed, it simply allows the activity to continue until the EIS is completed and submitted. I feel that this is a fair bill for all concerned.

Please pass this bill.

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 6:15:50 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Fay Medeiros	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Senate Judiciary Committee,

My name is Fay Medeiros, and I strongly oppose SB1074 SD1 (or HB661 HD1). This bill would allow activities that were illegally approved to keep going possibly forever without first considering how they affect our environment, culture, and communities. That's unfair to both the people who live here now and future generations.

This bill gets things completely backward when it comes to protecting our environment. Right now, Hawai'i's environmental review law makes sure that decision-makers look at the long-term impacts of a project before it starts. This way, we can plan responsibly, reduce harm, and avoid unnecessary conflicts. But this bill does the opposite—it would let projects that were illegally approved continue even before an environmental review is completed.

We've already seen how dangerous this can be. In East Maui, for nearly 20 years, powerful plantation owners were able to drain streams even after a court ordered an environmental review. The damage was devastating, and it could have been avoided. If this bill passes, we risk making the same mistakes again, allowing more harm to our land, water, and people for years—maybe even decades—before we even get a chance to review the consequences.

Letting illegally approved activities continue while waiting for environmental review would undermine the entire purpose of having these reviews in the first place. It would reward irresponsible decision-making and allow government agencies to ignore the laws that are meant to protect our islands.

For the sake of our environment, our culture, and future generations, I urge you to hold SB1074 SD1 (or HB661 HD1).

**Mahalo,
Fay Medeiros**

From: [Perle Besserman](#)
To: [JDC Committee](#)
Subject: SB 1074
Date: Tuesday, February 25, 2025 10:24:41 AM

LATE

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Senate Judiciary Committee,

My name is Perle Besserman and I **STRONGLY OPPOSE SB1074 SD1**, which would allow illegally authorized activities to be continued, potentially indefinitely, without a consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

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

This bill would do the opposite, allowing activities that have been previously, but unlawfully, authorized without environmental review, to continue while environmental review is pending. As we have seen in cases such as East Maui, where stream diversions by a politically connected plantation were allowed to continue for nearly 20 years after an environmental assessment had been ordered, years' or decades' worth of devastating yet potentially avoidable impacts could occur without the benefit of environmental review, should this measure be passed into law.

By allowing illegally authorized activities to continue while environmental review compliance is pending - something that has taken literal decades in the dewatering of East Maui's streams - this bill would turn our environmental review process into an afterthought, legitimizing unlawful and irresponsible agency practices that have inflicted and that will continue to

inflict tremendous generational harms and injustices upon our islands and communities.

I urge you to **HOLD SB1074 SD1**.

Sincerely,
Perle Besserman

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 7:08:20 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Beppie Shapiro	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose SB1074 SD1. Hawaii cannot afford to weaken our standards on environmental review. We've seen large landowners and corporations do everything in their power to avoid valid environmental reviews, delaying projects and decisions for years. Please defer this bill.

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 7:42:34 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
John Voffey	Individual	Support	Written Testimony Only

Comments:

Aloha,

Please, please support SB1074_SD1 to keep Ka'anapali's charter boats running to keep our much needed jobs. Without this bill, long-standing businesses could be shut down for years, putting jobs at risk.

SB1074_SD1 is a solution that allows businesses to stay open while following environmental rules.

Recommendation:

Add exceptions to Hawaii Environmental Policy Act (HEPA) for:

- Areas where commercial, permitted and government oversight exists, and these activities have been ongoing for over 30 years.
- This exception is ONLY for non-consumptive permitted activities

Thank you for your time and consideration.

John Coffey

LATE

SB-1074-SD-1

Submitted on: 2/26/2025 1:48:29 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Victoria Takamine	Testifying for “Ilio’ulaokalani Coalition	Oppose	Written Testimony Only

Comments:

Aloha Mai Kakou

I am Vicky Holt Takamine, the Kumu Hula of Pua Ali'i 'Ilima, the po'o of 'Ilio'ulaokalani & a member of the Northwestern Hawaiian Islands Hui.

