STAND. COM. REP. NO. 796

Honolulu, Hawaii

MAR 2 3 2012

RE: H.B. No. 2682

H.D. 1

Honorable Shan S. Tsutsui President of the Senate Twenty-Sixth State Legislature Regular Session of 2012 State of Hawaii

Sir:

Your Committees on Economic Development and Technology and Water, Land, and Housing, to which was referred H.B. No. 2682, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO COMMERCIAL ACTIVITIES ON OCEAN WATERS,"

beg leave to report as follows:

The purpose and intent of this measure is to authorize the Department of Land and Natural Resources to:

- (1) Regulate commercial activities in state waters including those operations originating from private marinas; provided that no new or additional permits shall be required for those commercial activities regulated by any other chapter; and
- (2) Add definitions for "commercial activity" and "compensation".

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Environmental Caucus of the Democratic Party of Hawaii, Hawaii Nearshore Fishermen, and seven individuals.

Your Committees find that the Waianae coast is very popular for commercial activities, such as dolphin watching, snorkeling, and visiting a turtle cleaning station. These commercial ocean activities are provided by vendors who use the Waianae boat harbor

and a private marina for launching their boats, and the area can become quite crowded. Your Committees further find that the commercial activities originating from private marinas are transiting within the schooling and spawning zones of akule and opelu, which has had a negative impact on the behavior and sustainability of these species. On the other hand, commercial activities originating from public facilities have been following an agreement with local fishermen to transit outside these zones in order to protect the habitat areas preferred by these species.

Your Committees find that this measure will allow the Department of Land and Natural Resources to manage the State's ocean resources more effectively and balance environmental needs with those commercial activities that contribute to the State's economic base.

As affirmed by the records of votes of the members of your Committees on Economic Development and Technology and Water, Land, and Housing that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2682, H.D. 1, and recommend that it pass Second Reading and be referred to the Committee on Ways and Means.

Respectfully submitted on behalf of the members of the Committees on Economic Development and Technology and Water, Land, and Housing,

DONOVAN M. DELA CRUZ, Cha

CAROL FUKUNAGA Chair

The Senate Twenty-Sixth Legislature State of Hawaiʻi

Record of Votes Committee on Economic Development and Technology EDT

Bill / Resolution No.:* Committee Referral: Date: 3/19/12								
The committee is reconsidering its previous decision on this measure.								
If so, then the previous decision was to:								
The Recommendation is:								
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313								
Members	Aye	Aye (WR)	Nay	Excused				
FUKUNAGA, Carol (C)	V/							
WAKAI, Glenn (VC)	V							
BAKER, Rosalyn H.	V							
SOLOMON, Malama	V							
SLOM, Sam								
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TOTAL	4	Ø	9					
Recommendation: Adopted Not Adopted								
Chair's or Designee's Signature:								
Distribution: Original Yello Pink Goldenrod File with Committee Report Corresponded Drafting Agency Committee File Copy								

^{*}Only one measure per Record of Votes

The Senate Twenty-Sixth Legislature State of Hawai'i

Record of Votes Committee on Water, Land and Housing WLH

Bill / Resolution No.:*	Committee Referral: Date:						
HB2682 HD1	EDT WLH, CPN 3-20-12						
The committee is reconsidering its previous decision on this measure.							
If so, then the previous decision was to:							
The Recommendation is:							
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313							
Members		Aye	Aye (WF	R) Nay	Excused		
DELA CRUZ, Donovan M. (C)							
SOLOMON, Malama (VC)							
FUKUNAGA, Carol							
RYAN, Pohai							
SHIMABUKURO, Maile							
TOKUDA, Jill N.							
SLOM, Sam		-					
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TOTAL		4	<u></u>		3		
Recommendation:							
Adopted Not Adopted							
Chair's or Designee's Signature:							
Distribution: Original		Yellow Pink Goldenrod					
File with Committee Re	port Clerk	's Office E	Drafting Ager	ncy Committ	ee File Copy		

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