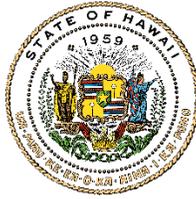


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

DEAN D. UYENO
ACTING 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

STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

Testimony of
DAWN N. S. CHANG
Chairperson

Before the House Committee on
WATER AND LAND

Thursday, February 1, 2024
9:00 AM
State Capitol, Conference Room 430

In consideration of
HOUSE BILL 2476
RELATING TO OCEAN RECREATION MANAGEMENT

House Bill 2476 proposes to designate all ocean waters of the State within 3,000 feet from shore as ocean recreation management areas (ORMAs); and prohibit commercial activities in ORMAs on weekends and state and federal holidays unless authorized by the Board of Land and Natural Resources. **The Department of Land and Natural Resources (Department) strongly supports this administration measure.**

The Department's Division of Boating and Ocean Recreation administers the ORMA Program, which aims to reduce and prevent user conflict by designating specific areas where certain ocean recreation activities can occur, thereby keeping users separate and ensuring protection of natural resources by prohibiting activities in certain sensitive areas.

There has been a rapid expansion of commercial ocean recreational activity within a relatively short period of time, leading to overuse of boating facilities, strain on natural resources, and user conflicts between recreational and commercial ocean users. The authority provided in this bill would give the Department more control over the types and locations of ocean activities in state waters in order to reduce user conflicts and preserve natural resources.

When commercial ocean operators opposed House Bill 1090 (2023), which was ultimately vetoed by the Governor, they stated that weekend closures would be an acceptable alternative to the provisions of HB1090. Therefore, this measure proposes that on all weekends and state and federal holidays, commercial operations in state ocean waters be prohibited which would allow residents to enjoy the ocean waters, as well as allow natural resources to recover.

Mahalo for the opportunity to testify on this measure.



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**
KA 'OIHANA HO'OMOHALA PĀ'OIHANA, 'IMI WAIWAI
A HO'OMĀKA'IKĀ'I

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR

JAMES KUNANE TOKIOKA
DIRECTOR

DANE K. WICKER
DEPUTY DIRECTOR

No. 1 Capitol District Building, 250 South Hotel Street, 5th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804
Web site: dbedt.hawaii.gov

Telephone: (808) 586-2355
Fax: (808) 586-2377

Statement of
JAMES KUNANE TOKIOKA
Director
Department of Business, Economic Development, and Tourism
before the
HOUSE COMMITTEE ON WATER & LAND

Thursday, February 1, 2024
9:00 AM
State Capitol, Conference Room #430

In consideration of
BILL NO HB2476
RELATING TO OCEAN RECREATION MANAGEMENT

Chair Ichiyama, Vice Chair Poepoe and members of the Committee. The Department of Business, Economic Development and Tourism (DBEDT) supports House Bill 2476 that prohibits commercial activities in Ocean Recreation Management Areas (ORMA's) on weekends and state and federal holidays unless authorized by the Board of Land and Natural Resources.

We have concerns that this bill may have unintended consequences in the issuance of film permits in ORMA areas on weekends and state and federal holidays. Therefore, we respectfully request your consideration to amend the definition of commercial ocean use activity on page 15, lines 4-7 to insert language to address filming activity:

“Commercial ocean use activity” shall not include commercial fishing, commercial ocean activity authorized by a use or film permit issued by the department, or activity authorized by an existing lease or license issued by the department.”

Thank you for the opportunity to testify.



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**
KA 'OIHANA HO'OMOHALA PĀ'OIHANA, 'IMI WAIWAI
A HO'OMĀKA'IKĀ'I

JOSH GREEN, M.D.
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Statement of
JAMES KUNANE TOKIOKA
Director
Department of Business, Economic Development, and Tourism
before the
HOUSE COMMITTEE ON WATER & LAND

Thursday, February 1, 2024
9:00 AM
State Capitol, Conference Room #430

In consideration of
BILL NO HB2476
RELATING TO OCEAN RECREATION MANAGEMENT

Chair Ichiyama, Vice Chair Poepoe and members of the Committee. The Department of Business, Economic Development and Tourism (DBEDT) supports House Bill 2476 that Prohibits commercial activities in Ocean Recreation Management Areas (ORMA's) on weekends and state and federal holidays unless authorized by the Board of Land and Natural Resources. We have concerns that this bill may have unintended consequences in the issuance of film permits in ORMA areas on weekends and state and federal holidays. Therefore, we respectfully would like to request to amend the definition of Commercial ocean use activity on page.15, lines.4-7 to :

“Commercial ocean use activity” shall not include commercial fishing, commercial ocean activity authorized by a use or film permit issued by the department, or activity authorized by an existing lease or license issued by the department.”

Thank you for the opportunity to testify.

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

Testimony of
DAWN N. S. CHANG
Chairperson

Before the House Committee on
WATER AND LAND

Tuesday, February 6, 2024
10:15 AM
State Capitol, Conference Room 430

In consideration of
HOUSE BILL 2476
RELATING TO OCEAN RECREATION MANAGEMENT

House Bill 2476 proposes to designate all ocean waters of the State within 3,000 feet from shore as ocean recreation management areas (ORMAs); and prohibit commercial activities in ORMAs on weekends and state and federal holidays unless authorized by the Board of Land and Natural Resources. **The Department of Land and Natural Resources (Department) offers recommended amendments after discussion with stakeholders.**

Following the hearing on this measure on February 1, 2024, the Department met with stakeholders to discuss concerns and possible solutions. The Department therefore recommends that the language spanning Page 9, Line 3 to Page 10, Line 3 be replaced with the following:

(c) Notwithstanding any other law to the contrary, no person shall engage in any type of commercial ~~[operator shall operate a thrill craft, engage in parasailing, water sledding, or commercial high speed boating, operate a motorized vessel towing a person engaged in parasailing, or operate a motor vessel towing a person engaged in water sledding]~~ activity originating from the shoreline in any ocean recreation management area during all weekends and state and federal

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

~~holidays [on Oahu in Maunalua Bay from Kawaihoa (Portlock) Point to Wailupe Peninsula and commercial zones a, b, and c.~~

~~(b) Notwithstanding any other law to the contrary, all commercial ocean recreation activities shall be prohibited on all Sundays on Oahu in Maunalua Bay.~~

~~(c) Notwithstanding any other law to the contrary, no person shall operate a thrill craft, engage in parasailing, operate a motorized vessel towing a person engaged in parasailing, engage in commercial water sledding or commercial high speed boating, or operate a commercial motor vessel towing a person engaged in water sledding between December 15 and May 15 of each year in the waters of west and south Maui from Pu'u Ola'i to Hawea Point.], except for commercial activity:~~

- (1) Originating from a commercial harbor under the jurisdiction of the department of transportation;
- (2) Originating from a state small boat harbor, boat launch ramp, or private facility;
- (3) Originating from Waikiki beach or Kaanapali beach; or
- (4) Approved by the board.

Mahalo for the opportunity to testify on this measure.

HB-2476

Submitted on: 1/29/2024 10:55:12 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Greg Howeth	Lahaina Divers Inc.	Oppose	Written Testimony Only

Comments:

Aloha,

My name is Greg Howeth and I own Lahaina Divers Inc., a scuba diving charter business that operates, or rather operated, from Lahaina small boat Harbor on Maui until the devestaing fire on August 8, 2023. I hope to resume operations as soon as our harbor and town can be rebuilt..

I strongly oppose HB2476. We do not have an ocean recreation management problem, we have an ocean resource access problem. The only new harbors built oin the last 30 years were all done privately. The state has failed to fund any new harbors even though the population of HI has grown exponentially durring the same timeframe. This bill is simply a means to enact HB2477, should it pass.

Hawai'i's ocean recreation industry conservation and safety practices have been developed over decades of experience, operating in the conditions, unique to our islands.

To establish this new ORMA, would allow the state to take commercial permits away from established companies, and give them to the highest bidder. This wiould be devastating to our local, small businesses and ensure that only the large mainland corperations will be able to afford a permit. This also encourages a system of investing the least,in conservation, good ocean stewardship, in training and equipment, as a company would have no security of continued operation under this plan.

The state of HI should focus on creating more ocean recreational access not using commercial permits as a scape goat for failing to do so.

HB-2476

Submitted on: 1/30/2024 11:34:08 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Doug Lomenzo	Aquatic Life Divers	Oppose	Written Testimony Only

Comments:

Aloha,

My name is Doug Lomenzo. I am the General Manager of Aquatic Life Divers, a recreational dive business in Honokohau Harbor in Kailua-Kona, Hawaii. I strongly oppose this bill. It would be highly detrimental to the ocean recreation industry in Kona and across the rest of the State of Hawaii. Therefore, it would have significant negative consequences to the economy of the State. The concept proposed by this bill must be deferred until the members of the industry have a chance to weigh in.

To Whom it May Concern:

I am submitting written testimony regarding my opinion on HB2476. I am highly opposed to this bill for many reasons. As a former owner/operator of a small sportfishing outfit in Honokohau Harbour, this bill will ensure any small charter business will fail. We were a small time operator and our margins were slim, in fact, so slim that we are not profitable, due to the large number of boats in direct completion. However, we love to fish, and have turned our hobby into a profession that supports local tourism as well as allows us to enjoy the water, while supporting the marine industry in the area. We have enjoyed hosting families from across the nation achieve their dream fish. Any increase in fees to DOBAR will completely wipe small operators ability to continue operations.

If a small business are unable to continue operation due to losses, they would be force to sell their business, but under HB2476, this is no longer an option. We purchased our company and boat in 2022 at a fair price of \$465K, which is a large chunk of our retirement. Our intentions were to run the charter business, then sell a few years down the track. However, our plans changed and we put our business up for sale. Under this bill, we will have take a complete loss as we would no longer be able to sell. This is akin to eminent domain, yet in most cases of eminent domain, a person or company is offered a reasonable compensation for their property by the state.. I suggest that if the state is indeed interested in "buying back" the charter licenses, then they should actually pay for it, rather than take it.

Under this legislation, many small charters businesses will fail entirely. The local marine industry will fail. Jobs will be lost.

Please consider voting NO of HB2476.

Sincerely,

Lori Tanner
Former Owner of Chiripa Sportfishing
Honokohau Harbour
808 480 1700

HB-2476

Submitted on: 1/30/2024 1:56:55 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kevin Ford	Maui Classic Charters, INC.	Oppose	Written Testimony Only

Comments:

I am writing to express my strong opposition to HB2476., which proposes significant restrictions on commercial ocean activities in state waters, particularly on weekends and holidays. These proposed regulations would have a severe impact on our operations not to mention it would open the door to the DLNR having the ability to require a costly permit for every single proposed "ORMA" in the state. With some of the other bills that are trying to be passed each permit could be sold to the highest bidder every year which would be devastating to business owners.

I urge the committee to reconsider this bill.

Thank you

Kevin Ford

President

Maui Classic Charters

HB-2476

Submitted on: 1/30/2024 2:14:06 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jessie croft	Explore Kauai Scuba	Oppose	In Person

Comments:

Thank you chair and members of the committee for giving me the opportunity to testify before you today. I oppose house bill 2476 My name is Jessie Croft. My husband and I have a commercial ramp permit out of Kikiaola small boat harbor on the west side of Kaua'i. We run a scuba diving tour operation that takes up to 6 people per charter.

Shutting down weekends will drastically impact businesses and employees incomes across the state.

Affording to live in this world, especially Hawai'i is hard enough.

The Hawaiian islands have such extreme weather. We deal with heavy winds,large ground swells, thunderstorms and flooding. It's important that we have days to move customers around for the best weather days and safety reasons.

For these 2 reasons I oppose house bill 2476. Thank you again for taking the time to listen to my testimony. I also want to thank governor josh green for vetoing bill hb1090 last year. This bill and other bills proposed this year aim to do the same thing that hb1090 aimed to do. Please stop these absurd bills before they destroy any lives. Thank you

HB-2476

Submitted on: 1/30/2024 2:45:50 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Zachary LaPrade	Quicksilver Charters	Oppose	In Person

Comments:

Honorable Chair, Vice Chair and Members of the Committees:

I am writing to express my strong opposition to HB2476, which proposes significant restrictions on commercial ocean activities in state waters, particularly on weekends and holidays. As a family-owned commercial boating company, these proposed regulations would have a severe impact on our operations and potentially jeopardize our ability to remain viable.

Our industry is often unfairly singled out for environmental concerns, safety issues, or other challenges that are not solely within our control. While we are committed to responsible practices, this bill unfairly places the burden on our industry without considering the broader context and the shared responsibility of all stakeholders.

I would like to draw your attention to additional concerns:

1. Economic Impact:

- This bill has the potential to reduce statewide commercial charter revenue by 30% or more. The economic ramifications of such a reduction would be significant, affecting not only businesses directly involved but also the broader local economy.

2. Employment Impact:

- Similarly, a potential reduction in statewide commercial charter revenue could lead to a decrease in employment by 30% or more within our industry. This would impact the livelihoods of many hardworking individuals who rely on these jobs to support themselves and their families.

I also want to highlight the environmental stewardship practiced by our employees. Our dedicated team is committed to the responsible use of natural resources and ensuring the preservation of the marine environment. Many of our employees actively engage in initiatives such as coastal cleanups, marine conservation programs, and educational outreach to promote environmental awareness. We take pride in fostering a culture of sustainability within our business, and these efforts extend beyond mere compliance with regulations. Our employees genuinely care about the well-being of the oceans and work diligently to minimize our ecological footprint. Any implication that our industry is indifferent to environmental concerns overlooks the genuine dedication of our team members to the preservation of Hawaii's natural beauty.

I urge the committee to reconsider the proposed restrictions and work towards a solution that accommodates the interests of the local business community. Collaborative discussions with stakeholders could lead to a more balanced approach that achieves the intended goals without unfairly scapegoating our industry.

Our industry is composed of numerous small businesses, each striving to operate responsibly within the bounds of existing regulations. The notion that a handful of commercial operators control the larger ocean recreation scene is an oversimplification and does not accurately reflect the broader dynamics at play. We believe that addressing the issue of overcrowding requires a comprehensive approach that involves collaborative efforts from all sectors, including education, responsible regulation, and user awareness. This rhetoric of placing the blame solely on commercial operators not only perpetuates an inaccurate narrative but also hinders constructive dialogue and collaborative solutions for effective ocean management.

I would appreciate the opportunity to further discuss my concerns during the upcoming hearings. Thank you for considering my testimony, and I hope that we can find a mutually beneficial resolution.

Sincerely,

Zachary LaPrade

HB-2476

I strongly oppose HB2476. This bill is based on subjective opinion without known facts or data.

This bill would automatically cut a minimum of 15% of the gross revenue from one of the largest industries in the State of Hawaii. Ultimately this would be a reduction of employment of 15% or more as well. There will be a ripple effect of this revenue decrease in third-party support businesses to the commercial charter industry, as well as felt throughout the entire state economy.

This bill also assumes that the commercial charter industry is only for tourists and not for locals, this is untrue. With the passing of this bill, it will cut a great section of working citizens off from access to the ocean and charters.

Many small charters will not be able to sustain their companies off this large of a revenue drop and will be forced to shutter their businesses, lay off their employees, and liquidate their assets. On top of this, if HB2477 passes, the state would then profit off their losses by auctioning off the commercial use permit to the highest bidder.

Justin P. Smith
Pacific Boats & Yachts

HB-2476

Submitted on: 1/30/2024 3:21:31 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Katie Stark	Redline Rafting	Oppose	Written Testimony Only

Comments:

Oppose this



9:54 AM (5
hours ago)

Greg Vanderlaan
<greg@ufoparasail.net>

Background

- UFO Chuting of Hawaii, Inc is a family owned parasail and fishing business established in **Lahaina Maui in 1985**.
- Founded by Greg VanderLaan, a 1979 graduate of the United States Merchant Marine Academy, Kings Point NY
- Created the winch boat parasailing system to **SAFELY** launch and recover participants from the stern platform of the vessel. This system is now the gold standard for all parasail operations worldwide due to safety, minimal environmental impacts.
- UFO employs up to 50 local multi generational and cultural community [members.at](#) its Lahaina and Kona parasail operations locations
- Generate over \$1m in GE taxes, DLNR Harbor fees, Hawaii State, Federal income and payroll taxes annually.
- Lahaina, Maui parasail annual 7 month operating season is May 16- Dec 14 annually since 1992 by statute and DLNR rule to protect humpback whale migration.

Operations

- UFO launches and recovers vessels daily, weather permitting, during May 16- Dec 14 annually from DLNR Mala Wharf boat ramp Lahaina since 1985.
- No passenger loading or truck/trailer parking is utilized at DLNR Mala Wharf boat ramp facility.
- Assisted trailer boat launch and recovery of vessels from Mala Ramp takes **approximately 1-2 minutes** and all trucks and trailers are parked offsite at the UFO baseyard

- UFO operates under Kaanapali ORMA permits established in 1992 and loads passengers by lightering from ingress and egress ORMA loading zones at Kaanapali Beach
- All flight operations take place in the ORMA parasail zone 3000'+ offshore at vessel speeds of less than 15 knots.

Conservation of resources and multi user conflicts.

- In 2004 UFO took the bold environmental initiative and voluntarily switched the fleet to more expensive ultra low sulfur fuel for a significant reduction in the amount of particulate matter and other pollutants released into the environment 5 years ahead of the EPA requirement for marine diesel engines that use ULSD.
- UFO provides no in water activities that would harm the resource thru sunscreens and body oil.
- **UFO operations have ZERO ocean resource and facility user conflicts** with multicultural local community members or their ability to practice their cultural rights. or access the ocean resources from DLNR facilities.
- Utilization of the Kaanapali Beach loading ORMA permit eliminates the need for 80% of our customers to travel by road or park to access the activity.

Conclusion

UFO Parasail and its 50 employees and supporting vendors, strongly oppose prohibiting commercial use of the ORMA's on weekends and state and federal holidays. There is absolutely no intrinsic value towards conservation or user conflicts for this prohibition. This would be an existential provision for the industry based on the following analysis.

1. 365 days in the year.
2. 250 days if weekends and state and federal holidays are prohibited.
3. Maui parasail is currently prohibited from Dec 15-May 15 by State law. 152 days
4. Available days to operate annually would be reduced to 98 days from May 16-Dec 14.
5. Based on average 20% weather cancellations May 16-Dec 14 annually **there would be 78 days available for operations.**

UFO has survived 5 month seasonal whale closure, 2 Gulf Wars, 9/11, 2008-2013 recession, 2020/1 worldwide pandemic and the 2023 August fires which destroyed our beloved town. With a stroke of a pen, prohibiting weekends and holidays would be the end of our 40 year business that selflessly supported our Lahaina and Maui community with scholarships, charitable contributions and public service too long to list.

I understand the dialogue regarding tourism management, but cherry picking a few family owned businesses is clearly a low hanging fruit strategy with no effectiveness on tourism management.

Sincerely,

Greg VanderLaan, President

UFO Chuting of Hawaii, Inc.



HB-2476

Submitted on: 1/30/2024 3:40:39 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kaylah-Leilani Kimokeo-Ragocos	Holo Holo Charters	Oppose	Written Testimony Only

Comments:

This would eliminate 1/3 of our business, forcing us to cut 1/3 of costs and 1/3 of employees. This bill kills jobs and will have a ripple effect throughout the state on the thousands of businesses that support the charter industry.