WE STRONGLY OPPOSE SB1075 SD1

We have been involved in advocating for the protection of these waters for more than 20 years now. We helped to draft the initial plans that established the Papahānaumokuākea Marine sanctuary. We hosted First Lady Bush at Washington Place in 2006 and were invited to the White House for the designation by President Bush for the announcement of the Marine Sanctuary on June 15, 2006. Native Hawaiian fishermen Isaac Harp and Uncle Buzzy Agard have witnessed first-hand what overfishing in these waters have done to our resources...depletion of lobsters and the starving of our monk seals.

We are deeply concerned about commercial and industrial levels of “non-commercial” extractive activities, including fisheries, in state waters.

Severely undermines core protections for Native Hawaiian rights and cultural practices and Hawai'i's foundational environmental law, potentially leading to substantial, irreversible environmental and cultural harm.

We know that commercial fisheries and longliners have come out in large numbers to open up these waters.. Many are Not from here.Many are Not Native Hawaiian and don't share the same Kuleana for the protection of our natural and cultural resources as we do. We strongly urge you to oppose SD1074 SD1

Mahalo Nui Loa

Vicky Holt Takamine

LATE

SB-1074-SD-1

Submitted on: 2/26/2025 6:48:24 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Ed Robinson	Testifying for Maui Snorkel Tours and Kihei SCUBA Services LLC	Support	Written Testimony Only

Comments:

I support SB1074 with changes.

I request that businesses, like mine, are allowed to continue operating while taking the steps to become compliant with the Hawaii Environmental Policy Act (HEPA).

I support SB1074 with the following changes.

- Acknowledges existing business, like mine over 50 years.
- Is for non-consumptive activities, like SCUBA and snorkel tours

We have been in the SCUBA and snorkel business on Maui since 1971 and formed our own business in 1981. We have educated and guided hundreds of thousands of tourist and locals through eco-friendly reef tours.

We have had DLNR issued commercial permits for many years and HEPA compliance was never mentioned or required.

I support any kind of legislation that supports protection of our ocean ecosystem.

However it appears that our businesses are in jeopardy of closing if a regulation I did not know existed is enforced without modification to allow businesses to continue while becoming compliant.

Please pass SB1074 to allow the continuation of business while acquiring the necessary HEPA environmental assessments.

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 9:33:59 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Jill Ami Meyers	Individual	Oppose	Written Testimony Only

Comments:

Our reefs are already very delicate, there is much dead coral and so much fewer fish than ever before. Please protect our reefs from any further damage.

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 9:49:29 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Gregg Matsuura	Individual	Support	Written Testimony Only

Comments:

I am a resident, boater and fisherman and I submit this testimony to strongly support SB1074.

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 9:49:46 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Lucienne de Naie	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard and Committee members

Please support our rural communities and do not support SB1074, SD1. We spend years trying to persuade state officials to follow our laws and require adequate, timely and meaningful environmental review. This bill would allow activities that blatantly disregard the public trust protections in our state constitution to continue- even if our courts rule that these activities can not lawfully be conducted without complete environmental review.

Please don't pass this bill and send the message that agencies can just rubberstamp environmentally harmful activities (like commercial aquarium collection) until whenever the agencies may get around to actually looking at the impacts and doing anything about it.

The rural residents of the East Maui area are counting on your support

Mahalo

Lucienne de Naie

President Ha'iku Community Association

SB-1074-SD-1

Submitted on: 2/25/2025 10:14:29 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

LATE

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

Comments:

I strongly oppose SB1074 SD1.**Nothing good can come out of SB1074 SD1 and it is beyond me as to why any sane person would be in support of this particular piece of legislation.**

Please HOLD SB1074 SD1.

Thank you.

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 10:43:35 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Louise Dangwa	Individual	Oppose	Written Testimony Only

Comments:

Aloha e Chair Rhoads, Vice Chair Gabbard, and members of the Senate Judiciary Committee,

My name is Louise Dangwa and **I STRONGLY OPPOSE SB1074 SD1.**

It is to my understanding that the case underlying this measure is one that highlights the negative impact done when agencies responsible for completing environmental assessments do not carry out their responsibilities in a timely manner. While I sympathize with such frustration and rightful critique, the solution does not require us to allow private entities to continue previously, unlawfully-authorized actions without first fulfilling the requirements of our environmental review law. Such a proposal recklessly gambles with the stability and health of resources held in public trust- resources for which you all are entrusted by current generations to protect for future generations to come.

