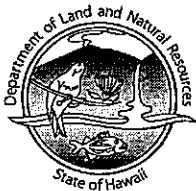


NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI  
FIRST DEPUTY

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DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
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COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
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ENGINEERING

FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAIKOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Testimony of  
WILLIAM J. AILA, JR.  
Chairperson

Before the House Committee on  
WATER, LAND & OCEAN RESOURCES

Monday, February 13, 2012  
9:00 A.M.  
State Capitol, Conference Room 325

In consideration of  
HOUSE BILL 2682  
RELATING TO COMMERCIAL ACTIVITIES ON OCEAN WATERS

House Bill 2682 proposes to authorize the Department of Land and Natural Resources (Department) to regulate the commercial use of state waters and marine resources. The Department supports this measure.

The Department notes that the measure states that "for the purpose of this measure, "commercial activity" shall have the same meaning as in section 188.40.6." Section 188.40.6, Hawaii Revised Statutes, pertains to shark feeding. The Department requests clarification as to whether this measure pertains to only shark feeding or all commercial activities taking place in state waters. If the intent is to regulate all commercial activities in state waters, then the Department recommends including additional language to clarify the intent.

February 12, 2012

**House Committee on Water, Land and Ocean Resources**  
**Representative Jerry L. Chang, Chair**  
**House Committee on Hawaiian Affairs**  
**Representative Fay P. Hanohano, Chair**

**Public Hearing: February 13, 2012, 9:00 a.m., Room 325**

**Re: HB2682, Relating to Commercial Activities on Ocean Waters.**

Dear Chair Chang and Hanohano, and members of the Committee on Water, Land and Ocean Resources and the Committee on Hawaiian Affairs,

The Environmental Caucus of the Democratic Party of Hawaii supports HB 2682 which provides that all commercial activities that occur on our ocean waters receive permits and not just those which depart from state harbors or marinas.

The mission of DLNR is to:

“Enhance, protect, conserve and manage Hawaii’s unique and limited natural, cultural and historic resources held in public trust for current and future generations of visitors and the people of Hawaii nei in partnership with others from the public and private sectors.”

Without the complete and total tools to allow DLNR to manage our natural resources by understanding and controlling the uses of our resources may contribute to their inability to fulfill their mission.

All commercial users of our common ocean resources should operate by the same rules. It is not appropriate that some individuals who do not use public resources for either launching their boats or mooring their vessels should be allowed to circumvent the management of DLNR on our common ocean resources.

DLNR needs the tools to be able to do their job, protect our resources now and for future generations.

Thank you for the opportunity to testify.

Cynthia K.L. Rezentes  
Environmental Caucus of the Democratic Party of Hawai`i

har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 10, 2012 3:29 PM  
**To:** WLOtestimony  
**Cc:** tad781@hawaii.rr.com  
**Subject:** Testimony for HB2682 on 2/13/2012 9:00:00 AM

Testimony for WLO 2/13/2012 9:00:00 AM HB2682

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Jared Aiwohi  
Organization: Individual  
E-mail: [tad781@hawaii.rr.com](mailto:tad781@hawaii.rr.com)  
Submitted on: 2/10/2012

Comments:

har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 10, 2012 9:39 PM  
**To:** WLOtestimony  
**Cc:** mjellings@hawaii.rr.com  
**Subject:** Testimony for HB2682 on 2/13/2012 9:00:00 AM

Testimony for WLO 2/13/2012 9:00:00 AM HB2682

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Carl Jellings  
Organization: Individual  
E-mail: [mjellings@hawaii.rr.com](mailto:mjellings@hawaii.rr.com)  
Submitted on: 2/10/2012

Comments:  
Thank You

Carl P Jellings Sr

February 12, 2012

House Committee on Water, Land and Ocean Resources  
Representative Jerry L. Chang, Chair  
House Committee on Hawaiian Affairs  
Representative Fay P. Hanohano, Chair

Public Hearing: February 13, 2012, 9:00 a.m., Room 325

Re: HB2682, Relating to Commercial Activities on Ocean Waters.

Dear Chair Chang and Hanohano, and members of the Committee on Water, Land and Ocean Resources and the Committee on Hawaiian Affairs,

I support HB 2682 which provides that all commercial activities that occur on our ocean waters receive permits and not just those which depart from state harbors or marinas.

The mission of DLNR is to:

“Enhance, protect, conserve and manage Hawaii’s unique and limited natural, cultural and historic resources held in public trust for current and future generations of visitors and the people of Hawaii nei in partnership with others from the public and private sectors.”

Without the complete and total tools to allow DLNR to manage our natural resources by understanding and controlling the uses of our resources may contribute to their inability to fulfill their mission.

Currently, along the Wai`anae coast it is very popular for commercial activities to occur for dolphin watching and snorkeling from various vendors, those who utilize the Wai`anae boat harbor and those who utilize a private marina for their boat launching. As late as Saturday, February 11, 2012, I counted seven boats within a half mile length of Farrington Highway all within the relative same area of Kahe Point which is popular for dolphin watching, snorkeling and visiting a turtle cleaning station. Some of these boats were from the Wai`anae boat harbor and others not. Consistent pressure such as this has, in the past, resulted in less resource within an area.

A specific case in point was a number of years ago there was a kayak business that launched off of Makua Beach Park. During the time this operation was on-going, the local commercial fishermen could not find the schools of *akule* that are common in that area. Within one week after the kayaks were banned from launching off the beach, a local commercial fisherman was again able to harvest a portion of a large school of *akule*.

Without the management of DLNR on all commercial activities on our ocean waters the future of our resources may become at risk of survival. This is something that no one wishes to see since it may affect not only the visitor industry but also our local commercial and subsistence gathering.

DLNR needs tools to be able to do their job, protect our resources now and for future generations.

Thank you for the opportunity to testify.

Cynthia K.L. Rezendes  
Wai`anae Coast resident  
[rezentesc@aol.com](mailto:rezentesc@aol.com)