HB-2476

Submitted on: 1/30/2024 3:46:03 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Adrian Bertsch	Holo Holo Charters Inc.	Oppose	Written Testimony Only

Comments:

Subject: Opposition Testimony for HB2476

Adrian Bertsch

PO Box 53

Kalaheo, HI-96741

eng@holoholocharters.com

(808)4824115

1-30-2024

Dear Committee Chair,

RE: HB2476

I am writing to express my strong opposition to HB2476 which proposes significant restrictions on commercial ocean activities in state waters, particularly on weekends and holidays. As a Charter boat company, these proposed regulations would have a severe impact on our operations and potentially jeopardize our ability to remain viable.

Holo Holo Charters strives to show our tourists the beauty of Kauai's Napali coast and the Hawaiian waters with utmost respect for every piece of land, water and all the animals. We pride ourselves on being environmentally friendly, a good employer and a steward of this Island with all its beauty. We teach our staff and the tourists the importance of safekeeping this place.

This bill would take away 1/3 of our business. It would also mean that we would have to let go of 1/3 of our employees, of which many of them I call friends or family. Furthermore, this would impact the possibility of safe boating since a huge chunk of revenue would be gone. This business is hard enough as it is.

I would also like to mention that if we want to be a state that has a big tourism industry, we need to keep our doors open for business. Who wants to go to a place where things are closed 1/3 of

the time. I know this bill only attacks boat charter businesses. How would this be fair business practices?

I understand the importance of effective ocean recreation management, and I appreciate efforts to strike a balance between conservation and commercial activities. However, the current language of the bill fails to consider the practical implications on businesses like mine, which are unfairly targeted and constantly blamed for various issues.

The Boat Charter industry is often unfairly singled out for environmental concerns, safety issues, or other challenges that are not solely within our control. While we are committed to responsible practices, this bill unfairly places the burden on our industry without considering the broader context and the shared responsibility of all stakeholders.

I urge the committee to reconsider the proposed restrictions and work towards a solution that accommodates the interests of both conservation and the local business community. Collaborative discussions with stakeholders could lead to a more balanced approach that achieves the intended goals without unfairly scapegoating our industry.

I would appreciate the opportunity to further discuss my concerns during any upcoming hearings or meetings regarding this bill. Thank you for considering my testimony, and I hope that we can find a mutually beneficial resolution.

Sincerely,

Adrian Bertsch, Co-Owner, Holo Holo Charters Inc.

HB-2476

Submitted on: 1/30/2024 3:52:53 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Richard Kersten	Sea Paradise Scuba Inc	Oppose	Written Testimony Only

Comments:

Strong opposition to this bill!

Thank you,

Richard Kersten

President

HB2476 / SB3165

This bill will impact the Hawaii state marine community in a prejudicial manor with misguided changes that fail to meet their intent. Addressing the attrition argument, this is a overstep with large negative consequences. Attrition is addressed in the waitlist. The discission to not renew commercial permits to decrease activity in certain areas has been exercised. This argument is simply prejudice to corporations that will ultimately insure a federal case demonstrating a state violation of the U.S. constitution. Concerning the rapid increase in gross receipts, and the mention of the lack of ability to mange the current funds. It should not fall on the marine operators that management is failing. The extra marine tax or GR that is paid on top of state taxes does not go back to the boating community or to the state managed budget but to the general fund. Increasing the GR by over 100% does not correlate to any increase to funding for better management or support to marine infrastructure. These Bills should be delayed or dismissed as they are clearly being railroaded through the legislative system. These large increases in gross receipts are to be implemented immediately. Not at a fiscal year, making more undue burden across the marine community and its network of small business. I request this bill be delayed or dismissed to be better thought out, its destructive implications as it is will ripple through the state economy.

HB-2476

Submitted on: 1/30/2024 4:08:42 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Peter Wood	Sailing Maui Inc.	Oppose	Written Testimony Only

Comments:

HULA GIRL SAILING CHARTERS

SHANGRI-A SAILING CHARTERS

PMB 307, SUITE 109 B, 5095 NAPILHAU ST. LAHAINA, HAWAII 96761

PHONE 808-669-0133, EMAIL sailingmaui@yahoo.com, WEBSITE www.sailingmaui.com

Re: Opposition Testimony for Bill HB 2476

Aloha Chair Ichiyama and Vice Chair Poepoe and committee members,

I am writing to express my strong opposition to HB 2476, this bill proposes significant restrictions on commercial ocean activities in state waters, particularly on weekends and holidays. As a charter boat operator on Kaanapali Beach Maui, these proposed regulations would negatively impact our business in a severe way.

How is it possible to pass a law stating that some businesses but not others can operate on weekends and holidays? Are the hotels going to tell their customers they can't go to the beach 2 days out of the week? Hawaii is reliant on tourism as the number one economic driver. We are an island state and our visitors come here to enjoy the ocean, shoreline, boating activities from sailing, snorkeling, scuba diving, paddle boarding, surfing and whale watching are one of the biggest draws for tourists to come to our islands. What kind of message it is to have someone spend what could be their life savings on a vacation to Hawaii only to be told that all the water activities are closed on weekends and holidays? Even Kama'aina's enjoy participating in ocean excursions on weekends and holidays.

We employ 14 local residents with steady jobs that allow them to pay their mortgages, feed their children, pay State and Federal Taxes. There is also the ripple effect of other businesses closely associated with our business as purveyors and suppliers, along with professional services of all sorts. To limit our operations to five days a week and non holidays would have a far reaching financial impact on many residents livelihoods.

Hawaii used to be, and should currently be known as a State that promotes, encourages and supports small businesses. Instead this island state that has long promoted tourism as the main source of revenue is now listening to minority activist groups with strong anti tourism agendas. These agendas are based on their desire to restrict non Hawaiians from operating businesses. Simply put, they are racially and ethnically biased agendas. Please eliminate this kind of discrimination within our communities.

We respectfully request that you veto HB 2476.

Thank you,

Peter Wood - Inca Robbin - Owners and Operators - Sailing Maui Inc.

HB-2476

Submitted on: 1/30/2024 4:18:14 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Blake Moore	Teralani Sailing Adventures	Oppose	In Person

Comments:

Opposition to HB2476 - Relating to Ocean Recreation Management

Aloha Chair and Committee Members,

I am writing to express my strong opposition to House Bill 2476, titled "Relating to Ocean Recreation Management," which seeks to designate all ocean waters within 3,000 feet from shore as Ocean Recreation Management Areas (ORMAs). The bill further imposes significant restrictions on commercial ocean activities in these areas, including prohibitions on weekends and state and federal holidays unless authorized by the Board of Land and Natural Resources.

While I understand the need for effective ocean recreation management, I would like to highlight an essential aspect that seems overlooked in the current bill. The local population heavily relies on ocean-based recreational services during weekends, especially for their keiki. Contrary to the implication in the bill, it is crucial to recognize that these services are not solely utilized by visitors but are an integral part of our local community's recreational activities.

The bill's proposed restrictions on commercial activities during weekends and holidays fail to acknowledge the diverse needs of our local population, who often utilize these resources for family outings and cultural activities. Moreover, the bill overlooks the potential consequences of an influx of tourists along public beaches on the same days when our local community seeks to enjoy these public spaces.

Eliminating ocean-based tourism on weekends and holidays not only restricts opportunities for local businesses but also creates a potential problem for our communities rather than solving one. The bill's current provisions risk depriving our residents, especially our keiki, of valuable recreational and educational experiences that contribute to the well-being of our community.

I strongly urge the committee to reconsider the implications of HB2476 on our local population and explore alternative solutions that strike a more balanced and equitable approach. Collaborative discussions involving stakeholders, including the local community, can help identify measures that address conservation concerns while safeguarding the interests of both our residents and businesses.

I would appreciate the opportunity to further discuss my concerns during any upcoming hearings or meetings related to HB2476. Thank you for considering my input on this matter.

Sincerely,

Blake Moore

HB-2476

Submitted on: 1/30/2024 4:26:28 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Peter Colombo	Hawaii Ocean Rafting	Oppose	Written Testimony Only

Comments:

TESTIMONY (HB2476):

Subject: Opposition Testimony for HB2476

**Peter Colombo, 5095 Napilihau Street, 109B #242, Lahaina, HI, 96761.
peter@hawaiiocceanrafting.com. (808) 446-2492. January 30th, 2024.**

RE: 2476 HB RELATING TO COMMERCIAL OCEAN RECREATION MANAGEMENT.

I am writing to express my strong opposition to 2476 HB RELATING TO COMMERCIAL OCEAN RECREATION MANAGEMENT, creates ORMA's on all coastlines and prohibits commercial activity on weekends and holidays. As a small native Hawaiian business owner with a tour boat operation, these proposed regulations would have a severe impact on our operations and potentially jeopardize our ability to remain viable.

After losing our home, shop, place of business and small boats in the Lahaina Fire, our hope of rebuilding remains in our ability to resume full operations. Adding more restrictions to small native-owned businesses like mine will further put us out of business after all our losses and competing with the larger commercial operations that have multiple locations and larger capacity vessels.

I've been in communication with other businesses operating out of Mala Boat Ramp since the emergency restrictions have been in place for that location and with the current weekend and holiday restrictions on top of the normal weather limitations operators deal with regularly, this has cut back work for many employees and crew members up to 50% per month. Not only that, many Kamaaina that do enjoy commercial tours like whale watching are unable to participate without the weekends or holidays available as they often work Monday through Friday jobs or will island hop for the weekend to whale watching on Maui.

I am a native Hawaiian who owns a small ocean recreation business that focuses on education and small group eco-tourism. This bill would restrict where we can operate and when we can operate which could further put my small company out of business before we even get to rebuild after the fire. If we are no longer able to stay in business we would be

forced to move off island as it would eliminate our jobs, income, home and community. As a native Hawaiian, I would be forced to leave my home and island because decisions are being made by a group that has no accountability to the people they are making the decisions for. There is no benefit to this bill for the community, especially native Hawaiian's like myself. Find a way for these positions to be elected and with a term instead of giving them more power.

I understand the importance of effective ocean recreation management, and I appreciate efforts to strike a balance between conservation and commercial activities. However, the current language of the bill fails to consider the practical implications on businesses like mine, which are unfairly targeted and constantly blamed for various issues.

The ocean recreation industry is often unfairly singled out for environmental concerns, safety issues, or other challenges that are not solely within our control. While we are a small, eco-minded native owned business committed to responsible practices, this bill unfairly places the burden on our industry without considering the broader context and the shared responsibility of all stakeholders.

I urge the committee to reconsider the proposed restrictions and work towards a solution that accommodates the interests of both conservation and the local business community. Collaborative discussions with stakeholders could lead to a more balanced approach that achieves the intended goals without unfairly scapegoating our industry.

I would appreciate the opportunity to further discuss my concerns during any upcoming hearings or meetings regarding this bill. Thank you for considering my testimony, and I hope that we can find a mutually beneficial resolution.

Sincerely,

Peter Colombo, President, Lahaina Charter Boats Inc. DBA, Hawaii Ocean Rafting.



January 30, 2024

COMMITTEE ON WATER & LAND

Rep. Linda Ichiyama, Chair

Rep. Mahina Poepoe, Vice Chair

Subject: Opposition Testimony for HB 2476

Dear Chair Ichiyama and Vice Chair Poepoe,

I am writing to express my strong opposition to HB2476, which proposes significant restrictions on commercial ocean activities in state waters, particularly on weekends and holidays. As a 53-year-old Kona snorkel business, these proposed regulations would severely impact our operations and jeopardize the livelihoods of our 50 employees due to our inability to remain viable.

We have a large local clientele, with a club membership of 4,000. Many of these residents can only come out with us on weekends. This would make their opportunities to enjoy Kealahou Bay and our other destinations impossible to experience if this bill were to pass.

I understand the importance of effective ocean recreation management, and I appreciate efforts to strike a balance between conservation and commercial activities. However, the bill's current language fails to consider the practical implications on businesses like mine, which are unfairly targeted.

While we are committed to responsible practices, this bill unfairly burdens our industry without considering the shared responsibility of all stakeholders. Often, the committed commercial stewards spot the poachers of tropical fish or find recreational users who drop anchor in coral and are not aware of and trained for better boating practices.

I ask the committee to reconsider the proposed restrictions and work towards a solution that accommodates conservation interests and the local business community. Collaborative discussions with stakeholders could lead to a more balanced approach that achieves the intended goals without jeopardizing strong employers of local families in our communities.

Thank you for considering my testimony.

Respectfully,

Mendy Dant
President
Fair Wind, Inc.

HB-2476

Submitted on: 1/30/2024 4:44:18 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kerry Key	Kona Diving Company	Oppose	Written Testimony Only

Comments:

I'm writing to express my strong opposition to Bill HB2476, which aims to restrict commercial boat permits. As a local business owner and long-time resident, I understand the importance of balancing conservation and economic growth.

This bill, however, threatens the livelihood of many small businesses and operators who rely on these permits. It will lead to job losses, reduced economic activity, and stifle innovation in sustainable tourism. Furthermore, it may push operators to operate illegally, creating unsafe conditions.

Any overuse of our resources by commercial charter activities stems from the fact that your department issued too many permits. How is it reasonable that a business that I've worked so hard to grow responsibly for 14 years would suddenly be worth so much less as I approach retirement? How is it fair that because of your department's mis-management my company should suffer? How is it possible that as an employer I should have to choose between paying drastically higher permit fees and paying my staff a living wage?

I urge you to consider alternative solutions that address environmental concerns without suffocating local businesses.

Sincerely,

Kerry Key

WRITTEN TESTIMONY in full Opposition of HB2476

Aloha Chair and Committee Members,

My opposition to House Bill 2476 is based on the following:

- Eliminating almost 1/3rd of operational days to own and operate a business effectively kills it! If you've sunk hundreds of thousands or in some cases millions of dollars into establishing operating, marketing and upkeep for a viable business based on 7-day per week operations and then you're advised "Sorry now make it on 5 days". You're going out of business.
- If you have offices based on a 7-day a week business you now need to break your lease because you can't afford what you did on 7 days a week with only 5 days, actually less with knocking off holidays
- If you employ 20 employees (20 families) you'll need to un-employ / terminate 10 employees and put 10 families out of work
- If you're advertising anywhere in any manner whatsoever better fire that company and save that money because you now have nearly 1/3rd less seats to full and 1/3rd less manners by which to pay advertising costs
- titled "Relating to Ocean Recreation Management," which seeks to designate all ocean waters within 3,000 feet from shore as Ocean Recreation Management Areas (ORMAs). The bill further imposes significant restrictions on commercial ocean activities in these areas, including prohibitions on weekends and state and federal holidays unless authorized by the Board of Land and Natural Resource.

People come to Hawaii to enjoy the natural beauty, culture, climate, activities and dining. If you say they can't do boating and water activities on two of seven days per week it would be significantly, tragically changing how business operates and if anyone wants to continue the risks and exposure of being in business. If airlines were told they couldn't fly to Hawaii on weekends or holidays how would that impact Hawaii? Not in a positive manner.

Passing of HB2476 will put me and many, many others out of business! **I urge you to NOT PASS HB2476**

Sincerely,

Michael T. Kelley

HB-2476

Submitted on: 1/30/2024 5:16:18 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Johnathan Droge	Snuba Big Island	Oppose	Remotely Via Zoom

Comments:

Aloha,

Thank you for taking the time to read and think reasonably the reasons why you should vote NO against this BILL.

The Ocean is a public place for commercial and non commercial activities. Both constitutionally protected rights of mine to work as I see fit, and to Travel as I see fit, are clearly being infringed here.

1st, 14th amendment

This Bill and a few others are a attempt to give our current stake holders positions up for a complete dictorial control by DLNR/DOBOR. The department has been plagued with corruption for years it does not need supreme powers. It needs new leadership and Legislative oversight.

Each year DLNR/DOBOR has a public meeting and hearings in which the public has spoken in opposition of the department. Now they ask you for the control without public input. Where are the sunshine laws when you need them. I have been in business for the last Decade as a boat Captain. I have followed laws and paid my fair share in fees that are constantly rising without much notice. Giving more powers to DLNR/ DOBOR regarding any matter is a risk to friendly public policy, and a potential detriment to small business owners who are majority of the charter businesses. HB 2477 goes hand in hand with this one as a way to gain all public owned ocean domains under the control of a department that struggles with its current tasks. The current Director Underwoods conduct resulted in the State having to pay a settlement for SA to a women under him in his department. This is not someone who should be leading any state department, let alone asking for complete control of the shoreline/ surrounding areas.

Thank you for upholding the rights of the people, Ensuring the voices of the people will continually be heard at a legislative level concerning These issues. The negative effects of this BILL reach far beyond the small charter companies in Hawaii. if less businesses are operating how does the department assume to afford a fuctional budget. Highest bidder auctions exclude

many minority groups currently in operation. This department cannot be given this ability along with the ability to restrict commercial activity to someone who is following all laws. following all statutes. Paying all his fees, without some kind of buy out option. The stakeholders have 100% of the responsibility and investment and DOBOR wants to take away our say in this and other matters pertaining to this BILL.

Thank you for standing up for the little guys and the American Dream of Business ownership.

Johnathan Droge

HB-2476

Submitted on: 1/30/2024 5:17:20 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Norman Boyette	Hualalai Investors, LLC	Oppose	Written Testimony Only

Comments:

Aloha:

Prohibiting weekend and holiday activities or requiring special permits from BLNR to conduct business on these days will negatively impact commercial revenues and will in turn reflect negatively on DLNR Gross Receipts fees collected. This bill would decrease business days by 32% ((14 State Holidays + 104 weekend days)/365). A 32% reduction in business will obviously result in loss of State income taxes from businesses. A 32% reduction in business revenues would result in the loss of jobs and household incomes for local workers that need the work. This results in lost employment tax revenue for the State. Reducing days of business will ensure that tourists and local pleasure seekers will be disappointed with no activities. This will result in less satisfied guests and will most definitely drive guests to look for more satisfying vacations outside of Hawaii. This will result in loss of transient tax and general excise tax revenues for the State and Hawaii Counties. As noted, the loss of business caused by prohibitions promoted in HB2476 will drive losses in many tax revenue coffers. This bill is 100% anti-business and will be seen as another example of government getting in the way of prosperity and enjoyment of life for Hawaii residents and guests.

We strongly oppose HB2476

HB-2476

Submitted on: 1/30/2024 5:30:56 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
James E. Coon	TRILOGY EXCURSIONS	Oppose	In Person

Comments:

Speaking in STRONG OPPOSITION TO HB2476

HB2476 is an Overreach by DOBOR in putting all State Waters from shoreline out 3,000 feet into a Ocean Recreation Management Area then prohibiting access on all weekends and Federal and State Holidays. There are many flaws to this bill: 1. It uses a one size first all solution to solve a small subset of problems, 2. This will cause great financial harm to everyone in the Ocean Tourism industry. 3. It deprives local residents access to Commercial Tourism on the only times they have free...Weekends and Holidays. 4. Tourists will now be on all the beaches on weekends instead of out on the water away from beaches and parks. 5. I believe this is a "Taking" by DOBOR and does not afford our industry due process.

HB2476 is a draconian piece of legislation that will have multiple negative impacts, not just on the Businesses, their employees, but on the community as this ocean access is denied.

Please do not pass HB2476

HB-2476

Submitted on: 1/30/2024 6:15:48 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Inca Robbin	Hula Girl Sailing Charters	Oppose	Remotely Via Zoom

Comments:

Aloha Chair Ichiyama and Vice Chair Poepoe and Committiee Members,

We are writing to express our strong opposition to HB 2476.