Chair Rhoads, as a resident of Senate District 13, this request to fulfill your responsibility to mālama what is held in public trust is a direct one.

Decision makers should be afforded the time to make more fully-informed decisions that balance competing societal needs, and they can best mitigate potential long-term negative impacts to the public interest from certain proposed activities if this thorough deliberation happens **before** those activities and their impacts are allowed to proceed.

By allowing illegally authorized activities to continue while environmental review compliance is pending, this bill would turn our environmental review process into an afterthought, legitimizing unlawful and irresponsible agency practices. What may be intended to right a wrong in the short term opens too many doors to inflict tremendous harm and long term costs- costs that ultimately may only be counted too little, too late.

I urge you to **HOLD SB1074 SD1.**

I thank you for your time,

Louise Dangwa

LATE

SB-1074-SD-1

Submitted on: 2/25/2025 11:31:19 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Mia Charleston	Individual	Oppose	Written Testimony Only

Comments:

Aquarium trading should still have to undergo review, they do nothing except harm coral reef ecosystems. Please d not pass this bill as written

LATE

SB-1074-SD-1

Submitted on: 2/26/2025 4:17:47 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Sara Hakan	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Tarnas and Vice Chair Poepoe and committee members,

My name is sara hakan. I have been an active community Members for the last 17 years, am a fire survivor and have worked on the boats in lahaina and Kā'anapali for the last 10 years. I strongly support HB661 with noted changes below.

HB661 has been under opposition by those seeing this as a threat to HEPA, aka: Umberger Ruling regarding aquarium fishing. In no way is this Bill meant to undermine the Umberger Ruling. It's intention is to prevent the shut down of non-consumptive tour boats off of Ka'anapali beach out of business.

To pass this Bill will directly help 32 permitted Ka'anapali companies keep running while the EA is done. To shut down businesses who have been running legally and ethically (some for 4 decades) all of a sudden without any proof that any one of them has specifically done anything wrong is just completely unfair and frankly scary. This is a unintended consequence of the current HEPA process, intended to stop consumptive activities, e.g. aquarium collection activities.

If not stopped, what is happening in Ka'anapali will set a precedent for every harbor, beach, park, special management area, etc. in the state. If this same very vocal anti-tourism minority group that is suing the Ka'anapali and Mala permits (and they are the same people) get these businesses shut down without one piece of proof offered up, the rest of the state may find themselves in the same position.

Recommendation:

Add exceptions to Hawaii Environmental Policy Act (HEPA) for:

- Areas where commercial, permitted and government oversight exists, and these activities have been ongoing for over 30 years.
- This exception is ONLY for non-consumptive permitted activities

Without this determination, over 230 families will directly be out work and countless other vendors which serves these businesses will also be impacted.

Mahalo for your time and consideration

LATE

SB-1074-SD-1

Submitted on: 2/26/2025 6:39:14 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Nick Croft	Individual	Support	Written Testimony Only

Comments:

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

My name is Nick Croft and I FULLY SUPPORT SB1074. Why would you want to decimate small businesses before knowing the facts? It doesn't take long for a small business to close its doors due to no business. After Covid and the Lahaina fires, please give small businesses a break by looking at the facts first before killing their businesses. Many, MANY people will thank you! Please please please consider passing this to help the people!

Mahalo for your time,

Nick Croft

SB-1074-SD-1

Submitted on: 2/26/2025 6:45:12 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

LATE

Submitted By	Organization	Testifier Position	Testify
Jessie Croft	Individual	Support	Written Testimony Only

Comments:

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

My name is Jessie Croft and I SUPPORT SB1074. Please help keep structure within our state. You can't grade a students paper before they're done writing it, so why shut down businesses before knowing the facts? This could have detrimental actions for many small businesses and families. We are all for protection of the enviroment and our resources but we need the facts first. What if an environment assessment shows no impact, but businesses were lost in that time for no reason? Please consider passing SB1074.

