

DAVID Y. IGE  
GOVERNOR OF  
HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
SUZANNE D. CASE  
Chairperson**

**Before the House Committee on  
OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS**

**Wednesday, February 17, 2016  
9:00 AM  
State Capitol, Conference Room 325**

**In consideration of  
HOUSE BILL 1825  
RELATING TO THE WEST MAUI OCEAN RECREATION MANAGEMENT AREA**

House Bill 1825 proposes to require the Department of Land and Natural Resources (Department) to establish a West Maui ocean recreation management area advisory committee to advise the Department on issues relating to the state waters within the West Maui Ocean Recreation Management Area, particularly with respect to the waters adjacent to Kaanapali on the Island of Maui. **The Department offers the following comments.**

The Department currently has the authority to establish advisory committees for high use areas through the Hawaii Administrative Rules. Act 195 of the 2012 Legislative session established a temporary West Maui Ocean Recreation Management Area Advisory Committee to advise the Department on activities occurring within state waters, particularly with respect to Kaanapali. The Department recommends that it be allowed to work with the community to determine whether an Advisory Committee should be established again or whether a different form of community involvement can be used to address any user conflicts that may occur in the near shore waters off Kaanapali, Maui.

**SUZANNE D. CASE**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**KEKOA KALUHIWA**  
FIRST DEPUTY

**JEFFREY T. PEARSON, P.E.**  
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

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 16, 2016 6:00 AM  
**To:** omhtestimony  
**Cc:** Leimana.K.Damate@hawaii.gov  
**Subject:** Submitted testimony for HB1825 on Feb 17, 2016 09:00AM

**HB1825**

Submitted on: 2/16/2016

Testimony for OMH on Feb 17, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Felimon Sadang	Aha Moku Advisory Committee	Comments Only	No

Comments: Testimony of Felimon Sadang, Ka'anapali Moku Representative Moku O Pi'ilani (Island of Maui) Before the House Committee on Ocean, Marine Resources, & Hawaiian Affairs Wednesday, February 17, 2016 9:00 A.M. State Capitol, Conference Room 325 In Consideration of HOUSE BILL 1825 RELATING TO THE WEST MAUI OCEAN RECREATION MANAGEMENT AREA House Bill 1825 requires the Department of Land and Natural Resources (DLNR) to establish a west Maui ocean recreation management area advisory committee to advise the Department of Land and Natural Resources on issues relating to the state waters within the west Maui ocean recreation management area, particularly with respect to the waters adjacent to Ka'anapali on island of Maui. Aha Moku offers the following comments. We understand that through Act 195, 2012 Legislative Session, a temporary West Maui Ocean Recreation Management Area Advisory Committee was created. Aha Moku supports DLNR's current recommendation on this measure that it be allowed to work with the community to determine whether an Advisory Committee should be established again, or whether a different form of community involvement can be used to address any user conflicts that may occur in the near shore waters off Kaanapali, Maui. We believe going back to the community on this issue is appropriate. In this current measure, near shore waters off of Ka'anapali is stated but there is no description of the specific areas that the jurisdiction of the proposed advisory committee would have jurisdiction over, or advise on. There are eleven (11) ahupua'a that comprise the Ka'anapali Moku – Honokohau, Honolua, Honokahua, Napili, Honokeane, Alaeloa, Mailepai, Kahana, Mahinahina, Honokawai, and Makaiwa. Each ahupua'a has traditional Hawaiian families connected to it who can assist in the knowledge of the near shore areas, or at the very least, be a part of the advisory committee. Aha Moku, with their administrative attachment to DLNR, is in place to assist with this kind of information. Further, the current measure specifies the make-up of the proposed committee to be comprised of a swimming enthusiast, a paddling enthusiast, a surfing enthusiast, a commercial boating enthusiast, and a fishing enthusiast. We would ask that a Native Hawaiian lawaia (one expert in the ocean and marine resources of Ka'anapali) be included on this committee. Mahalo for the opportunity to give comments on this measure.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 15, 2016 11:09 PM  
**To:** omhtestimony  
**Cc:** hawaiifishingfanatic@gmail.com  
**Subject:** \*Submitted testimony for HB1825 on Feb 17, 2016 09:00AM\*

**HB1825**

Submitted on: 2/15/2016

Testimony for OMH on Feb 17, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Don Aweau	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)



Date: Wednesday, February 17, 2016

Time: 9:00 am

Place: Conference Room 325

## **TESTIMONY OF LAHAINA DIVERS, INC.**

### **STANDING IN OPPOSITION ON HB 1825 RELATING TO WEST MAUI ORMA**

Aloha Chair Ing, Vice Chair Lowen and Representatives on the Committee on Ocean, Marine Resources, & Hawaiian Affairs:

My name is Gregory L. Howeth, Owner of Lahaina Divers, Inc. Like mine, there are many other family businesses which are locally owned and operated in the State of Hawaii. Many of us have been in business for several decades and are an important and valued part of our respective communities. My business, in particular, has been in operation since 1978. We employ over 25 local staff, providing year round income and benefits for themselves and their families. Most of these businesses, including mine, operate from State Boating Facilities.

**I am speaking in opposition to HB 1825 and cannot support it as written. The composition of this proposed committee should be reconsidered:** If HB 1825 is going to continue it should be noted that the commercial voice and Native Hawaiian voice are significantly underrepresented or absent in this proposal with only one commercial voice out of the five proposed and no Native Hawaiian voice. I am proposing a reorganization of the five seats. It seems reasonable that the swimming and surfing enthusiast seat be combined and the fishing enthusiast be a Native Hawaiian Lawaia (one expert in the ocean and marine resources of Ka'anapali chosen by the Aha Moku Council) giving the recreational and cultural stakeholders three seats of the five total and two seats representing commercial boating.