Thank you,

Inca Robbin

Peter Wood

HB-2476

Submitted on: 1/30/2024 6:43:55 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
George F. Garnes III	Sailing Shipps, LTD dba Gemini Charters	Oppose	Remotely Via Zoom

Comments:

Subject: Opposition Testimony for HB2476

George F Garnes III, 142 Kupuohi St Unit F5, Lahaina, HI 96761 808-283-8043

To whom it may concern,

RE: HB 2476

I am writing to express my strong opposition to HB2476, which proposes significant restrictions on commercial ocean activities in state waters, particularly on weekends and holidays. As a sailing catamaran company, these proposed regulations would have a severe impact on our operations and completely jeopardize our ability to remain viable.

I understand the importance of effective ocean recreation management, and I appreciate efforts to strike a balance between conservation and commercial activities. However, the current language of the bill fails to consider the practical implications on businesses like mine, which are unfairly targeted and constantly blamed for various issues.

The boating industry on Maui is often unfairly singled out for environmental concerns, safety issues, or other challenges that are not solely within our control. While we are committed to responsible practices, this bill unfairly places the burden on our industry without considering the broader context and the shared responsibility of all stakeholders.

I urge the committee to reconsider the proposed restrictions and work towards a solution that accommodates the interests of both conservation and the local business community. Collaborative discussions with stakeholders could lead to a more balanced approach that achieves the intended goals without unfairly scapegoating our industry.

I would appreciate the opportunity to further discuss my concerns during any upcoming hearings or meetings regarding this bill. Thank you for considering my testimony, and I hope that we can find a mutually beneficial resolution.

Sincerely,

George F Garnes III, Vice President Gemini Charters

HB-2476

Submitted on: 1/30/2024 7:08:35 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tadashi Muratake	Na Pali Experience	Oppose	Written Testimony Only

Comments:

Aloha, my name is Tadashi Muratake, I am from Kekaha Kauai. I am the head Captain/manager of Na Plai Experience boat tours, and I am writting to you in opposition of this Bill.

Our company operates out of Kikiaola boat harbor, and does tours out to the Na Pali coastline. Although the Na Pali is a very beautiful place, it is home to some of the most challenging ocean weather conditions out there. Our tours are regulated to these ever changing conditions, to the point where it is not an uncommon thing to have to cancel tours due to weather. Now if this bill was to pass as written and lets say for example the weather was bad on a Thursday and Friday, companies would potentially be out of operation for four days or even longer. This is a lot to ask of any company. sky diving, tour boating, charter fishing, all these kinds of activities are all dependant on good weather, and as we all know, out here in Hawaii we have some of the most unpridectable weather.

Thank you for your time, please no to Bill HB2476, Mahalo.



January 30, 2024

Committee Chair
State Capitol
Honolulu, HI. 96813

RE: Opposition Testimony for HB 2476

To Whom It May Concern:

I am writing to express my strong opposition to Bill Number 2476, which proposes significant restrictions on commercial ocean activities in state waters, which creates Ocean Recreational Management Areas (ORMA) on all coastlines and prohibits commercial activity on weekends and holidays. As a commercial operator, these proposed regulations would have a severe negative impact on our operations, and potentially jeopardize our ability to remain viable.

This bill could significantly harm Hawaii's commercial charter industry, potentially reducing revenue and employment by over 15%. It unfairly assumes commercial charters cater only to tourists, thereby restricting access for local residents, particularly those working full-time who can only use these services on weekends and holidays. Eliminating public input for such an extended period undermines the democratic process and may lead to decisions that do not reflect the community's needs or interests. I urge the committee to reconsider the bill's implications and promote a balanced approach that values both our ocean resources and the economic and recreational needs of Hawaii's residents.

Sail Maui, originally Paragon Sailing Charters Maui, has been in business since 1985 and I've worked for the company for 5 years, but I've worked within the Maui boating industry for 25 years. This bill would severely limit our company's ability to operate, provide jobs for our employees, Maui residents, pay a livable wage, positively impact our local economy, and provide our residents, friends, family and visitors with wonderful lifelong memories while snorkeling, sailing, and whale watching along the coastlines of Maui and Lana'i.

I understand the importance of effective ocean recreation management, and I appreciate the efforts to strike a balance between conservation and commercial activities. However, the current language of the bill fails to consider the practical implications on businesses like the one I work for, which are unfairly targeted and constantly blamed for various issues.

P.O. Box 10399
Lahaina, HI 96761
www.SailMaui.com



PERFORMANCE SAILING
HAWAII, USA

The commercial boating industry is often unfairly singled out for environmental concerns, safety issues, or other challenges that are not solely within our control. While we are committed to responsible practices, this bill unfairly places the burden on our industry without considering the broader context and the shared responsibility of all stakeholders.

I urge the committee to reconsider the proposed restrictions and work towards a solution that accommodates the interests of both conservation and the local business community. Collaborative discussions with stakeholders could lead to a more balanced approach that achieves the intended goals without unfairly scapegoating our industry.

I would appreciate the opportunity to further discuss my concerns during any upcoming hearings or meetings regarding this bill. Thank you for considering my testimony, and I hope that we can find a mutually beneficial resolution.

Sincerely,

A handwritten signature in black ink that reads "CKinkade".

Carrie Kinkade
Director of Administration & Human Resources
Sail Maui
Carrie@SailMaui.com
c: 808-866-6210

P.O. Box 10399
Lahaina, HI 96761
www.SailMaui.com

HB-2476

Submitted on: 1/30/2024 7:53:14 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Christopher Kasper	Malolo Charters	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill. Its extreme and will not resolve any issues relating to ocean recreation.

Thank you.



HOUSE OF REPRESENTATIVES
THE THIRTY-SECOND LEGISLATURE
REGULAR SESSION OF 2024

COMMITTEE ON WATER & LAND

Rep. Linda Ichiyama, Chair

Rep. Mahina Poepoe, Vice Chair

Rep. Cory M. Chun

Rep. Dee Morikawa

Rep. Sonny Ganaden

Rep. Gregg Takayama

Rep. Mark J. Hashem

Rep. Kanani Souza

Rep. May Besario Mizuno

NOTICE OF HEARING

DATE: Thursday, February 1, 2024

TIME: 9:00 AM

PLACE: VIA VIDEOCONFERENCE

Conference Room 430

State Capitol

415 South Beretania Street

Dear Chair Ichiyama, Vice Chair Poepoe, and members of the Committee on Water and Land:

The Ocean Tourism Coalition (OTC) represents hundreds of tour operators and charter boat businesses statewide. I am writing to express my strong opposition to HB2476 that aims to prohibit Hawaii commercial boat operations on weekends and holidays. HB2476 will not achieve its intended goal and will have devastating consequences on the tour boat industry.

- 1. Impact on Local People and Businesses:** Prohibiting commercial boat operations exclusively on weekends and holidays disproportionately affects local people and businesses that depend on these days for a significant portion of their income. These operators play a vital role in our local economy, providing valuable services and contributing to the tourism industry, which is a crucial economic driver for Hawaii. Where are the bills seeking to shut down big mainland businesses (e.g., Wal-Mart, Costco, McDonalds, etc.) in Hawai'i to for 30% of the year? Only local people and local businesses will be hurt by this bill.
- 2. Increased Congestion at Beaches:** Rather than alleviating congestion, such a prohibition is likely to have the opposite effect. The vast majority of tour boat activities take people away from beaches to offshore locations. Preventing these tours from operating will force more residents and tourists to beaches and on-land recreational areas. This will not only negatively impact the overall visitor experience but will create challenges for local residents seeking to enjoy their recreational time.

3. **Singling Out a Single Industry:** HB2476 singles out commercial boat operations, creating an inequitable regulatory environment. Countless other tourism related activities in Hawai'i impact our islands, yet only boat tours are targeted.
4. **Negative Economic Impact:** The bill's restriction on commercial boat operations will result in a negative economic impact on operators. Taking away two to three days of a week will drastically decrease revenues and lead to job loss and business loss. Many operators based out of Lahaina are barely surviving at under 50% capacity. Taking away 30% or more of their revenues will all but guarantee they will go out of business. In addition, the boat business is weather dependent. As a result, one weekend could represent 100% of a business's revenue if an operator is unable to operate on the other days due to weather (e.g., Kona storms)

In conclusion, OTC urges this Committee to not pass HB2476. While the intention may be to address congestion and environmental concerns, the proposed approach will not achieve its stated goal and will lead to the termination of many local businesses.

Thank you for time on this matter. I appreciate your commitment to fair and thoughtful legislation.

Sincerely,



Denver S. Coon
President
OTC

HB-2476

Submitted on: 1/30/2024 7:57:03 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jennifer Kasper	Malolo Charters	Oppose	Written Testimony Only

Comments:

Aloha,

I strongly oppose this bill. It will not resolve any ocean recreation issues. It will only put more financial stress on the businesses and employees involved.

Thank you

HB-2476

Submitted on: 1/30/2024 8:01:24 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nick Loewenstine	Hawaii Adventure Diving	Oppose	Written Testimony Only

Comments:

Aloha,

I am strongly opposed to this bill as it is detrimental to small and local businesses around the islands. The harshness and strength of this bill will singlehandedly close the doors of numerous small businesses.

I strongly urge you to reconsider and oppose this bill for the sake of all small business around the islands.

Thank you for your time

Nicholas Loewenstine

HB-2476

Submitted on: 1/30/2024 8:30:01 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ty Widhalm	Kohala Divers	Oppose	Written Testimony Only

Comments:

Please accept the following testimony opposing bill HB2476.

I am the lead captain on a commercial operator: A small, family owned business of less than 22 employees, and in business since 1984. We have earned the first and only PADI Green Fins Eco-Resort designation in the State of Hawaii and have a reputation for strict ecological care and education. This bill would have a disastrous effect on our business and our employees.

The designation of all ocean waters within 3000 feet from shore as a ORMA under the complete and arbitrary oversight of the Board of Land and Natural Resources, with zero legislative input or control, and zero appeals or community input, is a dangerous precedent allowing misuse and the potential of massive unemployment and small business closures.

The burden of permitting, authorizations, and regulation on an overstretched department, while making small businesses pay for it through an unfair auction process, is tantamount to setting up an illegal bribery situation.

The special designation in this law to limit activity on weekends has no logical reason, except perhaps easing the work schedule on DLNR? Limiting operations to weekdays assumes all chartered boat operations exist for tourists alone, not our Hawaii residents. This is tantamount to barring local access to the ocean, which goes against our laws, and the very nature of the mission statement of the Board of Natural Land and Resources, which 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 the people of Hawaii nei...". It is NOT to auction permits to the highest, foreign visitor with deep pockets, while pricing our local people out of small business, or even barring access on weekends to locals using the ocean.

The last part of the DLNR mission statement, "... Hawaii nei, and its visitors, in PARTNERSHIP (emphasis added) with others from the public and private sectors." Where is any partnership with local businesses in this proposed insult of the law? Where is the partnership with legislature? This is, along with HB2477, a money and bribery grab by DLNR and it's Non-Hawaii interests, to take power

and oversight away from the Hawaii State Legislature, to cripple local businesses and employers and even ocean-loving cultural practitioners. Please Strike down this horrible power grab and serve your electorate.

HB-2476

Submitted on: 1/30/2024 8:30:03 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Koa Fuller	Komohana charters	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill.

Testimony on behalf of Hawaiian Rafting Adventures Inc. on bill HB2476

Subject: Opposition Testimony for HB2476

Nichlas Sebastian Holm Hansen, 88 loa pl, Lahaina, Hawaii, 96761.

Nichlas@goscubadivemaui.com 8084464596

I am writing to express my strong opposition to HB2476, which proposes significant restrictions on commercial ocean activities in state waters, particularly on weekends and holidays. As an Ocean tour business, these proposed regulations would have a severe impact on our operations and potentially jeopardize our ability to remain viable.

We are a small family ocean recreation business that runs 2 boats out of state facilities and runs business from the shore. Prior to the fire we had 10 employees and took people scuba diving, whale watching and in general enjoy and educate people on the preciousness of our oceans.

This bill would make it hard for us to have a viable business. There was a time where we could afford to run 5 days a week, and we did so. But the increasing costs of operation, coupled with trying to offer an affordable product for the general population has made it necessary to work more. Removing our ability to offer more trips on weekends and holidays in periods of high season to produce more revenue would severely impact our ability to stay in business and our survival in the industry.

I understand the importance of effective ocean recreation management, and I appreciate efforts to strike a balance between conservation and commercial activities. However, the current language of the bill fails to consider the practical implications on businesses like mine, which are unfairly targeted and constantly blamed for various issues.

I propose that we get an independent surveyor to conduct surveys and get to the bottom of these issues to find solutions that can help resolve issues without putting people out of business. Many issues relating to our business and our entry point (Mala Pier) stem from a cluster that happened April 2021. Back then we were all getting started up after a hiatus for COVID. We were not ready for tourism the travel restrictions outside of the US brought to Hawaii. We had issues for a month and since then, as a daily user of Mala 6 days a week, I have not had a problem getting our boats in and out of the water and have not been late for a trip more than a handful of times. That shows me that it is accessible for everyone to use without extended wait times. I wish we could have independent surveyor make reports on the actual situation and make informed decisions based on that.

The commercial ocean recreation industry is often unfairly singled out for environmental concerns, safety issues, or other challenges that are not solely within our control. While we are committed to responsible practices, this bill unfairly places the burden on our industry without considering the broader context and the shared responsibility of all stakeholders.

I urge the committee to reconsider the proposed restrictions and work towards a solution that accommodates the interests of both conservation and the local business community.

Collaborative discussions with stakeholders could lead to a more balanced approach that achieves the intended goals without unfairly scapegoating our industry.

Thank you for considering my testimony, and I hope that we can find a mutually beneficial resolution.

Sincerely,

Nichlas Holm

Vice President

Hawaiian Rafting Adventures Inc.

HB-2476

Submitted on: 1/30/2024 9:34:54 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Keahi Ho	GungHo Sailing	Oppose	Written Testimony Only

Comments:

This seems like a bill aimed at controlling the amount of people in the near shore waters on the weekends and holidays. Maybe it would be better to create a cap on the number of passengers per vessel. As a child in the 80s, I spent much of my time on boats with my father who was a Captain out of Lahaina Harbor. Back then, the commercial vessels were overall much smaller with smaller capacity than they are today. The state has no cap on the number of passengers allowed per commercial use permit. I believe that this is the underlying problem that legislators need to be aware of. There are now several 100+ passenger vessels operating that overwhelm near ocean areas, especially when they congregate in the same spot.

HB-2476

Submitted on: 1/30/2024 10:21:05 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nick Croft	Explore Kauai Scuba, LLC	Oppose	In Person

Comments:

Aloha Chair, Vice Chair, and Committee

My name is Nick Croft and I oppose hb2476. While this bill seems not so bad, it is. Not allowing commercial activities on the weekends and holidays will have a heavy impact upon the small businesses and jobs. This concept will dramatically cut jobs for communities by having less shifts available. Employees will have to be let go or be forced to file for partial unemployment.

We don't work on a calm lake or river, we work on the unforgiving ocean. The weather lets us know if we can go out that day or not. Sometimes ocean conditions keep us off the water for days at a time, but then add in no weekends or holidays either, it'll heavily hurt us and all employees of these companies.

What about the locals who only have weekends off or holidays that love to go scuba diving with us. They work hard at their jobs all week and want nothing more than to go explore their local ocean. A lot of times these same people end up volunteering to help us with reef clean ups and even utilize us to organize their own. I understand there are some locals with their own boats that would love to have a harbor without any commercial activities for at least some days. But there are also way more locals that don't have their own boats to go out and enjoy our ocean with on those days. Explore Kauai Scuba, the company my wife and I own, and many other companies will yield to resident boaters at our harbor. On our days off, we love to go and fish recreationally as well. We have dock space we always leave open and we leave prime parking locations open for resident parking. We park and rinse down our boat on our private property away from the harbor. There are other plans in the works to have less impact at our harbor as well.

Once again, why is DLNR trying to take things away that can be solved way less harshly? Our company already tries to limit our trips to 5 days a week, but due to bookings and weather, those days off vary. Let's work together to find solutions instead of harshly implementing rules that hurt us and everyone's jobs.

Mahalo,

Nick Croft

owner/operator, Explore Kauai Scuba, LLC

HB-2476

Submitted on: 1/30/2024 10:25:21 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Don Prestage	Sail Maui	Oppose	In Person

Comments:

This bill could significantly harm Hawaii's commercial charter industry, potentially reducing revenue and employment by over 15%. It unfairly assumes commercial charters cater only to tourists, thereby restricting access for local residents, particularly those working full-time who can only use these services on weekends and holidays.

Eliminating public input for such an extended period undermines the democratic process and may lead to decisions that do not reflect the community's needs or interests. I urge the committee to reconsider the bill's implications and promote a balanced approach that values both our ocean resources and the economic and recreational needs of Hawaii's residents.



Testimony Before the House Committee on Water & Land
Tuesday, February 1st, 9:00 a.m. HST
Conference Room 430 & Via Video Conference
State Capitol, 415 South Beretania Street, Honolulu, HI 96813

RE: Opposition to Bill HB2476

To the Honorable Chair Linda Ichiyama, Vice Chair Mahina Poepoe, and Members of the Committee:

I am writing to you today on behalf of the Kauai Chamber of Commerce to express our vehement opposition to HB2476, alongside its companion bills HB2477, HB2474, HB2475, and HB2093. Collectively, these proposals represent an unprecedented and aggressive regulatory assault on the commercial boating industry, a vital sector that not only supports the livelihoods of countless local families but is also instrumental in enriching the tourism experience in Hawaii.

HB2476, which seeks to designate ocean waters within 3000 feet from shore as ocean recreation management areas, severely restricting commercial activity, is particularly concerning. This bill threatens to drastically reduce access to one of our most valuable resources—the ocean—not just for tourists but for residents as well. By limiting commercial activities in these areas, we risk funneling both visitors and locals into already overcrowded beach parks, further straining these spaces and detracting from the quality of experience that Hawaii is known for.

Moreover, the implications for our local economy cannot be overstated. The commercial boating industry is a cornerstone of our tourism sector, itself the lifeblood of Hawaii's economy. Restrictive measures such as those proposed in HB2476 will inevitably lead to job losses, harm small businesses, and deter investment in our state. At a time when we should be fostering a business-friendly environment to encourage economic recovery and growth, these bills signal to entrepreneurs and investors that Hawaii is a challenging and unwelcoming place for business.

Furthermore, the Kauai Chamber of Commerce has consistently advocated for policies that support economic development, job creation, and the sustainability of our natural resources. The approach taken by HB2476 is in direct conflict with these policy priorities, threatening not only the commercial boating industry but the broader economic health and environmental stewardship efforts in our community.

In conclusion, I urge you to consider the far-reaching consequences of HB2476. We must seek a balance that protects our natural resources while also supporting the industries and communities that depend on them. Hawaii's future as a thriving, welcoming, and sustainable destination depends on our ability to navigate these challenges with wisdom and foresight. I implore you to oppose HB2476 and work towards solutions that foster a thriving, sustainable economy for all of Hawaii.

Thank you for your attention to this matter.

Sincerely,

Mark Perriello
President & CEO

January 30, 2024

Subject: **Opposition Testimony for HB2476**

James Walsh, 2673 Iolani Street, Pukalani, HI. 96768

Email Address: jwalsh@atlantisadventures.com

Mobile Phone: 808-264-3704

Committee Chair Linda Ichiyama

Water and Land Committee

415 S Beretania St.

Honolulu, HI 96813

Dear Chair Ichiyama,

RE: HB2476 Ocean Recreation Management Areas; Commercial Ocean Activity

I am writing to express my strong opposition to HB2476 Ocean Recreation Management Areas; Commercial Ocean Activity. I am opposed to this bill as many of the ocean related bill this session seem to be targeted at the ocean tourism industry. This bill creates all state waters out 3,000 ft to become Ocean Recreation Management Areas (ORMA's). This seems to me to be a ocean grab to regulate the ocean tourism sector out of business. The ocean tourism business provides the visitor and Kama'aina alike with wonderful experiences that they retain for a lifetime.