Mahalo nui loa,

Jessie Croft

LATE

SB-1074-SD-1

Submitted on: 2/26/2025 6:54:33 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Megan Talley	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and Committee Members,

I am writing from Hanapēpē on the island of Kaua‘i to express my strong opposition to SB 1074, SD1. This bill would dismantle HEPA, one of Hawai‘i’s most important environmental protections, by allowing agencies like DLNR to approve permits without properly assessing the environmental and cultural impacts of their decisions.

For years, DLNR has rubberstamped massive water diversions in East Maui and Kaua‘i and allowed the extraction of millions of reef fish from Hawai‘i Island and O‘ahu—without ever fully evaluating the consequences. When communities stood up and took DLNR to court, they won accountability. This bill would erase that progress, silencing community voices and giving a free pass to harmful practices.

SB 1074, SD1 is unnecessary and driven by misleading narratives designed to weaken protections for our land, water, and ocean resources. HEPA already allows exemptions for minor impacts. This bill goes far beyond that, granting blanket immunity to commercial interests at the expense of our public trust resources. It’s a reckless move that prioritizes profits over the well-being of our islands.

Hawai‘i must do better. We cannot afford to weaken the laws that protect our environment, cultural heritage, and communities. I urge you to stand for accountability, stewardship, and democracy by voting NO on SB 1074, SD1.

Mahalo for your time and consideration.

-Megan Talley

LATE

SB-1074-SD-1

Submitted on: 2/26/2025 7:28:51 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Chai Blair-Stahn	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Senate Judiciary Committee,

My name is Chai Blair-Stahn and I **STRONGLY OPPOSE SB1074 SD1**, which would allow illegally authorized activities to be continued, potentially indefinitely, without a consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

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

This bill would do the opposite, allowing activities that have been previously, but unlawfully, authorized without environmental review, to continue while environmental review is pending. As we have seen in cases such as East Maui, where stream diversions by a politically connected plantation were allowed to continue for nearly 20 years after an environmental assessment had been ordered, years' or decades' worth of devastating yet potentially avoidable impacts could occur without the benefit of environmental review, should this measure be passed into law.

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

I urge you to **HOLD SB1074 SD1**.

Sincerely,
Chai Blair-Stahn

LATE

SB-1074-SD-1

Submitted on: 2/26/2025 7:33:56 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

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

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Senate Judiciary Committee,

My name is Jody Smith and I **STRONGLY OPPOSE SB1074 SD1**, which would allow illegally authorized activities to be continued, potentially indefinitely, without a consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

The purpose of environmental review is to protect our fragile environment from harm. This protection is circumvented by allowing illegally authorized activities to continue during review.

Please hold SB1074 SD1.

Jody Smith, East Honolulu 96825

LATE

SB-1074-SD-1

Submitted on: 2/26/2025 7:38:33 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Jacob James	Individual	Support	Written Testimony Only

Comments:

Aloha,

I have been an employee of Ultimate Whale Watch for 18 years. I have seen many changes in the boating industry in lahaina harbor, Mala Wharf and Kaanapali Beach. But since the fires the upset in boating operations has never been so apparent. It is clear there is a group striving to drive your boat operations out of business on the westside of Maui. The fire seems to have given them a foot hold. These boating operations are a staple for the westside economy to survive. Without Lahaina town Proper being in existence after the fire the boating operations are one of the few things still drawing income to the westside. I ask you to look deep into this matter and see how the impact could have overwhelming impacts on the regrowth of our amazing town.

mahalo

Jake James

LATE

SB-1074-SD-1

Submitted on: 2/26/2025 7:43:26 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Jeff Pereboom	Individual	Support	Written Testimony Only

Comments:

In my personal experience, the tour boats have always acted responsibly. If an environmental assessment is necessary, there is no reason it couldn't be done while the boats are operating.

Maui and Lahaina have been hit extremely hard due to the fire. Any bills that adversely impact business and recovery should be avoided.

The workers on the boats are locally employed. Not only would stopping the boats cause harm to the operators, but it puts people out of jobs in a time when NO one can afford it.

I support this bill to allow operators and workers to continue to work while assessments are done.