

SB 2980

DAVID Y. IGE  
GOVERNOR OF HAWAII



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

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**Testimony of  
SUZANNE D. CASE  
Chairperson**

**Before the Senate Committee on  
WATER, LAND, AND AGRICULTURE**

**Monday, February 8, 2016  
10:00 AM  
State Capitol, Conference Room 224**

**In consideration of  
SENATE BILL 2980  
RELATING TO THE WEST MAUI OCEAN RECREATION MANAGEMENT AREA**

Senate Bill 2980 proposes to require the Department of Land and Natural Resources (Department) to establish a temporary 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  
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HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

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Date: Sunday, February 07, 2016 12:01:00 PM

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**SB2980**

Submitted on: 2/7/2016

Testimony for WLA on Feb 8, 2016 10:00AM in Conference Room 224

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 Senate Committee on Water, Land and Agriculture Monday, February 08, 2016 10:00 A.M. State Capitol, Conference Room 224 In Consideration of SENATE BILL 2980 RELATING TO RELATING TO THE WEST MAUI OCEAN MANAGEMENT AREA Senate Bill 2980 requires the Department of Land and Natural Resources (DLNR) to establish a temporary west Maui ocean recreation management area advisory committee to advise DLNR 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. 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.

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COMMITTEE ON WATER, LAND, AND AGRICULTURE

Senator Mike Gabbard, Chair

Senator Clarence K. Nishihara, Vice Chair

DATE: Monday, February 08, 2016

TIME: 10:00 am

PLACE: Conference Room 224

**TESTIMONY OF THE OCEAN TOURISM COALITION  
COMMENTING ON SB2980 RELATING TO STATE BOATING FACILITIES**

Senator Gabbard Chair, Senator Nishihara Vice Chair and Senators of the Committee on Water, Land, and Agriculture:

My name is James E. Coon, President of the Ocean Tourism Coalition. **Commenting on SB 2980 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.

It is the consensus of our members that while we appreciate the intent of SB 2980 to advise DOBOR on issues and maintenance of state waters within the West Maui ORMA, the commercial voice is significantly underrepresented in this proposal with only one voice out of the five proposed. Historically it has been the commercial operators that have often installed and maintained the various marker buoys at Kaanapali (at their own expense) and since it

will most likely be the commercial operators that will incur the most oversight and impact in any recommendations, it would seem reasonable--as form follows function—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 three recreational and two commercial seats. Might we suggest that the swimming and surfing enthusiast seat be combined giving the recreational stakeholders three seats total and have two seats representing commercial boating?

Furthermore, since these recommendations could have significant impact on commercial operations, we feel that it is vital that the commercial Kaanapali ORMA permitted operators get to choose their representatives from within their ranks to be their representatives on this committee and not have their representatives picked by DLNR.

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, the advice forwarded to DOBOR will be flawed and could lead to more conflict between user groups. 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 collaboration, dialogue and stakeholder knowledge in managing our coastal zone. We humbly request that you will favorably consider our thoughtful recommendations of having two commercial seats of the total five seats so we will produce solutions that will stand the test of time.

Sincerely,

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

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**Subject:** Submitted testimony for SB2980 on Feb 8, 2016 10:00AM  
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**SB2980**

Submitted on: 2/7/2016

Testimony for WLA on Feb 8, 2016 10:00AM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Tamara Paltin	Individual	Oppose	No

Comments: Aloha Senators, I am opposed to the idea of a committee, I support DLNR suggestion that the issue be brought to the community, including aha moku and kupuna of the area. The way the task force is described does not allow for the input of traditional generational knowledge of the area add to that the fact that this area was renamed Ka'anapali and it wasn't the original name of the place. Mahalo Tamara

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