Businesses that operate on the water have to have commercial use permits no matter what, weather it's a kayak company or a submarine tour company.

My company has been running submarine tours in the state of Hawaii since 1988. I have personally been in the ocean tourism business for almost 40 years, and I continue to find that the government continues to be my biggest threat.

This bill's primary purpose is to set up ORMA's statewide to shut down ocean tourism activities on Weekends and Holidays.

This bill is absolutely absurd for several reasons. If the state feels that there is a conflict between the ocean tourism industry and residents, well it's their own fault. Government issued the permits for these businesses to operate. If they want to regulate them out of business, there should be an appropriate way to reduce the amount of permits that the government issued to begin with. The solution is to buy out the legally issued permits at fare market value. Forcing the industry to not do business on weekends or holidays is a lazy government solution to a problem that is not that big an issue.

The visitor industry is not a five day a week industry, it is a seven day a week industry. Visitors and Kama'aina alike need things to do on weekends and holiday. Kama'aina as an example like to take their families on excursions on weekends and holiday when the kids are off and the parents are off too.

I believe that this bill will create more problems than it fixes. If the government wants less commercial activity, then they should buy out some of the commercial permits that were legally issued at fair market value.

Stop the madness of trying to kill an industry that provides value to both the Kama'aina and visitor as well.

Thank you for considering my testimony, and I hope that we can find a mutually beneficial solution to the commercial operators' contributions to the state.

Sincerely,

Jim Walsh

General Manager

Atlantis Submarines ~ Maui

HB-2476

Submitted on: 1/30/2024 10:38:29 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kieran Oliver	Liquid Hawaii	Oppose	Written Testimony Only

Comments:

If you were trying to make it harder for our small business to survive this would certainly be the bill to do that. With weather and other hazards we already have limitations to running our boats. This bill would cost us to the point we can't survive. Glad you all have our tax dollars so you can take off weekends and holidays.

HB-2476

Submitted on: 1/30/2024 10:39:14 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jeff Love	Frogman Charters	Oppose	Written Testimony Only

Comments:

Senator Lorraine Inouye, Chair

Senator Brandon Elefante, Vice Chair

Water and Land Committee, Hawaii State Senate

Jeff Love, Frogman Charters LLC

808-303-5735

Thursday February 1, 2024

Oppose, 2476 HB RELATING TO OCEAN RECREATION MANAGEMENT

My name is Jeff Love I work for Frogman Charters a tour boat operator in Hawaii for over 30 years. I oppose 2476 HB RELATING TO OCEAN RECREATION MANAGEMENT because it will be detrimental to our buisines. This measure would severley impact our revenue and ability to keep crews employed.

In closing I urge you to oppose, 2476 HB RELATING TO OCEAN RECREATION MANAGEMENT because of the negative impact it will have on Hawaii's small businesses. Thank you for this opportunity to testify

HB-2476

Submitted on: 1/30/2024 11:02:00 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ted Bohlen	Hawaii Reef and Ocean Coalition	Support	Written Testimony Only

Comments:

Support!

HB-2476

Submitted on: 1/31/2024 12:08:33 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Micah Miles	Blue Water Maui LLC	Oppose	Written Testimony Only

Comments:

HB2476

Aloha,

Lahaina multiple business owner here.

I implore you to please vote "NO", on this ridiculous and over reaching bill. We employe as many as 22 individuals, many with families, some Hawaiians and all people who deserve to make a living. Every portion of this bill reeks of strong-arming one of the largest groups of GET and Harbor Tax payers.

On a recent count on West Maui taken after the fires, there are around 950 people that work aboard commercial vessels. With a workforce of around 7,000 people, we are one of the largest employers on West Maui. Cutting weekends and Holidays results in a 33% reduction in revenues and will result in a corresponding 33% reduction in workers required. So you would be firing around 300 workers in just Lahaina alone. Many of these are people that work part time, often over the weekends, for supplemental income. Which is often a necessity for anyone trying to earn enough to survive on West Maui. During fowl weather months, this means that if we have to cancel 3 days for weather during week days, we may only have 2 days of income for a 9 day period, IF there are no Holidays. One of our businesses is already operating under these ridiculous "no weekend or Holiday" rules at Mala Wharf. During the recent Holidays, our team (some of which lost their homes and everything they owned in the fires) was so excited to have a small sense of normalcy and return to work, but these rules only allowed us to run during 4 days of a 10 day Holiday period, as Christmas AND New Years both fell on a Monday. This ended up being a breaking point for some of our team and they gave up and left island. So this policy has ALREADY, cost West Maui valuable jobs and has cost small businesses negative revenue. We refunded more money for the already booked weekend and Holiday trips than we made over the 4 days we were "allowed" to run. Do you think our customers (and yours, since the ONLY economy here is tourism) care what day it is when they want to go on a whale watch? Also, most of our Kama'aina customers visit us on the weekend when kids are out of school. So, sorry kids, the State says you can't go on a whale watch unless you skip school? This is crazy.

This bill states that some facilities are over-crowded or over-used due to commercial operators. How about re-investing some of the millions we pay into DLNR into facility

improvements or upgrades. Mala Wharf is, and has been, a shit hole, with ankle breaking potholes, homeless camps and has only two launch ramps and is tied for the most derelict facility in Maui County with Kihei boat ramp. Lahaina Harbor was, literally, falling apart, before burning. Senator McKelvey, and Elle Cochran, have done an admirable job helping to procure funding for these derelict facilities, but these funds just bring the facilities back up to codes. Why no investment in actual improvements. How about coming up with a plan to address ways to improve with the people that use it (both Rec. and Commercial) and pay loads of taxes to use it. There's plenty of space to build a "commercial" just by adding on to the North side of existing ramp! This would fix everybody's complaints and could be paid for in just a few months of the taxes we all already pay.

Originally, a handful of Mala recreational users complain about how crowded the facility, ramp or parking lot was, now it's a ghost town and you just put in the no weekends and Holidays rule, did you NOT know that most all the recreational boats burned too! Funny part of this is, almost ALL the trailer parking stalls are taken by support vessels (zodiacs) for Kaanapali Beach Catamarans (8 of 10 this past Saturday). Do you know why? DLNR was pressured by the same small, yet vocal group, to not allow the Kaanapali Beach Cats to keep their support vessels on or near the beach! So beach cat companies were forced by DLNR to trailer their zodiacs to Mala and take the majority of the parking spaces there. DLNR CREATED THIS PROBLEM by not leading, but by being weak with appeasement.

Expanding an ORMA out to one mile makes no sense either. You can't enforce what you already have, why would you possible think you could enforce a 10X's larger area? You can't keep the homeless out of the dumpster. You can't even plan far enough in advance to purchase trucks for all your new DOCARE officers. You can't stop the dozens of already illegal charters happening throughout the state with. You can't identify who is fishing for profit, are these people paying GET and Harbor taxes?

Our lives trying run a business in Hawaii is hard enough, some of you should try it sometime. On top of that, now we have to rebuild a town, a community, and our businesses and try to keep our sanity. All while having to service all of our new debt required to keep our businesses operational. It would be great to have a supportive and thoughtful government, especially in this time of need. Instead you're out there trying to fire my employees and make life even more difficult, biting the hand that feeds you....

Mahalo for your time.

HB-2476

Submitted on: 1/31/2024 2:47:33 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lisa Hatzenbuhler	South Pacific Ocean Tours, Inc.	Oppose	Written Testimony Only

Comments:

My name is Lisa Hatzenbuhler and I am the owner/operator of South Pacific Ocean Tours, Inc. in the Haleiwa Boat Harbor. I strongly oppose HB2476. We own a thrillcraft and kayak rental business operating out of the Haleiwa Harbor, 7 days a week, weather permitting. We have been in business for over 35 years. I strongly oppose on being closed on weekends, State and Federal holidays. We don't interfere with beach goers as we are operating in our thrillcraft ORMA zone offshore. Our kayaks just go up the river and back. We don't take up any parking at beach areas as we have our own parking in the harbor. This will affect our business greatly as a lot of customers can only do activities on the weekends, such as military personnel and locals. A lot of times people fly from the westcoast for a weekend trip. We self regulate ourselves when there is big surf so we operate on a day by day basis in the winter time, so we already lose a lot work because of the water conditions, so this bill would just add to the struggle. We do not have any conflict with recreational users. I do believe there is a problem with shoreline businesses that set up on the beaches but that is between the City and County permitting and DLNR. That is where there might be a conflict with recreational beach goers. Passing of this bill will greatly affect our business even might be our demise with all the rising costs of everything, insurance, harbor fees, equipment and gasoline. I please ask that you kill this bill HB2476. Mahalo, Lisa Hatzenbuhler



COMMITTEE ON WATER & LAND

Rep. Linda Ichiyama, Chair

Rep. Mahina Poepoe, Vice Chair

DATE: Thursday, February 1, 2024

TIME: 9:00 AM

RE: Oppose HB2476

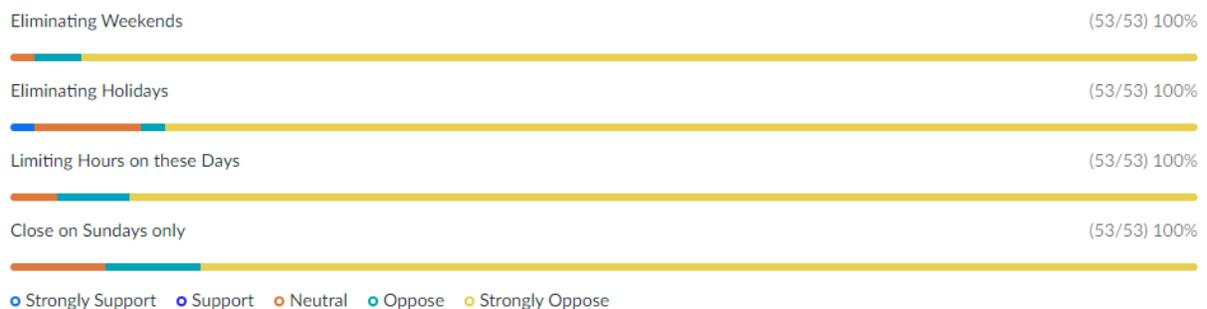
Aloha Chair Ichiyama and Vice Chair Poepoe and committee members,

My name is Antoinette Davis; it has been my honor to represent the Activities and Attractions Association of Hawaii (A3H), a not-for-profit 501c6 trade organization, since 1997 (27 years) as their Executive Director. **A3H strongly opposes HB2476.**

In a recent statewide survey with Activities and Attractions, I posed the question this Bill proposes. From the graph below, all respondents strongly opposed any closures for holidays or weekends.

3. Eliminating Commercial Operations on Holidays and weekends that use Public Resources (Roads, Parks, Ocean Waters, and Beaches) is a Bill being introduced to the 2024 Legislature. What do you think? (Matching) *

53/53 (100)% answered



Most of their customers are visitors who don't usually know what day it is. In searching the internet, I could not find vacation destinations that close their commercial activities on the weekends and holidays. There are also Kama'aina customers, who, like most residents, have weekends and holidays off and can go on a whale watch, guided hike, bike, or scuba dive now. If this Bill passes, they must take time off of work. No playcation for residents.

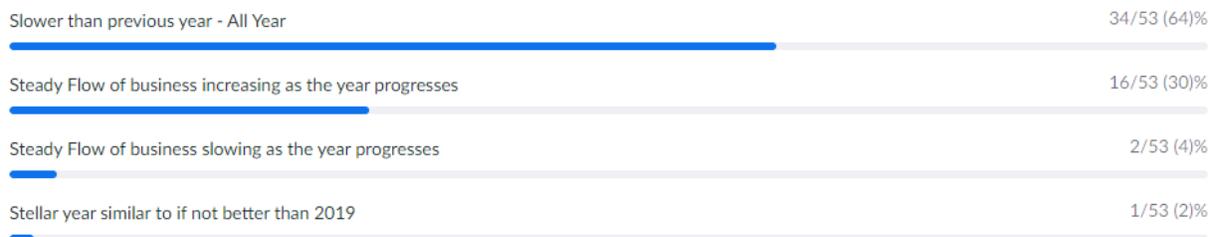


Cutting back on these small businesses' income potential, which is already naturally reduced by Mother Nature due to inclement weather days (20% of the year), is a sizeable purposeful decrease when the economy is already down.

In the same survey I asked members about their business expectations for 2024. Only 2% expected a stellar year similar if not better than 2019. **64% expect 2024 to be slower than previous years.**

2. What Level of Business do you Expect in 2024? (Single Choice) *

53/53 (100)% answered



Please do not further shrink these critical features of our visitor industry. At present, they need our support, especially those on Maui.

Mahalo for the opportunity to testify,

Antoinette "Toni" Davis
Executive Director
Activities & Attractions Association of Hawaii, Inc.

HB-2476

Submitted on: 1/31/2024 6:06:13 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kodi Toulon	Open Sea Sportfishing INC	Oppose	Written Testimony Only

Comments:

It is an extreme measure to prohibit commercial activity on weekend/holidays. We work in tourism an holidays can be our busiest time. This takes out of locals pockets to provide for our high cost of living. The oceans and beaches will still be packed with tourists even without commercial activity. THis does nothing for locals recreating, just hurts economy. Our government wants to tax us more while cutting our economy. Shows the lack of leadership

HB-2476

Submitted on: 1/31/2024 6:22:18 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Bell	Body Glove Cruises I am writing on behalf of our tour operation company to express our strong opposit	Oppose	Written Testimony Only

Comments:

I am writing on behalf of our company to express our strong opposition to HB2476, which proposes significant changes in the management of ocean recreation areas. The implementation of this bill could have devastating effects on our industry, leading to potential layoffs and a significant loss in revenue.

Our company, like many others in this sector, contributes hundreds of thousands of dollars annually in gross receipts to the state's revenue. The restrictions proposed by HB2476 would severely limit our operations, particularly during weekends and holidays, which are peak times for our business. This could lead to the unfortunate necessity of reducing our workforce, directly impacting the livelihoods of our employees and their families.

Moreover, the loss of revenue for the state from our operations and similar businesses would be substantial. The economic impact extends beyond our industry, as tourists may choose alternative destinations with fewer restrictions, affecting the broader tourism ecosystem in the state.

We recognize the need for sustainable ocean recreation practices and are committed to working with the state to achieve this. However, we believe that a more balanced approach, one that considers the economic implications for businesses and the state, is crucial. We urge a reconsideration of HB2476 and request a dialogue with all stakeholders to find a viable solution that supports both the industry and the environment.

Sincerely,

Michael Bell

HB-2476

Submitted on: 1/31/2024 6:29:00 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Joseph Weston	Jack's Diving Locker	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill. It is overreaching and impacts large parts of Hawai'i's economy that are already struggling.

this would either limit our ability to operate for nearl one third of the year, or require yet another permit with additional fees just to operate a vessel near shore.

HB-2476

Submitted on: 1/31/2024 6:48:10 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Evan Valiere	Hanalei Charters, Inc.	Oppose	Written Testimony Only

Comments:

Aloha,

My name is Evan Valiere. I strongly oppose this bill. This is an extreme over reach for control. There are systems in place to protect these areas. I encourage the enforcement office to continue using the regulations as they are.

Thank you,

Evan

Thursday, February 1, 2024, 9:00 A.M.

State of Hawai‘i

House Committee on Water & Land
State Capitol, Conference Room 415

**JOINT TESTIMONY OF DOUG CHIN AND ERIC ROBINSON IN OPPOSITION TO
HOUSE BILL 2476, RELATING TO OCEAN RECREATION MANAGEMENT**

Dear Chair Ichiyama, Vice Chair Poepoe, and Committee Members:

We are legal counsel for a hui of commercial use permit holders throughout the State and respectfully **oppose** House Bill 2476.

HB2476, along with HB2474, HB2475, and HB2477, is “part of a comprehensive ocean recreation management package” put forth by the Department of Land and Natural Resources. While we agree there is room to improve the management of ocean recreation, unfortunately, we do not believe the actions proposed in HB2476 achieve that aim.

As an example, HB2476 seeks to reduce overcrowding by expanding its “management tools” for commercial activity. However, it then exempts boats from commercial harbors from needing a permit to conduct commercial activity in ocean recreation management areas. Furthermore, it’s unclear why ocean recreation management areas need to extend more than half a mile offshore to address overcrowding—this issue would occur much closer to shore.

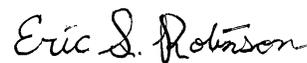
HB2476 also seeks to “prohibit commercial ocean activities statewide on weekends, state holidays, and federal holidays, unless authorized by the [BLNR].” This would have a devastating impact on small businesses. Additionally, this would effectively prevent most locals (*e.g.*, those who work or have school during the week) from being able to enjoy commercial ocean activities.

Thank you for the opportunity to provide testimony in opposition to HB2476. We respectfully ask that the Committee **defer action on HB2476**.

Sincerely,



Douglas S. Chin



Eric S. Robinson

HB-2476

Submitted on: 1/31/2024 8:07:33 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tait Heitz	Big Island Divers	Oppose	Written Testimony Only

Comments:

I oppose HB2476 due to the impact it would have on small business.

HB-2476

Submitted on: 1/31/2024 8:09:59 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jessica L Belt	Holo Holo Charters	Oppose	Written Testimony Only

Comments:

This bill is poorly thought out and will serve little purpose in preserving recreational areas for use by the residents of Hawai'i. Cutting weekend commercial use such as vessel operations will only drive more visitors to crowded beaches and overrun hiking trails as they will have nothing else to do! You are proposing to give some recreational areas a rest, but at a much greater cost to others. This is not the solution...

This bill would effectively eliminate 1/3 of the days my employer can operate, meaning 1/3 less revenue and 1/3 less operational needs. That boils down to 1/3 less employees!

HB-2476

Submitted on: 1/31/2024 8:12:20 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Gabriel Lucy	Trilogy Excursions	Oppose	Written Testimony Only

Comments:

Opposition Testimony for H.B. 2476 - Ocean Recreation Management

Gabriel Lucy, 35 Ohana Hana Loop, Wailuku, HI, 96793, gabe.lucy@sailtrilogy.com, 808.344.9536, 1/31/24

Rep. Linda Ichiyama, Hawaii State Capitol, 415 S Beretania St., Honolulu, HI 96813

Dear Rep. Ichiyama,

I am writing to express my strong opposition to House Bill (H.B.) No. 2476, which addresses ocean recreation management and introduces changes to Section 200-37 and Section 200-38 of the Hawaii Revised Statutes.

As an Ocean Tourism company, we have been a family-owned and operated business in Hawaii for over 50 years, actively participating in the ocean tourism industry. While we acknowledge the Department of Land and Natural Resources' (DLNR) responsibility for ocean recreation management, we are deeply concerned about the potential implications of the proposed amendments.

The existing ocean recreation management areas system, which empowers the division to designate zones for specific ocean activities, strikes a delicate balance between public safety, environmental conservation, and the enjoyment of ocean resources. H.B. 2476, however, proposes a statewide prohibition on commercial ocean activities during weekends and holidays, unless explicitly authorized by the Board of Land and Natural Resources. This blanket restriction could have severe consequences for businesses like ours that depend on weekend and holiday activities.

