

Honolulu, Hawaii

FEB 26 2010

RE: S.B. No. 2409

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committee on Water, Land, Agriculture, and Hawaiian
Affairs, to which was referred S.B. No. 2409 entitled:

"A BILL FOR AN ACT RELATING TO MARINE LIFE CONSERVATION
DISTRICTS,"

begs leave to report as follows:

The purpose of this measure is to require that any conditions
on permits issued for the taking of marine life or boating and
coastal activities in Marine Life Conservation Districts shall be
adopted pursuant to administrative procedures.

Testimony in support of this measure was submitted by one
organization. One organization submitted comments, and one state
agency submitted testimony in opposition. Written testimony
presented to the Committee may be reviewed on the Legislature's
website.

Companies engaging in operations at Molokini Island are
required to have a Marine Life Conservation District permit,
according to section 190-4, Hawaii Revised Statutes. The statute
authorizes the Department of Land and Natural Resources to impose
terms and conditions as deemed necessary for those permits.
Recently, the existing permits for the Molokini Island companies
expired and new permits with new conditions were imposed. The
Molokini Island companies were included in discussions with the
Department of Land and Natural Resources for the new conditions,
however, shortly before the issuance of the new permits, there was
a serious breakdown of communications. Some of the new conditions
imposed were not part of the previous discussions. Several of the



companies have experienced contractual hardships due to the new conditions, and face the possibility of future lawsuits for false advertising.

The Molokini Island companies recognize that it is a Marine Life Conservation District, and do not want to see the area damaged in any way. Molokini Island is an attractive destination because of its pristine condition. However, the companies feel that the new conditions were imposed in a swift manner, with no opportunity for feedback or negotiation. This measure would require the Department of Land and Natural Resources to follow administrative procedures, including public hearings, prior to being able to impose any conditions on this type of permit.

As affirmed by the record of votes of the members of your Committee on Water, Land, Agriculture, and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2409 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Water, Land,
Agriculture, and Hawaiian
Affairs,



CLAYTON HEE, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Water, Land, Agriculture and Hawaiian Affairs
WTL

Bill / Resolution No.:* <div style="font-size: 1.5em; font-family: cursive;">SB 2409</div>	Committee Referral: <div style="font-size: 1.5em; font-family: cursive;">WTL</div>	Date: <div style="font-size: 1.5em; font-family: cursive;">2/10/10</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	/			
TOKUDA, Jill N. (VC)				/
BUNDA, Robert		/		
FUKUNAGA, Carol				/
KOKUBUN, Russell S.	/			
TAKAMINE, Dwight Y.				/
HEMMINGS, Fred	/			
TOTAL	3	1		3
Recommendation: <div style="display: inline-block; margin-left: 20px;"> <input checked="" type="checkbox"/> Adopted </div> <div style="display: inline-block; margin-left: 100px;"> <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; text-align: center;">Russell S. Kohl</div>				
Distribution: <div style="display: flex; justify-content: space-around; font-size: 0.8em;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

***Only one measure per Record of Votes**