Since these recommendations could have significant impact on commercial operations, I feel that it is vital that the commercial Kaanapali ORMA permitted operators also get to choose their representatives from within their ranks to be their representatives on this committee and not have their representatives picked by DLNR. This concept should be standard protocol for all DOBOR committees. As it stands, the advice forwarded to DOBOR will be flawed and could lead to more conflict between user groups and the community. It would not have the collaboration and cooperation to find the real long term solutions this area and their stakeholders deserve.

Please give thoughtful consideration to having two commercial seats of the total five seats and the recreational fisher seat chosen by the Aha Moku Council so we will produce solutions that will stand the test of time.

Sincerely,

Greg Howeth, President Lahaina Divers, Inc.

143 Dickenson Street • Lahaina, Maui, HI 96761

**Toll Free: (800) 998-3483 • Phone (808) 667-7496**

Fax: (808) 661-5195 • Email: [info@lahainadivers.com](mailto:info@lahainadivers.com)  
[www.lahainadivers.com](http://www.lahainadivers.com)

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 14, 2016 8:48 PM  
**To:** omhtestimony  
**Cc:** yamaguchd009@hawaii.rr.com  
**Subject:** \*Submitted testimony for HB1825 on Feb 17, 2016 09:00AM\*

**HB1825**

Submitted on: 2/14/2016

Testimony for OMH on Feb 17, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Dennis Yamaguchi	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 16, 2016 12:41 PM  
**To:** omhtestimony  
**Cc:** rkailianu57@gmail.com  
**Subject:** \*Submitted testimony for HB1825 on Feb 17, 2016 09:00AM\*

**HB1825**

Submitted on: 2/16/2016

Testimony for OMH on Feb 17, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Ho`omana Pono, LLC	Support	Yes

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)





**LATE**

COMMITTEE ON OCEAN, MARINE RESOURCES, & HAWAIIAN  
AFFAIRS

Rep. Kaniela Ing, Chair  
Rep. Nicole E. Lowen, Vice Chair

DATE: Wednesday, February 17, 2016  
TIME: 9:00AM  
PLACE: Conference Room 325

**TESTIMONY OF THE OCEAN TOURISM COALITION  
STANDING IN OPPOSITION ON HB 1825 RELATING TO WEST MAUI ORMA**

Aloha Chair Ing, Vice Chair Lowen and Representatives on the Committee  
on Ocean, Marine Resources, & Hawaiian Affairs:

My name is James E. Coon, President of the Ocean Tourism Coalition.  
**Speaking in opposition to HB 1825 and cannot support as written.**

The OTC represents over 300 small ocean tourism businesses state wide. This bill specifically impacts the 20 Kaanapali ORMA Permitted Operators that beach load from Kaanapali Beach. Most tourists staying in the Kaanapali Resorts are going out on these ORMA Permitted vessels. None of these vessels carry more than 49 passengers at a maximum and have an enviable record of safety and stewardship. Having these very professionally conducted ocean activities at their doorstep has had a major influence in the success Kaanapali Resort has enjoyed as a world class destination and is vital to the West Maui economy.

**There is no need for this duplicate legislation.** It is the consensus of our members that while we appreciate the intent of HB 1825 to advise DOBOR



on issues and maintenance of state waters within the West Maui ORMA, DLNR/DOBOR already has the authority under the Hawaii Administrative Rules to establish advisory committees for high use areas. In fact an advisory committee for the West Maui ORMA was established under ACT 195 in 2012.

**The composition of this proposed committee should be reconsidered:**

If HB 1825 is going to continue OTC wants to point out that the commercial voice and Native Hawaiian voice are significantly underrepresented or absent in this proposal with only one commercial voice out of the five proposed and no Native Hawaiian voice.

Historically it has been the commercial operators that have often installed and maintained the various marker buoys at Kaanapali at their own expense. Since it will most likely be the commercial operators that will incur the most oversight and impact in any recommendations, it would seem reasonable that if this committee is to actually work out viable long term solutions among the user groups and not just be another ineffective group with unworkable recommendations, there should be a reorganization of the five seats.

Might we suggest that the swimming and surfing enthusiast seat be combined and the fishing enthusiast be a Native Hawaiian Lawaia (one expert in the ocean and marine resources of Ka'anapali chosen by the Aha Moku Council) giving the recreational and cultural stakeholders three seats of the five total and have two seats representing commercial boating?

Since these recommendations could have significant impact on commercial operations, we feel that it is vital that the commercial Kaanapali ORMA permitted operators also get to choose their representatives from within their ranks to be their representatives on this committee and not have their representatives picked by DLNR. This concept should be standard protocol for all DOBOR committees.

If this advisory committee does not have significant commercial boater representation, neither understanding nor having adequate representation nor the authority to make important functional decisions for the Kaanapali ORMA Operators, and no Native Hawaiian Lawaia the advice forwarded to



DOBOR will be flawed and could lead to more conflict between user groups and the community. It would not have the collaboration and cooperation to find the real long term solutions this area and their stakeholders deserve.

We acknowledge the value of DLNR collaboration with the community, dialogue and stakeholder knowledge in managing our coastal zone.

Once more, if you determine HB 1825 really is necessary, or if you advise DOBOR on their current committee composition we humbly request that you will favorably consider our thoughtful recommendations of having two commercial seats of the total five seats and the recreational fisher seat chosen by the Aha Moku Council so we will produce solutions that will stand the test of time.

Sincerely,

James E. Coon, President OTC  
808-870-9115  
captcoon@gmail.com