Furthermore, the bill's intention to address complaints about overcrowding and commercialization raises concerns about the impact on local businesses. While the goal of improving user experience and reducing conflicts is commendable, a wholesale prohibition on commercial ocean activities might not be the most effective or fair solution.

I urge you to consider alternative measures that strike a balance between the concerns raised in the bill and the livelihoods of local businesses. Collaborative discussions with stakeholders,

including business owners, can lead to more nuanced and effective solutions that preserve the beauty of our ocean waters while supporting the local economy.

Thank you for considering my testimony.

Mahalo,

Gabriel Lucy, President, Trilogy Excursions

HB-2476

Submitted on: 1/31/2024 8:13:56 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Alexander John Lilikalani McGuire	Holualoa Enterprises, LLC	Oppose	Written Testimony Only

Comments:

Aloha,

I would like to voice my strong opposition to HB2476 relating to Ocean Recreation Management.

The blanket creation of an ORMA that would immediately encompass all waters within the proposed area(s) is far too broad and the impacts of such a sweeping change deserve to be discussed and the input of all stakeholders, especially those that would be the most impacted by them, appropriately considered. Additionally, the proposed restrictions on operating commercial activities in any of the proposed ORMA areas on weekends, state and federal holidays will have a significant adverse impact on commercial operators, their team members and the local community.

For our specific organization, if we were unable to provide commercial activities on weekends, state and federal holidays, it would lead to a reduction of upwards of 20% of our workforce. This combined with the reduction of expenditures on those ancillary services that we utilize to support those commercial activities (catering, supplies, parts, etc...), would have a real impact in our community and for those members of our community that depend on us for their livelihoods.

It should also be noted that the proposed changes in the bill will make it harder for island residents to enjoy the services that commercial charters provide. Most full-time island residents work Monday thru Friday, and if the proposed amendments were to pass, it would restrict or severely limit their ability to enjoy the same services that visitors to our state get to enjoy. Commercial charters are not and should not be for only tourists to enjoy. Our island's residents should have the same unencumbered opportunity to enjoy commercial charters and most of the birthday celebrations, weddings, celebrations of life and graduation parties that we do for island residents are on the weekends.

Thank you for the opportunity to voice my strong opposition to HB2476.

Sincerely,

Alexander John Lilikalani McGuire
Managing Member - Holualoa Enterprises, LLC

HB-2476

Submitted on: 1/31/2024 8:20:03 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
kelsey	Best Big Island Tours LLC	Oppose	Written Testimony Only

Comments:

I own a small boat business in Kawaihae. I've been in the business for 13 years and started my own company in 2021 in attempt to recover from the pandemic. I also started a non profit that uses small boat business to provide education and therapy to our local community. To pass this bill would contribute to more poor mental health and lack of education to our LOCAL people.

This bill proposed could reduce revenue for the state by at least 15%. As a 6 pax vessel, this would prob have devestating consequence for my 12 employees and myself.

To restrict where we can go and when we can go makes no sense.

8 months out of the year I run a non profit where we take out local kids for FREE and teach them about taking care of our ocean. We are also working with the Lahaina fire victims as well in Maui. If this bill were to pass, we would no longer be able to do our education outreach through For Children to Flourish, and many would lose the opportunity to fall in love with their own backyard. What a shame!

You all as leaders should know the devesating consequences to our community that these bills propose.

Solution. Work with the commercial boating community. Sure, maybe we need some updated regulations, but these are EXTREME! Help boat businesses pivot in non-profit work that contributes to the success of our reef and fish/animals within.

We would be happy to help as a non-profit find better solutions for all.

HB-2476

Submitted on: 1/31/2024 8:22:16 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Travis Bacon	Husk Til Dusk	Oppose	Written Testimony Only

Comments:

Passing of this horrid legislation will be a huge leap backwards for small business owners, present and future.

HB-2476

Submitted on: 1/31/2024 8:24:55 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Bill Murtagh	Li'i Makau Inc.	Oppose	Written Testimony Only

Comments:

Wasn't aware of this until now, not enough time to prepare testimony. Strongly oppose.

HB-2476

Submitted on: 1/31/2024 8:46:01 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tom Young	Coral Reef Adventures (Kailua Kona)	Oppose	Written Testimony Only

Comments:

This bill would take away commercial permittees' ability to operate on weekends and federal holidays. Weekends and federal holidays represent about 30% of total available days in a given year. So, this bill is designed to reduce revenue for commercial permittees by 30%, which would have devastating impacts on small businesses and their employees. With any proposed bill, we need to look at the potential benefits vs. the potential harm it would create. In this case, the bill would deliver effectively no value to the community, but it would significantly harm small businesses and their employees. This bill would also reduce DLNR revenue from commercial operators by 30%, as commercial operators pay 3% of revenue to the DLNR. For a department that's already underfunded, this would be a terrible outcome. If you're willing to vote for a bill that reduces small business revenue by 30%, then you should believe very strongly that the community's benefit is greater than the harm caused to small businesses. What is the community benefit here? I don't see any benefits. There's no reason to pass this bill, or to ever inflict this type of damage on small businesses (and the DLNR) without clear benefits. I strongly oppose this bill.

HB-2476

Submitted on: 1/31/2024 8:51:09 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Shaun Elise Barnes	Kohala Blue Sail Hawaii	Oppose	Written Testimony Only

Comments:

Though we understand and share the responsibility of protecting our marine inhabitants and their environment, this bill will devastate the economy of the State of Hawaii as well as have a negative impact on the health of our harbors.

Small commercial operators such as myself have invested a significant portion of their net worth in permits we purchased with the understanding that they could be re-sold. Loosing this will devastate us financially and the implications will have ripple effects throughout our economy.

Directly and indirectly, our industry provides employment for and supports countless other small businesses locally, as well as brings in visitors who come to these island specifically to employ our services.

Additionally, what will happen to our vessels if we cannot re-sell our businesses? They will fall into disrepair, be abandoned, and will pollute the very waters and ecosystems this bill is trying to save.

The health of our oceans is paramount; that's why our company has invested hundreds of thousands of dollars in RENEWABLE ELECTRIC PROPULSION, the technology is here, our charters are clean and quiet!

Let's try to work with what we have instead of gutting an entire industry,

Thank you

Shaun

HB-2476

Submitted on: 1/31/2024 8:51:51 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Eric McCormick	The Kona Boat Club dba Kona Boat Rentals	Oppose	In Person

Comments:

The creation of an all encompassing Ocean Recreation Management area of 3000ft from shore poses several problems.

* The 3000 ft or 1 kilometer distance would in many cases limit the ability to fish in these waters for pelagic fish.

* The 1/2 mile distance will regulate most bay areas in totality as the areas overlap depending on the direction of measurement

* The day use moorings all fall into this ORMA thus potentially limiting access by commercial operators the safest and environmentally friendly snorkeling sites

* By restricting access on weekends and holidays, the bill would limit the residents access to ocean activities when most have the opportunity to utilize. Furthermore it would reduce revenues to the business hence to the state.

HB-2476

Submitted on: 1/31/2024 8:52:32 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nathaniel Fisher	Na Pali Experience	Oppose	In Person

Comments:

Aloha,

My name is Nathaniel Fisher, founder, owner, and operator of Na Pali Experience boat tours on the island of Kaua'i.

I strongly oppose bill HB2476. Shutting down commercial boating operations on weekends and holidays may sound like a decent concept at first glance, but there are many issues that are not immediately seen.

1. Weather Challenges and seasonal patterns - Unlike a restaurant business or retail store, boat operators in Hawai'i are already faced with many days of closures. It is not an exaggeration to say that all winter long averaged out, we already close around 2 days a week in regards to weather, I have the data to support these claims. It gets very challenging to keep employees happy when you are only open 2 or 3 days a week. Without employees, businesses collapse.

2. Creates a divide between recreation and commercial as a poor attempt to solve an issue, which could in fact backfire in the end. I've always felt rules should be created and made so effective, that any user could use a harbor or ocean area and have a great experience. In other words, recreational users should not have to wait for a weekend, all 7 days should be organized in a way that works for all.

3. Loss of tax revenue for the State.

4. Locals not being able to participate on tour experiences because the only 2 days a week they are off, all the local tour outfits are closed!

and

5. Still allowing boat tours originating from DOT harbors to conduct operations. Why leave a select group of boaters still able to conduct their tours and shut down the rest? They would actually benefit as there would be a reduction in competition during weekends and holidays. Guests would simply shift from one boat company to another to fulfill their desire to participate in a tour experience.

Mahalo,

Nathaniel

HB-2476

Submitted on: 1/31/2024 8:58:20 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Debbie Patton	Captain Steve's Rafting	Oppose	Written Testimony Only

Comments:

Not allowing weekends or holidays reduces business by 114 days, which out of 365 is 31.2% of business. That's 31.2% less employees employed! What business can handle a 31.2% decrease immediately and stay in business? This is the worst option ever for commercial businesses. Believe it or not, many local families want to do activities on the weekend that they would then be denied (whale watching is just one example) !! Strongly opposed!!!

Statement of Testimony – Opposing HB2476

30 January, 2024

Testimony of Paul Exner, President of Modern Geographic Sailing, Regarding Bill HB2476.

LEGAL IDENTITIY & DESCRIPTION:

Paul Exner, President of Honu Sail Charters

ALOHA:

To the House of Representatives Committee on Water and Land, Public Hearing: Thursday, February 1, 2024 @ 9am HST.

With respect and consideration for hearing my testimony, thank you for this opportunity; respectfully, Paul Exner.

TESTIMONIAL POSITION:

Paul Exner is opposed to H.B. NO. 2476, A Bill For An Act Relating To Commercial Ocean Recreation Operations.

FACTUAL ARGUMENTS AND DATA:

Prohibiting commercial ocean recreation activities statewide on weekends, state holidays, and federal holidays, unless authorized by the board of land and natural resources will immediately lower the gross revenue by 104 days of potential operation per year; this legislation will effectively reduce the potential revenue from Commercial Operators by 33.1%.

- * 104 Weekend Days
- * 17 State and Federal Holidays
- * 121 Total Days Per Year
- * 33.1% Reduction in Potential Operation

Many commercial operators have children who attend school during the week, and weekends in this case are an important time to work and operate their vessel commercially while their partner tends to the children on the weekends and holidays.

Any reduction of allowable commercial operation days by law effectively reduces the gross potential earning of the business which results in the following:

- * The need to shift operational bookings away from prohibited days to focus efforts on doing business on “allowed” days.
- * Acceptance of lower gross revenue which effectively results in a shrinking business to the point where fixed costs cannot be proportionally reduced, effectively placing financial strain on the business and emotional stress on the operator.
- * Heightened operational hours for Merchant Mariners beyond what is physically and legally allowable to Mariner Workers as they maximize their work efforts on “allowed” days in hopes of surviving financially.

Many local residents of Hawaii who work during the week also participate in commercial activities on the weekends such as SCUBA Diving tours, Boat Clubs, Sailing Activities, Surfing Lessons, Etc. Prohibiting commercial activities on Hawaiian resident’s off-days effectively means this segment of the community will no longer have access to commercial ocean services by lowering their recreational opportunities and likely incentivizing them to undertake the commercially prohibited activities on their own with less experience than commercial operators offer.

Commercial tourism offerings for ocean recreation activities will be directly curtailed by 33.1% effectively limiting one segment of Hawaii's overall tourism enjoyment and appeal to draw visitors to the State's economy.

General Excise Tax and Hawaii State Corporate Tax will shrink from this industrial segment by 33.1%.

Designating all ocean waters of Hawaii within three thousand feet seaward of the base line of the territorial sea as Ocean Recreation Management Areas will immediately remove near shore access to commercial operators effectively alleviating an immeasurably large percentage of what can be observed by ocean lovers as most interesting things to look at are in depths of less than 40 feet. The 3,000' off-limit designation allows operators access to waters further than 56.8% of one statute mile. The average depth of Hawaiian waters 3,000' from shore is presently not calculated but I estimate it's average depth at greater than 500 ft., likely much more.

Designating an in-operable zone for commercial operators within 3,000' from shore effectively pushes safe operation into offshore waters greatly more susceptible to extreme oceanographic conditions such as Orographic Vorticity, deep-water currents, high wind driven waves typically double or triple the size of wind-waves within 3,000' of shore; this in-operable zone designation without a doubt leads to an arbitrary constraint of seamanship decision making placing excessive stress on Merchant Mariners who are stripped of their autonomy and options to adhere to International Maritime Organization conventions described in the SOLAS Convention (Safety Of Life At Sea). This 3,000' designation creates an artificial and dangerous precedent for Merchant Mariners with above average proportion because they operate in Hawaiian waters where it's well known and understood that near-shore operation is considerably safer.

DEMONSTRATION OF POSITION:

I, Paul Exner, in 2018 invested financially in good faith (my life savings) in belief of Hawaii's permit structure to purchase a Hawaiian Corporation with holding of Ocean Commercial Permits, and I follow the legal permitting process in every manner and detail with the legally supported expectation that I acquired my permits believing in a basic premise of commercial operation that the industry has operated under for many years. I have invested my life in the stability of Hawaii.

The prohibitions proposed by HB2476 on the industrial stability of Commercial Operators, namely: 1) A 33.1% reduction in earning potential by unjustifiably limiting days of operation, and 2) A 3,000' prohibition of commercial operation from shore, will absolutely create an unsustainable constraint on commercial operators, and heighten the stress of normal vessel operation well outside reasonable decision-making of Merchant Mariners by arbitrarily forcing them to operate in offshore waters and forming hesitancy within their awareness to pilot their vessel safely and appropriately where human life, and environmental and tangible assets are at stake.

CONCLUSION:

In consideration of the facts, I cannot foresee ANY legal justification for the actions that would likely follow the passing of HB2476 to explain how a commercial operation business could be expected to survive financially while improving the safety of ocean recreation.

MAHALO:

Mahalo for taking time to read my testimony; please, do not proceed with HB2476.

Fair winds,
Paul Exner



January 31, 2024

RE: Opposition to HB 2476: Relating to Ocean Recreation Management

Dear Chair Ichiyama, Vice Chair Poepoe, and members of the House Committee on Water & Land,

The Kona-Kohala Chamber of Commerce works to enhance the quality of life for our community through a strong, sustainable economy on Hawai'i Island.

We **strongly oppose** House Bill 2476 and believe it poses a significant threat to Hawai'i's commercial boating industry, and, by extension, the entire tourism sector.

We are particularly concerned about a provision in HB 2476 that designates all ocean waters in the State within 3000 feet from shore as ocean recreation management areas (ORMAs). This bill will prohibit commercial activity in the ORMAs unless authorized by a use permit, and the department may designate zones where specific recreational and commercial ocean activities may occur. This seems extreme and a massive undertaking. We firmly believe in streamlining government regulations to provide predictability for businesses. Measures such as this create barriers, uncertainty, and distrust.

We are also surprised that this bill prohibits commercial activities on weekends and state and federal holidays unless authorized by the Board of Land and Natural Resources. This will drastically reduce operations and could force companies out of business. It also unfairly penalizes residents who only have those days off to enjoy commercial boating activities. We have boating companies on our coastline that have offered well-known kama'aina programs and specials for decades.

The Kona-Kohala Chamber encourages entrepreneurship and small business development. Many of the companies in the commercial boating industry are locally owned and operated, provide good jobs, and contribute to their respective communities. We have boating companies that have been in our community for 30, 40, and 50 years. Passing this bill will significantly impact these businesses, the livelihoods of our residents, and the fabric of our community.

We urge legislators to think about the far-reaching impacts of this bill and **oppose HB 2476**.

Sincerely,

A handwritten signature in black ink that reads 'Wendy J. Laros'. The signature is written in a cursive, flowing style.

Wendy J. Laros, President and CEO
Kona-Kohala Chamber of Commerce

HB-2476

Submitted on: 2/1/2024 12:27:53 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Brooklyn Jolee Samm	Blue Water Rafting	Oppose	Written Testimony Only

Comments:

We have passengers whom go out with us every year christmas morning on a whale watch as a family tradition.

Why would you take away a special activity a local family does every christmas morning?

We have staff whom ask every year to work on Christmas because they do not have much family left and they enjoy bringing hapiness to the pasengers on a Holiday.

Taking away commccercial activity on a Holiday is not okay.



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

**HEARING BEFORE THE HOUSE COMMITTEE ON WATER & LAND
HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 430
Thursday, February 1, 2024 AT 9:00 A.M.**

To The Honorable Linda Ichiyama, Chair
The Honorable Mahina Poepoe, Vice Chair
Members of the Committee on Water & Land

OPPOSE HB2476 RELATING TO OCEAN RECREATION MANAGEMENT

The Maui Chamber of Commerce **OPPOSES HB2476** which designates all ocean waters of the State within 3,000 feet from shore as ocean recreation management areas (ORMAs). Prohibits commercial activity in ORMAs unless authorized by use permit and prohibits commercial activities in ORMAs on weekends and state and federal holidays unless authorized by the Board of Land and Natural Resources.

The Chamber notes that there are Kama'aina customers of Ocean Recreation Activity operators, who, like most residents, have weekends and holidays off and can go on a whale watch, guided hike, bike, or scuba dive now. If this Bill passes, they must take time off of work. No playcation for residents.

We think that cutting back on these small businesses' income potential, which is already naturally reduced by Mother Nature due to inclement weather days (20% of the year), is a sizeable purposeful decrease when the economy is already down.

Please do not further shrink these critical features of our visitor industry. At present, they need our support, especially those on Maui.

For these reasons we **OPPOSE HB2476** and respectfully ask that it be deferred.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



February 2, 2024

Linda Ichiyama, Chair
Mahina Poepoe, Vice Chair
Committee on Water and Land
House of Representatives
Hawaii State Legislature

Opposition to HB2476

Dear Chair Ichiyama, Vice Chair Poepoe and Members of the Committee on Water and Land

Thank you for the opportunity to provide our testimony on HB2476. Our Kohala Coast Resort Association members are located along a 20-mile stretch of coastline on Hawaii Island. Our hotels and resorts undertake a number of commercial ocean recreation activities including: outrigger canoe sunset sails, scuba diving and snorkel tours, kayaking, paddleboarding, surfing, and more.

We are opposed to this measure because:

- 1) As written, the bill would not allow any commercial activity to occur along these shorelines during weekends or state and federal holidays without a permit. That would decrease the days when we could conduct business within the proposed Ocean Management Recreation Area (OMRA) by nearly a third (14 holidays+104 weekend days/365 days per year) – 32%;
- 2) We have serious concerns about DOBOR's ability to respond in a timely manner to permitting requests and questions. DOBOR's neighbor-island operations are significantly understaffed, and calls and inquiries are not always returned.
- 3) The bill does not adequately detail how permits will be issued, the timeframe for application and issuance, whether or not those permits would be tied to the business entity, or to the individual pieces of recreation equipment, or to both.
- 4) Our ocean recreation activities are one of the primary reasons our guests choose to stay at our hotels and resorts. If the opportunities for ocean recreation are removed or hampered, this bill could have negative cascading impacts. As written, this bill could lead to a loss in visitors, with a related loss in revenues, with a related loss in taxes (TAT, GET, and ocean tour tax revenues). With those revenue declines, we'd have to make tough decisions to reduce our number of employees, which could lead to further cascading community impacts.

While we understand and appreciate that this bill was intended to streamline management for the patchwork of ocean recreation areas across the state, as well as try to address those commercial outfitters who are negatively impacting public access areas, we do not believe that this measure as written is the way to proceed.

To summarize, we believe there is broad overreach in stating when ocean recreation activities can take place. Weekends and holidays are the primary times when everyone wants to get out and enjoy our natural resources, and local residents use commercial ocean recreation opportunities too! The lack of detail in this bill also makes it confusing and could exacerbate ongoing staffing and administrative challenges faced by DLNR's DOBOR. Can you just imagine if every commercial provider of ocean recreation equipment was required to request a new permit every time they replaced a surfboard or a snorkel set? There are likely hundreds of thousands of pieces of ocean recreation equipment currently in use across the state, which are used by the millions of visitors who come to Hawaii specifically for ocean recreation. What an administrative nightmare this would be for all of those businesses and for DOBOR!

For these reasons and more we oppose HB2476.

On behalf of our 5,000 employees and 20,000 Hawaii Island residents, thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Stephanie P. Donoho". The signature is fluid and cursive.

Stephanie Donoho, Administrative Director

HB-2476

Submitted on: 2/2/2024 2:41:08 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Patricia Cadiz	HST Windsurfing & Kitesurfing Lessons	Oppose	Written Testimony Only

Comments:

I strongly oppose HB2476 specifically because of the proposal to eliminate all weekends, and state and federal holidays.

This proposal eliminates access to lessons, guided activities and tours for Hawaii residents that work or go to school full time! If you want to learn a skill with the help of a trained, certified instructor, sorry! If you want to have your celebration - anniversary, wedding, retirement, birthday, etc, on a tour boat - forget about it! Weekends and holidays are the only times that working residents have access to lessons.

I would like to suggest that the DOBOR Enforcement Division could do a better job of reducing the impact of renegade (unpermitted) operators before the Department unfairly targets the permitted operators.

And please consider how deeply your Maui activity businesses are suffering after the wildfires. This business killing measure is the last thing that we need right now.

Please oppose this poorly thought out proposal.

thank you for your time.

-Patricia Cadiz
HST Windsurf, Kitesurf and WingFoil Lessons
Maui, HI

HB-2476

Submitted on: 2/2/2024 4:16:23 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Mark	Foxylady Sportfishing	Oppose	Written Testimony Only

Comments:

I strongly Oppose billHB2476 and question even the legality of the bill that prevents a corporation from choosing how they can sell there corporation or pass on ownership of a privately held Corp.

the State must recognize the investment of Corp owners and how this bill strips away the value of their investment? The state also generates millions in revenue from theses operators already as well as providing meaningful employment to our residence.

by stripping away the permits if a Corp is sold will be detrimental to many workers in the industry and new operations will not want to invest in the industry knowing the loss of there investment if the Corp is sold.

the state has been negligent in providing more and better marina space for years where there could be more operators and more state revenue. This bill is not the fix and again anti business mentality.

thank you

Mark Rodrigues

HB-2476

Submitted on: 2/2/2024 5:24:05 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Shawn Bessex	Makana Lani fishing LLC	Oppose	Written Testimony Only

Comments:

As a new charter fishing business owner in Kona I am deeply concerned about my future in light of these provisions in HB 2476. After spending my hard earned funds on a ramp permit and boat I am now looking at a bleak financial future.

Please kill this bill immediately.

Mahalo,

Shawn Bessex

Makana Lani Fishing Charters LLC.

HB-2476

Submitted on: 2/2/2024 6:08:07 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Aryn Schunzel	Captain Zodiac Kona	Oppose	Written Testimony Only

Comments:

Highly oppose this bill as it doesn't solve any problems, but create more for our community. The economic impact this would impose would result in thousands without enough money to make ends meet. It's already expensive enough to live on this island that is predominantly dependent on tourism, why make it more difficult for people to get by?

HB-2476

Submitted on: 2/2/2024 6:38:59 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Shawn Rotella	G-10 corp	Oppose	In Person

Comments:

I strongly oppose HB2476. The vague nature in the language of this bill leaves the opportunity open for many unforeseen rule changes. This bill would not only restrict my capabilities to fish in productive areas, but would also severely impact the number of days I can operate. We take so many local families fishing on the weekends and holidays so I know the community impacts on my part aren't justified. The intent of this bill may be targeted towards shoreline activities however it is not clearly specified therefore many will suffer unintended impacts.

HB-2476

Submitted on: 2/3/2024 9:14:47 AM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Jared Dow	Country Marine Services	Oppose	Written Testimony Only

Comments:

I strongly appose this bill that wouldn't allow any business within 3000 meters to operate on weekends , state and federal holidays. How arfe our military and working Kamaina going to get to enjoy these activities? How can someone (DLNR) decide that a business can't all of suden opperate 100 plus days of the year?! this bill will destroy small businesses and famillies that depend on this lively hood.

HB-2476

Submitted on: 2/3/2024 3:40:34 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Robert Hudson	Camelot sport fishing	Oppose	Written Testimony Only

Comments:

Please please don't do this thing. Have meetings take note of everyone's concerns. Please don't punish us because of mismanagement by DLNR and DOBOR. Thanks in advance. Much aloha and God Bless

HB-2476

Submitted on: 2/3/2024 4:01:03 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Dee Bradford	High Noon Charters, Inc.	Oppose	In Person

Comments:

Both the HB2477 and HB2476 bills are devastating to the small business owners who hold commercial permits. There aren't any issues with overcrowding for the vast majority of permit holders. The small number of problem areas, ie. Kahaluu beach, Kealakekua bay, and ramp permits can be easily corrected without devastating the vast majority of permit holders.

In reading through the testimonies, there are 100-1 against both of these bills as they are a terrible overreach by the DLNR. Please kill these bills in committee and let DLNR work with the public, not against the will of the people.

I oppose HB 2476

HB-2476

Submitted on: 2/4/2024 8:36:22 AM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Theresa Reioux Finch	Bayside Catering LLC	Oppose	Written Testimony Only

Comments:

I oppose the bill to prohibit commercial activity on weekends and holidays. I have been catering for the boats since 1992 and from experience I can tell you our most profitable periods are during holidays and weekends. The monies generated to the state from the commercial boating will be detrimental to an already suffering economy on Maui. We have been severely impacted by the Wildfires of 8/8/2023 and this bill is pointing us in the wrong direction toward recovery. It would seem the DLNR is catering more to the wealthy newcomers with fancy boats than the working people of the islands. So many of us on the island are connected to this commercial boating business. Many lives and incomes would be directly affected. We are all connected.

HB-2476

Submitted on: 2/4/2024 11:14:11 AM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Gary Wong Wagner	Bob Marlin Charters	Oppose	Written Testimony Only

Comments:

I am submitting my testimony today in opposition of HB2476. This bill will not only kill many jobs, but it will be hard to enforce with limited resources. No commercial operations or activity with 3000ft of the shoreline and prohibiting working on weekends and holidays will impact surf schools, stand up paddle rentals, scuba diving companies, and snorkel charters (both land and boat services). This bill will kill many local and native Hawaiian owned businesses.

HB-2476

Submitted on: 2/4/2024 4:04:11 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Gregory Fogarty	Pacific Marlin Club	Oppose	Written Testimony Only

Comments:

These will severely limit our fishing areas along the big island were we spend time fishing when the offshore water is to nautical to take our clients. Again another bill that was submitted with out proper notification to the public.

HB-2476

Submitted on: 2/4/2024 4:56:14 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Kenton Geer	Archery Adventures Hawaii	Oppose	Written Testimony Only

Comments:

This Bill highlights everything that's broken about Hawaii. This bill is nothing short of legalizing theft for the states financial gain. The idea that a person could work their whole life to buy and own a charter slip only to have the state steal it with the swipe of a pen is outrageous. I wouldn't even believe it was true if I hadn't personally already experienced this with the state doing it to the commercial fishing slips. The commercial fisherman were too few and too busy trying to make a living offshore. The previous bill that stole the rights of the commercial fishermen slipped through the cracks. Don't let this happen to the other commercial sectors and recreational users. When they took away the rights to sell and purchase commercial fishing slips they started a chain of demise that is killing the local fishing industry around the state. Stop this bill, put the hard working people of Hawaii first. Stop looking at short term gains and consider the generations that have made a living from the water. This bill is sugar coated and diluted with a false environmental angle to make it feel like a feel good story. This bill is made to appear like its about protecting our resources when in reality it's about lining the states pocket. The harbors problems stem from the gross mismanagement of funds, not the user groups. A complete internal investigation from a third party should be looked into the states harbors spending before even considering this bill. Anyone who's spent anytime around the system knows that the harbors have different rules for different people. Perhaps a proper clean up of system could alleviate the financial issues. Make the ethically correct decision and do not pass this bill without a complete audit of the habors spending. Not just for the people of today but for the future of small business that depend on the marine resources here in our state.

HB-2476

Submitted on: 2/4/2024 5:22:33 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Porter Turnbull	North Shore Sailing Adventures	Oppose	Remotely Via Zoom

Comments:

As an operator of a small business which runs a charter boatt out of Haleiwa Small Boat Harbor I am in opposition to HB 2476. Charter sailing and other vessels near shore within the ORMA does no harm to the environment nor to the enjoyment of the waters by other persons. Indeed access to the few anchorages for snorkeling and swimming activities is the back bone of our operations and without this activity our businesses will fail.

Furthermore prohibiting commerciala activities in the near shore or ORMA areas provides no benefit to the Hawaii public and again eliminating near shore access will deal a death blow to many small boat operators. Indeed a majority of our business serves residents and non residents as well on the weekends which is often the only time available for their enjoyment of our Hawaiian waters. As well our regular community out raech provividng gratis tours to Hawaii resident children and groups for ocean education occur by necessity on the weekends.

These recently surprise bills trying to hamper or eliminate small Hawaii business are unprecdneted and heavy handed. Where is the evidence that thes bills are needed? Who indeed is behind these bills and to what end? HB 2476 and 2477 and others do nothing positive for the Hawaii public and seeks to destroy current small business boat operators who as a group work within all giudelines, provide for their families, pay fees and taxes, and are charged with the up keep and safe operation of vessels in Hawaiian waters. Why ae Hawaii small boat operators being targeted? By whom and why have these punitive bills been proposed? The politicians and political appointees suppotting these bills are out of touch with the reality of running a small business and operating in Hawaiiin waters. Again to what party(s) are these bills desirnged to empower of benefit ?



TO: Representative, Linda Ichiyama, Chair
Representative, Mahina Poepoe, Vice Chair
Committee Members

FROM: Marri Murdoch, Founder and President
Travel Visions Aloha for the Blind, a Nonprofit Organization

Committee: Tuesday, February 6, 2024
4:30 PM
Conference Room 430

RE: Strongly opposed Bill HB 2476, relating to Ocean Recreation Management

My name is Marri Murdoch, Founder and President of Travel Visions Aloha for the Blind. I am writing to express my strong opposition to Bill HB 2476 relating to Ocean Recreation Management. This bill, which mandates the closure of ocean-related businesses on weekends, state, and federal holidays, severely impacts not only small businesses but also the blind and visually impaired community we serve. Our organization has conducted surveys among O'ahu's blind and visually impaired residents, revealing a high demand for recreational activities, particularly on weekends and holidays. These activities include water sports such as whale watching, swimming with dolphins, surfing, canoeing paddle boarding and parasailing—experiences that significantly enhance their quality of life.

Unfortunately, Bill HB 2476 fails to consider the needs and interests of our community members, including those with disabilities, by restricting access to these vital recreational opportunities during the most feasible times. Such limitations not only undermine the inclusivity and accessibility of recreational activities but also affect family members visiting from out of town, restricting their ability to participate in these activities together on weekends and holidays.

It is offensive and disregarding to overlook the interests of the disabled community and the general public in favor of regulations that significantly hinder their recreational freedom. Our organization stands for the rights and opportunities for the blind and visually impaired to engage fully in society, including recreational pursuits. Therefore, we urge a reconsideration of the implications of this bill on all community members and advocate for policies that support inclusivity, accessibility, and the well-being of the disabled community.

Sincerely,

Marri Murdoch, Founder and President
Travel Visions Aloha for the Blind, a Nonprofit Organization.

marri@travelvisionsaloha.org

(808)343-8913

February 4, 2024

HB-2476

Submitted on: 2/5/2024 6:28:16 AM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Kes Parent(s)	Small Kill Bill HB2476 & HB2477 Group	Oppose	Written Testimony Only

Comments:

A petition started by a small group of residents in Hawaii that strongly opposes HB2476 and HB2477.

For petition reference and review:

<https://www.change.org/KillBillHawaii>

HB-2476

Submitted on: 2/5/2024 8:17:52 AM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Paul DAngelo	Big Island Divers	Oppose	Written Testimony Only

Comments:

I strongly appose HB 2476.

HB-2476

Submitted on: 2/5/2024 9:39:13 AM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Captain Woody Woodward	Captainwoodysmaui	Oppose	Written Testimony Only

Comments:

Aloha , I OPPOSE!!! - Bill Hb2476 it will strongly negatively effect all businesses in Hawaii removing 96 days a year of potential business, in businesses that are weather based and sometimes weekends my be are only option! Especially here in Lahaina, Maui struggling to hold on as it is !!!! It's rubbing salt in the wounds!!! your going to take away more potential work days & TAX REVENUE? Please rethink this Bill sincerely Captain Woody- Maui's original private small boat charter going on 4 decades of servicing the community!

HB-2476

Submitted on: 2/5/2024 9:43:31 AM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Caitlin Maratea	Banyan Tree Divers Maui	Oppose	Written Testimony Only

Comments:

I vehemently oppose HB2476. This bill represents dangerous government overreach and directly penalizes small businesses who are still trying to recover from Covid and Maui's recent fires. Firstly, most of the coastline is inaccessible recreationally and designating the entire coastline as such is a false categorization. How would permitting work for the ORMA redesignation? Would legally permitted businesses who currently do not operate in ORMA designated areas have to apply for brand new permits? Would the DLNR approve ORMA permits for existing CUP permit holders? There are too many unknown consequences of this legislation to warrant support.

In addition, removing almost 120 days of work from small businesses would severely cripple a number of industries. Ocean related businesses are already subject to many cancellations per year due to weather. Removing 30% of the days in a year that one can hope to earn a living is disastrous for already struggling businesses who are currently in recovery, dealing with the new increase in state tax, inflation, as well as adhering to the 30 by 30 initiative. This is severe government overreach and intolerable.

HB-2476

Submitted on: 2/5/2024 9:58:55 AM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Margaret Sutrov	Maui Pacific Divers	Oppose	Remotely Via Zoom

Comments:

Dear Committee Chair,

RE: Bill # 2476

I am writing to express my strong opposition to Bill #2476 which proposes significant restrictions on commercial ocean activities in state waters, particularly on weekends and holidays. As a small business offering private charter whale watches, scuba, and snorkel trips, these proposed regulations would have a severe impact on our operations and potentially jeopardize our ability to remain viable.

After spending 17 years on the commercial permit waitlist, we opened our small business in early 2023 and operate out of Ma'alaea Harbor. My partner designed and built our boat. We take up to six passengers at a time, and work to both limit our impacts and educate our customers about Maui Nui's marine ecosystems. We use a private charter model specifically so that we can be flexible to also contract with conservation nonprofits and researchers. When they don't have funding, such as water testing immediately after the August 8 fires, we donated time on our boat. Roughly half of our customers are kama'aina. We have also been donating trips to Lahaina families to offer healing on the water. So, limiting what days we can operate limits the ability of the people of Hawaii to be on the water using our services. I am an educator and was born and raised on Maui, so my dream as our business becomes more successful is to offer as much outreach to Maui's youth as our business can sustain. Limiting the days we can operate limits means we cannot offer as many discounted trips to conservationists and researchers. It limits our potential success and ability to provide employment for people displaced by the fires, many of which used to work in Lahaina Harbor.

I understand the importance of effective ocean recreation management, and I appreciate efforts to strike a balance between conservation and commercial activities. However, the current language of the bill fails to consider the practical implications on businesses like mine, which are unfairly targeted and constantly blamed for various issues.

The commercial charter industry is often unfairly singled out for environmental concerns, safety issues, or other challenges that are not solely within our control. While we are committed to responsible practices, this bill unfairly places the burden on our industry without considering the broader context and the shared responsibility of all stakeholders.

I urge the committee to reconsider the proposed restrictions and work towards a solution that accommodates the interests of both conservation and the local business community. Collaborative discussions with stakeholders could lead to a more balanced approach that achieves the intended goals without unfairly scapegoating our industry.

I would appreciate the opportunity to further discuss my concerns during any upcoming hearings or meetings regarding this bill. Thank you for considering my testimony, and I hope that we can find a mutually beneficial resolution.

Sincerely,

Margaret Sutrov

Manager/Co-owner

Maui Pacific Divers

291 Ainakula Rd, Kula HI 96790 (808) 283-0109 maggie@mauipacificdivers.com

HB-2476

Submitted on: 2/5/2024 10:15:35 AM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Amy & Colin Cornforth	Kona ZOdiac Ltd. dba Captain ZOdiac	Oppose	Written Testimony Only

Comments:

We are writing in strong opposition of this bill. As a business that's been around for 50 years we understand that taking away weekends, state and federal holidays will be a large reduction in revenue. As well as limiting time on the water for locals that only have weekends and holidays to charter with us.

HB-2476

Submitted on: 2/5/2024 11:40:56 AM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Jessica Pickering	Maui Diving- Scuba & Snorkel Center	Oppose	Written Testimony Only

Comments:

To Whom It May Concern:

I operate a scuba dive business on the shores of Maui without a boat and I am a full time Lahaina resident. We are the largest shore diving company on island and my business would be greatly impacted negatively if this goes through. To not be able to conduct business on the weekennds would end my company. Most people's recreational time is on the weekends and we take guided dives out or classes on the weekend every weekend. To be restricted from diving 2/7 days a week is too big of a blow financially to sustain. Please with the fires in Lahaina and the COVID shut downs we are trying our best to survive. This bill would crush us and every other small business trying to make a living. I am greatly, strongly, vehemently opposed to HB2476.

HB-2476

Submitted on: 2/5/2024 12:48:53 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Ashley Ciccarello	Pygmy Whale Shark Scuba, LLC	Oppose	Written Testimony Only

Comments:

Subject: Opposition to Bill HB2476 - Protecting Weekend Scuba Diving

To Whom it May Concern,

I am writing to express my strong opposition to Bill HB2476, particularly the provision that restricts commercial activity, particularly scuba diving, in Ocean Recreation Management Areas (ORMAs) on weekends and state and federal holidays.

As an avid scuba diver, I have personally experienced the joy and serenity that exploring our coastal waters brings. Beyond the personal enjoyment and the ability to pay my own rent as an instructor, weekend scuba diving plays a crucial role in supporting local businesses that cater to the diving community. Dive shops, instructors, and related services heavily rely on weekends to generate income, and restricting these activities would have a severe economic impact, especially as we all try to rebuild after the August 8th Lahaina fire.

Furthermore, the bill fails to recognize the responsible and sustainable practices followed by the majority of the scuba diving community. Instead of a blanket prohibition, I urge you to consider alternative measures such as enhanced regulation, education, and enforcement to ensure the preservation of our oceanic ecosystems while allowing responsible recreational activities to thrive.

In conclusion, I implore you to reconsider the restrictions on weekend scuba diving outlined in Bill HB2476. It is essential to strike a balance between environmental conservation and supporting local economies, and I believe that collaborative solutions can be found to achieve both goals.

Thank you for your time and consideration.

Sincerely,

Ashley Ciccarello
Lahaina, HI 96761
Ashley.ciccarello@gmail.com

HB-2476

Submitted on: 2/5/2024 3:20:32 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Shaylee King	Kona Snorkel Trips	Oppose	Written Testimony Only

Comments:

Aloha,

I strongly oppose the bill be presented here as my entire career is based on ocean education, activities and recreation. This bill will affect many local communities in Hawaii that depend on these resources and shorelines for income and natural resources for food, etc.

Mahalo,

Shaylee

HB-2476

Submitted on: 2/5/2024 3:27:27 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael McLaughlin	NeverDry LLC	Oppose	Written Testimony Only

Comments:

As a small business owner on Maui this feels like yet another example of the rug being pulled out from under all of us. I'm not sure what the intent here is? I read every single day about tourists constantly injuring themselves requiring help from our local emergency services and your plan is to reduce the amount of skilled professionals out there? We keep our clients safe, we clean the beaches and reefs, we help anyone in need of assistance and we are now a target? Between covid and the Lahaina fires most of us are struggling to keep our heads above water, this bill will be the final nail in the coffin for so many businesses. Please stop

HB-2476

Submitted on: 1/30/2024 9:08:42 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Judith Jennet	Individual	Oppose	Written Testimony Only

Comments:

This bill unfairly designates all in-shore waters as ORMA whether or not the actual area is considered recreational . This gives DLNR unlimited jurisdiction to unilaterally decide who gets to operate and when. It does not have any provision for public input or public decision making. The lack of renewal of current permits is exceeding unfair and places an unfair burden on small local businesses who cannot know, year to year, whether they will be displaced by some large mainland owned business. This process is also ripe for corruption as the department does not have to justify it's actions in renewing permits. I agree with not adding new permits and having the permit level be adjusted by natural attrition. This bill unfairly targets one segment of our tourism industry unfairly.

HB-2476

Submitted on: 1/30/2024 10:22:44 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Manu Powers	Individual	Oppose	Written Testimony Only

Comments:

I am writing in opposition to HB2476.

HB-2476

Submitted on: 1/30/2024 12:24:19 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Rebekah Kaufmann	Individual	Oppose	Written Testimony Only

Comments:

HB2476

I oppose HB2476

I own and operate a Scuba Diving business in Kawaihae on the big Island. Kohala Divers.

This bill would reduce revenue in small boating operations to an extent that would make it impossible to make financial sense of operating a scuba business. It would make it impossible to provide the full time sustainable jobs currently offered in this industry. It would do away with the scuba industry that attracts visitors for the sole reason of diving multiple days when visiting Hawaii. It would put an end to the conservation efforts. types of businesses like the scuba industry do to keep the ocean environment clean and healthy.

We do serve the visitor industry but 25-30% of our customers are Hawaii Island residents. This bill would greatly reduce the service for our locals who are trying to enjoy the ocean through scuba and snorkeling activities.

HB-2476

Submitted on: 1/30/2024 12:27:24 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ryan Bruner	Individual	Oppose	In Person

Comments:

I am writing to oppose House bill . My name is Ryan Bruner and I am the owner of Hawai'i Ocean Adventure Tours. We started our company in 2016. I am a small family owned business operating out of Haleiwa Harbor. This bill along with others proposed here will effectively put me and many other small companies like mine out of business. These companies Have been created and ran by people like myself who love the ocean, and do our best to show locals and visitors, our unique perspective. Many of us have young families, and we all rely on this income to feed and house those families. I personally have two young boys, three and seven years old, as well as my wife, who depend on this income to provide a living. Myself, as well as many of the other business owners that I know are not Wealthy, in fact, we are just getting by at this point. Any increase in fees or restrictions on transferring commercial slip permits would be a Debilitating and devastating to our livelihood. Please vote no and kill these bills. Sincerely Ryan Bruner.

HB-2476

Submitted on: 1/30/2024 1:04:27 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Andy McComb	Individual	Oppose	Written Testimony Only

Comments:

Aloha, while I appreciate the idea of this bill in protecting space for local people without commercial activities / visitors, I believe it comes at the expense of lost employment and cannot support it.

HB-2476

Submitted on: 1/30/2024 1:33:17 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kristy Ford	Individual	Oppose	Written Testimony Only

Comments:

In regards to Bill HB2476

I strongly oppose this bill!

It is estimated that 3 million visitors come to Maui each year. You would eliminate 2 days a week where local residents are NOT be able to work ! At a minimum not including state holidays you are taking away 104 working days in a calendar year from locals! Money they wouldn't be able to earn as a result of the boats not running on weekends! This would detrimental to those workers and the economy in the lost revenue.

I strongly oppose this bill!

Kristy Ford

HB-2476

Submitted on: 1/30/2024 1:34:26 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nikki Andricci	Individual	Oppose	Written Testimony Only

Comments:

Subject: Opposition Testimony for HB2474, HB2476, HB2477, HB2475, AND HB2093

Nikki Andricci 557 Kaikoo Pl Wailuku, HI 96793 1/30/24

[Committee Chair's Full Name] [Committee Name] [State Capitol] [City, State, ZIP Code]

I am writing to express my strong opposition to Bill Number's HB2474, HB2476, HB2477, HB2475, and HB2093, which proposes significant restrictions on commercial ocean activities in state waters, particularly on weekends and holidays. As someone who works for a small local business, these proposed regulations would have a severe impact on our operations and potentially jeopardize our ability to remain viable.

Sincerely,

Nikki Andricci

HB-2476

Submitted on: 1/30/2024 1:44:11 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Luz Siliado	Individual	Oppose	Written Testimony Only

Comments:

I appose bill HB2476 to prohibit commercial activities on weekends and holidays will have a detremental affect with the company I worked for. I have been with my company for over 27 years and have provided financial stability for my family as a single mother. The weather already dictates when we are able to do our trips and adding weekends and holidays will further decrease our revenue. The reason why DLNR have the finance to to upgrade/fix anything is due to the commercial boat companies that pay 3% on revenue. Removing weekends and holidays will significantly reduce that amount. As recently the visitor numbers have dropped so much on Maui that has impacted all business, why would you add another hit on our company when we are barely staying afloat.

HB-2476

Submitted on: 1/30/2024 1:48:21 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Shantell SanAgustin	Individual	Oppose	Written Testimony Only

Comments:

I am a Native Hawaiian living all my life on the Westside of Kauai and I OPPOSED this bill.

HB-2476

Submitted on: 1/30/2024 2:00:55 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Sean Pierce	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

HB-2476

Submitted on: 1/30/2024 2:22:10 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kelleen A Lum	Individual	Oppose	Written Testimony Only

Comments:

HB2476 OPPOSE

Please accept the following testimony opposing bill HB2476.

I am a crew member on a commercial operator: A small, family owned business of less than 22 employees, and in business since 1984. We have earned the first and only PADI Green Fins Eco-Resort designation in the State of Hawaii and have a reputation for strict ecological care and education. This bill would have a disastrous effect on our business and our employees.

The designation of all ocean waters within 3000 feet from shore as a ORMA under the complete and arbitrary oversight of the Board of Land and Natural Resources, with zero legislative input or control, and zero appeals or community input, is a dangerous precedent allowing misuse and the potential of massive unemployment and small business closures.

The burden of permitting, authorizations, and regulation on an overstretched department, while making small businesses pay for it through an unfair auction process, is tantamount to setting up an illegal bribery situation.

The special designation in this law to limit activity on weekends has no logical reason, except perhaps easing the work schedule on DLNR? Limiting operations to weekdays assumes all chartered boat operations exist for tourists alone, not our Hawaii residents. This is tantamount to barring local access to the ocean, which goes against our laws, and the very nature of the mission statement of the Board of Natural Land and Resources, which 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 the people of Hawaii nei...”. It is NOT to auction permits to the highest, foreign visitor with deep pockets, while pricing our local people out of small business, or even barring access on weekends to locals using the ocean.

The last part of the DLNR mission statement, “... Hawaii nei, and its visitors, in PARTNERSHIP (emphasis added) with others from the public and private sectors.” Where is any partnership with local businesses in this proposed insult of the law? Where is the partnership with legislature? This is, along with HB2477, a money and bribery grab by DLNR and it’s Non-Hawaii interests, to take power and oversight away from the Hawaii State Legislature, to cripple local businesses and employers and even ocean-loving cultural practitioners. Please Strike down this horrible power grab and serve your electorate.

HB-2476

Submitted on: 1/30/2024 2:23:37 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Erik Stein	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. A blanket approach to creating an enforcement area everywhere, by making all ocean access anywhere require another permit will have unintended consequences. And not good ones.

HB-2476

Submitted on: 1/30/2024 2:27:19 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
David Kohler	Individual	Oppose	Written Testimony Only

Comments:

Bill 2476 does not allow for commercial activities on weekends, state or federal holidays stating that residents have complained about crowding of launch ramps and beach access. This is not a valid reason to prohibit all commercial activity within 3000ft of shore around all islands on weekends and holidays. Many residents enjoy coastal boat tours on weekends and holidays, and these tours have no impact on overcrowding of access points. Also most residents do not own boats and their only opportunity to experience boating is via commercial operations. This bill is an extremely broad answer to a specific issue and will create more hardship for residents and businesses than it does to remedy overcrowding of specific areas.

The bill states that the current ocean recreation management areas system is a patchwork of designated and non-designated areas around each island, preventing user safety measures around some portions of each island.

Designating all areas to be ocean recreation management areas is not the solution. If there are issues with certain areas, as indicated by this bill, then that area should be looked at specifically.

HB-2476

Submitted on: 1/30/2024 2:47:31 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Chelsea Genova	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill.

HB-2476

Submitted on: 1/30/2024 2:49:19 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Phil	Individual	Oppose	Written Testimony Only

Comments:

Dear legislator,

Simply put this bill will put a lot of companies out of business and will cause many people to seek employment outside of their chosen field and much unemployment.

Thanks you.

HB-2476

Submitted on: 1/30/2024 2:55:13 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
James Stauff	Individual	Oppose	Written Testimony Only

Comments:

I am in opposition to HB2476 because of the obvious economic harm that this bill will cause to the marine industry, tourism industry, and state economy. This bill is based on subjective opinion without known facts or data.

This bill would automatically cut a minimum of 15% of the gross revenue from one of the largest industries in the State of Hawaii. Ultimately this would be a reduction of employment of 15% or more as well. There will be a ripple effect of this revenue decrease in third-party support businesses to the commercial charter industry, as well as felt throughout the entire state economy.

This bill also assumes that the commercial charter industry is only for tourists and not for locals, this is untrue. With the passing of this bill, it will cut a great section of working citizens off from access to the ocean and charters.

Many small charters will not be able to sustain their companies off this large of a revenue drop and will be forced to shutter their businesses, lay off their employees, and liquidate their assets.

I urge you to oppose this bill and thank you for taking the time to read my testament.

HB-2476

Submitted on: 1/30/2024 2:59:15 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ryan Stevenson	Individual	Oppose	Written Testimony Only

Comments:

I strongly believe this bill will negatively impact charter operators, employees, visitors, and the overall economy. Many people have poured their life savings into their businesses and the effects of this bill could have catastrophic consequences for hardworking members of the community. I strongly oppose bill HB2476.

HB-2476

Submitted on: 1/30/2024 2:59:51 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Pamela Townsend	Individual	Oppose	Written Testimony Only

Comments:

Oppose

HB-2476

Submitted on: 1/30/2024 3:07:25 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lindsey Elkington	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. I work in the ocean tourism industry and this will greatly affect my ability to work and make an income.

HB-2476

Submitted on: 1/30/2024 3:12:06 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Brian F Sward	Individual	Oppose	Written Testimony Only

Comments:

Limiting or prohibiting commercial activity on weekends/holidays risks the livelihoods and financial viability of local businesses and residents. The failure in current enforcement efforts does not warrant legislative change that would be destructive to these legitimate businesses.

HB-2476

Submitted on: 1/30/2024 3:25:18 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Theo King	Individual	Oppose	Written Testimony Only

Comments:

We need to help Wethis important part of our economy. People come to Hawaii to enjoy themselves and return they create jobs. Choices as to where one spends ones time and money, tourist dollars are not guaranteed. The community needs jobs, the state needs taxes.

I lost my home to the Lahaina fires and I lost my job due to lack of tourist. We need to help businesses not hurt them.

There is apart of my community that wants to turn back time. As we all know that is impossible. Some of us locals work 5 days a week and only have weekends off. We too like to enjoy commierical watersports.

HB-2476

Submitted on: 1/30/2024 3:55:32 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
April Sutton	Individual	Oppose	Written Testimony Only

Comments:

HB2476 is alarming because it "Prohibits commercial activities in ORMAs on weekends and state and federal holidays unless authorized by the Board of Land and Natural Resources."

I'm a PADI dive instructor that leads dives on the Kohala Coast. I pride myself on teaching my divers the ecological importance and vulnerability of the reef ecosystems we have here. Many of the divers who come out on the weekends are locals. This is because weekends are the only days they are available to dive.

Additionally, many of the dive sites we utilize are not safely accessible by shore, and so boat charters are the only responsible way for divers to reach those specific dive sites. Were commercial activities to be prohibited on the weekends, these divers might try shore diving without being aware of the hazards, without the guidance of a knowledgeable, professionally-certified dive guide. This could result in an increase of injured, or even missing, divers.

Respectfully, I ask you not to pass this bill.

HB-2476

Submitted on: 1/30/2024 4:23:44 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Shannon Daliva	Individual	Oppose	Written Testimony Only

Comments:

I am writing to express my strong opposition to HB2476, which proposes significant restrictions on commercial ocean activities in state waters, particularly on weekends and holidays.

HB-2476

Submitted on: 1/30/2024 5:02:52 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Gregory Kaufmann	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. I own and operate 2 boating businesses in Hawaii and this bill if passed will be disastrous to my ability to stay in business and keep my full time staff employed.

I have earned my income in the boating industry for the past 30 years as have many of my peers and I fear I will be unemployable if the boating business is damaged as it surely will be if this bill is passed. Please represent the long term residents and of Hawaii and oppose this bill.

HB-2476

Submitted on: 1/30/2024 5:10:59 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Monique LeBlanc	Individual	Oppose	Written Testimony Only

Comments:

I'm a 35 year resident & Work on the activity field. These Bill's that you are trying to pass are contradictory to the efforts to rebuild tourism.

Are you supportive of tourism, or against it.

Now is not the time to put more restrictions on activity & boating community. They are trying to recover from the effects of the Fire.

Please focus your efforts on long term housing for our fire victims, and those who have lost everything. Support the Boating & Tourism industry rather than beat them down.

HB-2476

Submitted on: 1/30/2024 5:28:29 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
LiAnne Driessen	Individual	Oppose	Written Testimony Only

Comments:

Subject: Opposition Testimony for Bill HB2476

LiAnne Driessen. 67 Puu Koa Pl. Haiku HI. 96708, lianne.coon@gmail.com. 808-283-3810.
1/30/2024

Chair Ichiyama, Vice Chair Poepoe and members of the WAL committee.

Dear Chair Ichiyama,

RE:HB2476 Ocean Recreation Management Areas; Commercial Ocean Activity

I am writing to express my strong opposition to HB2476 Ocean Recreation Management Areas; Commercial Ocean Activity which proposes significant restrictions on commercial ocean activities in state waters, particularly on weekends and holidays. As a native Hawaiian and business owner of Trilogy Excursions, these proposed regulations would have a severe impact on our operations and potentially jeopardize our ability to remain viable.

In addition to providing safe and sustainable snorkeling and tour boat activities to visitors we also share these experiences with our Kama'aina. By limiting access to our ocean and removing the ability to operate on weekends, is a huge mistake and benefits no one. From a local perspective, if boats are not allowed to operate, our local beaches will only get more crowded with visitors. Also, as a local who works Mon-Fri, i love enjoying my weekends doing experiences out on the water. If we are not able to operate on weekends we disadvantage our local community as well as the business and visitor experience. My company has always operated with the highest regard to our environment-- being leaders in sustainable tourism and giving back in huge ways to our community--monetarily.

I understand the importance of effective ocean recreation management, and I appreciate efforts to strike a balance between conservation and commercial activities. However, the current language of the bill fails to consider the practical implications on businesses like mine, which are unfairly targeted and constantly blamed for various issues.

The boating industry is often unfairly singled out for environmental concerns, safety issues, or other challenges that are not solely within our control. While we are committed to responsible

practices, this bill unfairly places the burden on our industry without considering the broader context and the shared responsibility of all stakeholders.

I urge the committee to reconsider the proposed restrictions and work towards a solution that accommodates the interests of both conservation and the local business community. Collaborative discussions with stakeholders could lead to a more balanced approach that achieves the intended goals without unfairly scapegoating our industry.

Sincerely,

LiAnne Driessen

HB-2476

Submitted on: 1/30/2024 5:30:05 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jonah Rondash	Individual	Oppose	Written Testimony Only

Comments:

Please accept the following testimony opposing bill HB2476.

I am a crew member on a commercial operator: A small, family owned business of less than 22 employees, and in business since 1984. We have earned the first and only PADI Green Fins Eco-Resort designation in the State of Hawaii and have a reputation for strict ecological care and education. This bill would have a disastrous effect on our business and our employees.

The designation of all ocean waters within 3000 feet from shore as a ORMA under the complete and arbitrary oversight of the Board of Land and Natural Resources, with zero legislative input or control, and zero appeals or community input, is a dangerous precedent allowing misuse and the potential of massive unemployment and small business closures.

The burden of permitting, authorizations, and regulation on an overstretched department, while making small businesses pay for it through an unfair auction process, is tantamount to setting up an illegal bribery situation.

The special designation in this law to limit activity on weekends has no logical reason, except perhaps easing the work schedule on DLNR? Limiting operations to weekdays assumes all chartered boat operations exist for tourists alone, not our Hawaii residents. This is tantamount to barring local access to the ocean, which goes against our laws, and the very nature of the mission statement of the Board of Natural Land and Resources, which 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 the people of Hawaii nei...". It is NOT to auction permits to the highest, foreign visitor with deep pockets, while pricing our local people out of small business, or even barring access on weekends to locals using the ocean.

The last part of the DLNR mission statement, "... Hawaii nei, and its visitors, in PARTNERSHIP (emphasis added) with others from the public and private sectors." Where is any partnership with local businesses in this proposed insult of the law? Where is the partnership with legislature? This is, along with HB2477, a money and bribery grab by DLNR and it's Non-Hawaii interests, to take power

and oversight away from the Hawaii State Legislature, to cripple local businesses and employers and even ocean-loving cultural practitioners. Please Strike down this horrible power grab and serve your electorate.

HB-2476

Submitted on: 1/30/2024 5:39:17 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Paige Knotts	Individual	Oppose	Written Testimony Only

Comments:

Please accept the following testimony opposing bill HB2476.

I am a crew member on a commercial operator: A small, family owned business of less than 22 employees, and in business since 1984. We have earned the first and only PADI Green Fins Eco-Resort designation in the State of Hawaii and have a reputation for strict ecological care and education. This bill would have a disastrous effect on our business and our employees.

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and oversight away from the Hawaii State Legislature, to cripple local businesses and employers and even ocean-loving cultural practitioners. Please Strike down this horrible power grab and serve your electorate.

HB-2476

Submitted on: 1/30/2024 5:44:50 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jack	Individual	Oppose	Written Testimony Only

Comments:

I oppose

HB-2476

Submitted on: 1/30/2024 5:48:27 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Shelley Carey	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB2476 due to the impact it would have on small business.

HB-2476

Submitted on: 1/30/2024 5:50:48 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Joseph Scardaci	Individual	Oppose	Written Testimony Only

Comments:

I oppose

HB-2476

Submitted on: 1/30/2024 6:07:17 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ashley Roussel	Individual	Oppose	Written Testimony Only

Comments:

This bill could significantly harm Hawaii's commercial charter industry, potentially reducing revenue and employment by over 15%. It unfairly assumes commercial charters cater only to tourists, thereby restricting access for local residents, particularly those working full-time who can only use these services on weekends and holidays.

Eliminating public input for such an extended period undermines the democratic process and may lead to decisions that do not reflect the community's needs or interests. I urge the committee to reconsider the bill's implications and promote a balanced approach that values both our ocean resources and the economic and recreational needs of Hawaii's residents.

HB-2476

Submitted on: 1/30/2024 6:13:03 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jennifer	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB 2476 due to the detrimental impact it will have on small businesses.

HB-2476

Submitted on: 1/30/2024 6:20:14 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
John Burke	Individual	Oppose	Written Testimony Only

Comments:

My name is John Burke. I own Skillet Sportfishing in Kailua, Kona,Hi. It's a charter boat company that takes up to six people fishing. I'm a very small business that's trying to make ends meet. This bill that your proposing in essence will not allow me to take my boat within 3000 feet of shore while I'm fishing thus limiting the way I do business. I don't understand how you could pass this bill and I strongly oppose it. Thank you

HB-2476

Submitted on: 1/30/2024 6:25:35 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jenn Carey	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB 2476

HB-2476

Submitted on: 1/30/2024 6:27:29 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
David Quintanilla	Individual	Oppose	Written Testimony Only

Comments:

This bill could significantly harm Hawaii's commercial charter industry, potentially reducing revenue and employment by over 15%. It unfairly assumes commercial charters cater only to tourists, thereby restricting access for local residents, particularly those working full-time who can only use these services on weekends and holidays.

Eliminating public input for such an extended period undermines the democratic process and may lead to decisions that do not reflect the community's needs or interests. I urge the committee to reconsider the bill's implications and promote a balanced approach that values both our ocean resources and the economic and recreational needs of Hawaii's residents.

HB-2476

Submitted on: 1/30/2024 6:29:04 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Bailey Morris	Individual	Oppose	Written Testimony Only

Comments:

Opposed

HB-2476

Submitted on: 1/30/2024 6:35:18 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Virginia Armstrong	Individual	Oppose	Written Testimony Only

Comments:

We strongly oppose this and any related bill that could significantly reduce the number of operating days per year. If passed removing a 1/3 of the revenue-producing opportunities would have an immediate impact on people's livelihoods, the viability of businesses to continue to operate, the taxable revenue the industry generates for the state to fund programs for our residents and their families. This would drive more people to a "black market" of the industry and operate without oversight or regulation, the very activity that you are trying to curtail.

HB-2476

Submitted on: 1/30/2024 6:35:47 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nicholas gambino	Individual	Oppose	Written Testimony Only

Comments:

No comments

HB-2476

Submitted on: 1/30/2024 6:38:53 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Phillip Peck	Individual	Oppose	Written Testimony Only

Comments:

HB2476 OPPOSE

Please accept the following testimony opposing bill HB2476.

I am a crew member on a commercial operator: A small, family owned business of less than 22 employees, and in business since 1984. We have earned the first and only PADI Green Fins Eco-Resort designation in the State of Hawaii and have a reputation for strict ecological care and education. This bill would have a disastrous effect on our business and our employees.

The designation of all ocean waters within 3000 feet from shore as a ORMA under the complete and arbitrary oversight of the Board of Land and Natural Resources, with zero legislative input or control, and zero appeals or community input, is a dangerous precedent allowing misuse and the potential of massive unemployment and small business closures.

The burden of permitting, authorizations, and regulation on an overstretched department, while making small businesses pay for it through an unfair auction process, is tantamount to setting up an illegal bribery situation.

The special designation in this law to limit activity on weekends has no logical reason, except perhaps easing the work schedule on DLNR? Limiting operations to weekdays assumes all chartered boat operations exist for tourists alone, not our Hawaii residents. This is tantamount to barring local access to the ocean, which goes against our laws, and the very nature of the mission statement of the Board of Natural Land and Resources, which 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 the people of Hawaii nei...". It is NOT to auction permits to the highest, foreign visitor with deep pockets, while pricing our local people out of small business, or even barring access on weekends to locals using the ocean.

The last part of the DLNR mission statement, "... Hawaii nei, and its visitors, in PARTNERSHIP (emphasis added) with others from the public and private sectors." Where is any partnership with local businesses in this proposed insult of the law? Where is the partnership with legislature? This is, along with HB2477, a money and bribery grab by DLNR and it's Non-Hawaii interests, to take power and oversight away from the Hawaii State Legislature, to cripple local businesses and employers and even ocean-loving cultural practitioners. Please Strike down this horrible power grab and serve your electorate.

HB-2476

Submitted on: 1/30/2024 6:53:34 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tim Conners	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose hb2476

I operate a 6 passenger commercial sailboat offering sailing and snorkeling out of Honokohau harbor. Nearly 100% of my tours occur within 3000 feet of shore. 99% of snorkeling and SCUBA tours on the island of Hawaii occur within 3000 feet of shore. To close all commercial operations within 3000 feet of shore on holidays makes no sense. Many of my guests are residents. With this bill I would not be able to take out residents on thier days off. The same goes for tourist who can only travel on holidays. Please reject this ridiculous bill.

Tim Conners

HB-2476

Submitted on: 1/30/2024 6:53:48 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Phil Snyder	Individual	Oppose	Written Testimony Only

Comments:

Opposed

HB-2476

Submitted on: 1/30/2024 7:24:47 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ckessler00@gmail.com	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

HB-2476

Submitted on: 1/30/2024 7:41:05 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Aspen Morrow	Individual	Oppose	Written Testimony Only

Comments:

Opposed

HB-2476

Submitted on: 1/30/2024 7:44:09 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Matthew Cockey	Individual	Oppose	Written Testimony Only

Comments:

I am deeply opposed to this proposal. It would be disastrous for countless local businesses and families. I have worked in ecotourism in Honolulu and Lahaina for nearly 12 years, and I am proud to say that we give back to the community in numerous ways. In addition to educating visitors about the marine ecosystem, we provide great experiences for kama'āina. Commercial boating offers good jobs that support individuals and families and provide considerable revenue to the State. If we could not operate on weekends and holidays, our operations would not be financially viable, as we are also limited by sea conditions. Commercial boaters already operate under many regulations to ensure safety and minimal environmental impact. Please do not restrict our days of operation. Such a measure would kill many businesses that have suffered through Covid and are already hurting in these challenging times. Mahalo.

HB-2476

Submitted on: 1/30/2024 7:57:28 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kristen Kessler	Individual	Oppose	Written Testimony Only

Comments:

I oppose the bill.

HB-2476

Submitted on: 1/30/2024 7:57:30 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Silas Carpenter	Individual	Oppose	Written Testimony Only

Comments:

I oppose

HB-2476

Submitted on: 1/30/2024 8:03:14 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Wailoa Latronic	Individual	Oppose	Written Testimony Only

Comments:

I was born and raised on the north shore. My father is a big part of the surf community, and my mother is part native Hawaiian. Even over the last ten years I have witnessed so many changes take place on this island that inhibit Oahu residents from running businesses to further support their family and community. Priority of businesses being run should be given to those who have already been loyal business owners for the last 8-10+ years, those same people who have run honest businesses with hard work and integrity. This bill will absolutely diminish the ability for small business owners to continue their work. The people who have earned their rights and paid their dues by dedicating decades of their time, day after day to their passions to serve the people of Oahu. This bill gives financial success and priority to the state, and the highest bidder, without any mind to what's right to Oahu and the people of it.

HB-2476

Submitted on: 1/30/2024 8:03:19 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jason Munning	Individual	Oppose	Written Testimony Only

Comments:

I oppose the bill.

HB-2476

Submitted on: 1/30/2024 8:09:11 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jason Novello	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill because it limits the days that people who work in the boating industry can work. These are companies that run businesses and employ tax-paying Maui residents. If they are limited to a 5 day work week, many people will lose their jobs. Many employees rely on the hours worked on holidays to gain extra pay. Also, many tourists come here specifically on holidays and weekends. If our businesses cannot cater to them on those days, Maui's economy and residents will suffer

thank you

HB-2476

Submitted on: 1/30/2024 8:09:23 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Maxine Markert	Individual	Oppose	Written Testimony Only

Comments:

Please accept the following testimony opposing bill HB2476.

I am a crew member on a commercial operator: A small, family owned business of less than 22 employees, and in business since 1984. We have earned the first and only PADI Green Fins Eco-Resort designation in the State of Hawaii and have a reputation for strict ecological care and education. This bill would have a disastrous effect on our business and our employees.

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The last part of the DLNR mission statement, "... Hawaii nei, and its visitors, in PARTNERSHIP (emphasis added) with others from the public and private sectors." Where is any partnership with local businesses in this proposed insult of the law? Where is the partnership with legislature? This is, along with HB2477, a money and bribery grab by DLNR and it's Non-Hawaii interests, to take power

and oversight away from the Hawaii State Legislature, to cripple local businesses and employers and even ocean-loving cultural practitioners. Please Strike down this horrible power grab and serve your electorate.

HB-2476

Submitted on: 1/30/2024 8:12:14 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
RALLEN CAYA	Individual	Oppose	Written Testimony Only

Comments:

You are hurting small buisness owners. Most boat tours are locally run by locals. This bill will be devastating to the working class people who are teying to make a living on this island.

HB-2476

Submitted on: 1/30/2024 8:14:42 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
kyle knudson	Individual	Oppose	Written Testimony Only

Comments:

won't do any good for tourism to be shut down on weekends , won't do anything but stifle progress and growth

HB-2476

Submitted on: 1/30/2024 8:21:53 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kaleimaeole Latronic	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill! Give small businesses a break, it is hard enough to run a business In Hawaii. Why make it harder? We need legislation to make it easier to run a business not harder. Bills like this will kill small businesses in Hawaii.

HB-2476

Submitted on: 1/30/2024 8:32:05 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
keola latronic	Individual	Oppose	Written Testimony Only

Comments:

I grew up in Hawaii, with a Native Hawaiian heritage. Over the years, I've seen so many changes that hit local businesses hard. It's disheartening to watch residents being pushed out, as financial success seems to favor the highest bidders, disregarding the small business owners who pour their hearts into supporting the people of Hawaii. Small businesses need the support of the government not another bill making it impossible for them to survive.

HB-2476

Submitted on: 1/30/2024 8:34:03 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Natasha Ashley Domingo	Individual	Oppose	Written Testimony Only

Comments:

With how this state already operates, the low minimum wage, ridiculous housing prices, and the arm and leg that each grocery run takes from me is a toll in itself. Double taxing our small businesses that provide jobs, livelihood and tourism would be unwise. Everything would close down so quickly. Do we want to influence the states income in such a negative way?

Plus what will you do with the extra tax? Where does the money go? What will you do to better our state if we're financially screwed from all the small businesses closing?

HB-2476

Submitted on: 1/30/2024 8:38:09 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Terry Flanagan	Individual	Oppose	Written Testimony Only

Comments:

Please do not pass this. It will shut down many of the best small businesses while allowing the rich to take more of what we have left here. This will effect me and many friends futures and careers.

HB-2476

Submitted on: 1/30/2024 8:40:29 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Heather Lobdell	Individual	Oppose	Written Testimony Only

Comments:

This bill will negatively impact hard working people, local businesses, and their families. This will not be good for our community.

HB-2476

Submitted on: 1/30/2024 9:04:25 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Mike Latronic	Individual	Oppose	Written Testimony Only

Comments:

Again, I submit my opposition to Hb 2477. I think it's harmful to small business owners and locals who have built their livelihood around this type of career near the ocean.

HB-2476

Submitted on: 1/30/2024 9:14:23 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Russell Keller Laros III	Individual	Oppose	Written Testimony Only

Comments:

I oppose

HB-2476

Submitted on: 1/30/2024 9:32:37 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Seth Howse	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB2476 because it is bad for small businesses and employees of small businesses.

HB-2476

Submitted on: 1/30/2024 9:35:39 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Shari Sicsko	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HB2476. and HB 2477. This is a unfair proposal to all business owners in the marine industry. This is not the answer. It's unfair and unjust. Please vote down both of these house bills immediately.

HB-2476

Submitted on: 1/30/2024 9:57:54 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kiaora Bohlool	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill.

HB-2476

Submitted on: 1/30/2024 10:01:34 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
KATRINA ZAVALNEY	Individual	Oppose	Written Testimony Only

Comments:

HB2476 – I/ We strongly oppose this and any related bill that could significantly reduce the number of operating days per year. If passed removing a 1/3 of the revenue producing opportunities would have an immediate impact on people’s livelihoods, the viability of businesses to continue to operate, the taxable revenue the industry generates for the state to fund programs for our residents and their families. This would drive more people to a “black market” of the industry and operate without oversight or regulation, the very activity that you are trying to curtail.

HB-2476

Submitted on: 1/30/2024 10:04:38 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Worrell	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill

HB-2476

Submitted on: 1/30/2024 10:48:10 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jude Schwarze	Individual	Oppose	Written Testimony Only

Comments:

Where to begin? NO! No more overreach. No more answers to problems that do not exist.! This like the "overfishing" nonsense must be opposed. "The shoreline is depleted by overfishing" is one argument. Yet anyone anywhere can visably see and count and watch the shoreline fishers, the very very very few you can find , release catch after catch only waiting for the one meal. This bill addresses a non need. Who is relieved and of what? A pesimistic non swimmer feels better because the bay must be held without use so they can revel in the power of denial. A swimmer must not swim beacause one cannot stand the sight of ripples on the water on a tuesday. I go to use this resource but you were in my way? Preposterous. A rich excentric fights for the right to purge users from her bay for it must be hers, it is obviously outside the fabulouslywealthy lanai of a fabulously weaslthy home on her bay. The clamoring of the non provider taking from the resource use enabler is a ludacras endeavor. You who play vollyball cannot use the court because I, while never interested in playing volleyball , detest seeing you excel at it with your vocal support of one another and you "go team" chants. I did not dive therefore you may not dive. I do not swim because I have fear therefor you must fear too. This is not a matter of shared resources but a matter of one longing for the ability to participate! Jump in and play. Do not blame another for chosing to play. These are fatal restrictions on an active population for the joy of viewing nothing instead of participating in something. There is no proof of " overuse" this a "nothing burger " bill!

Elizabeth Leinbach
73-1160 Mahilani Dr
Kailua Kona HI 96740
(808)-987-2527

January 30, 2024

Linda Ichiyama – Water and Land

Linda Ichiyama,

This is opposition regarding Hawaii Bill No. 2474, 2476, and 2477. All these bills as written intend to greatly restrict not only commercial activities regarding Hawaiian waters, but also the Hawaiian economy. I find it interesting and noteworthy that these bills are presented by a 'random' rather than a person willing to stand behind their beliefs. As a full time USCG captain and business owner each of these bills would have a detrimental effect on not only my family, and ability to maintain my business, but also the multiple people I employ and our contributions to the non-profit community here in Kona.

Over the 20 years I have been in the commercial boating industry, I have seen the commercial ocean industry grow and change. Many native operators have joined the industry here on Hawai'i Island, many hard-working people have started up small business in hopes of making something for themselves in retirement, millions of tourists have had lifechanging experiences with our wildlife and have become ambassadors for ocean conservation and marine preservation. I would hate to see all that change and be compromised by the above bills.

HB2476 –

Opposition to 200 – 38

There are several places within 3000 feet of shore where we snorkel on beautiful reefs, swim with wildlife, and educate tourist and locals about the beauty and history of our islands. To tell a business where they can and cannot stop, can and cannot enter the water etc. is an infringement on our rights. Not to mention it puts our business under strain on foul weather days to find suitable areas that we are "Permitted" for. I can empathize with the families who have ocean front property and don't want commercial vessels dropping lots of people off to snorkel in their "back yard" I urge you to remember that most of the multimillion-dollar property is owned by some Haole on retirement and 2 hrs. out of their multimillion dollar retirement day is not a lot to ask to support local business.

Additionally taking out weekends and holidays the state is cutting our revenue making days by 1/3 directly effecting the state budget and local economies.

This entire Bill also negatively impacts the small business renting paddleboards, Kayaks, and running kayak tours along the islands.

I can understand and empathize with the importance of conservation regarding our wonderful ocean resource, for without the Hawaiian waters and their resources, we wouldn't have an effective occupation. I also realize the importance for an efficient balance between recreational and commercial ocean activities. The current bills as written greatly hinder my business, livelihood, and future, with very little impact on the recreational ocean goers. Commercial operators are often unfairly blamed for a variety of issues regarding ocean

conditions. Snorkel and Dive operators are often unfairly singled out for environmental concerns, safety issues, and animal influence that are either simply untrue or completely out of our control. As a colleague put it “These bills unfairly place the burden on our (snorkel and dive) industry without considering the broader context and the shared responsibility of all stakeholders.”

Thank you for considering this testimony and I hope we can revise these bills to be mutually beneficial.

With Aloha,

Elizabeth Leinbach

Elizabeth Leinbach

HB-2476

Submitted on: 1/31/2024 4:41:27 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tyler Haines	Individual	Oppose	Written Testimony Only

Comments:

My name is Tyler Haines and I am part owner in my family business that has been in operation for over 35 years. I am in strongly against HB 2476 to be closed on weekends and holidays. We have a thrillcraft and kayak permit from the Haleiwa Harbor. For over 35 years we have operated 7 days a week, weather and water conditions permitting. Our ORMA permit is offshore so we are not around any beaches and never have problems with recreation people. We already lose a lot of working days due to high surf so winter time we are closed a lot more. Our customer parking is in the harbor so we do not interfere with beach parking or take up any space on the beach or nearby water by shoreline. I heard the problem was shoreline permits, which should be addressed seperately. If this bill was passed it would significantly hurt us financially which could put us out of business. Having been in business so long has to say something about our safety in operating. We take all ocean users very seriously. I urge you to kill this bill. Mahalo Tyler Haines

HB-2476

Submitted on: 1/31/2024 5:12:08 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Daniel Hazen	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I am writing to express my opposition to HB2476. Limiting operators to weekdays excluding holidays is detrimental to small businesses and their valuable employees throughout Hawaii. These operations not only generate tax revenue for our government to use appropriately, it creates countless jobs for Hawaii's families. It is a knee jerk overreach with detrimental impact.

Thank you for your time,

Daniel Hazen

HB-2476

Submitted on: 1/31/2024 5:20:23 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Carly Powell	Individual	Oppose	In Person

Comments:

Hello, My name is Carly Powell.

I want to thank the chair and members of this committee for allowing me the time to testify before you today. I oppose bill HB2476.

I am and Captain and crew with the company Blue Ocean Adventures operating out of Kikialoa Harbor on the west side of Kauai.

HB 2467 states that companies would not be able to operate on weekends or state and federal holidays. On Kauai we deal with some pretty harsh weather, sometimes not allowing us to operate for days at a time. Blocking off days that would allow us to operate would greatly affect employees income. It also takes away from any one in our local community that only has weekends and holidays off from being able to come out and enjoy their island.

This is why I oppose bill HB2476.

Thank you for taking the time to listen to my testimony.

HB-2476

Submitted on: 1/31/2024 6:34:50 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Mark cogbill	Individual	Oppose	Written Testimony Only

Comments:

As a captain of 5 years in Hawaiian waters I DO NOT support HB2476 or HB2477 as they will both impact my family, my work, and everything I have worked so hard to achieve.

mahalo nui loa

HB-2476

Submitted on: 1/31/2024 6:35:07 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
chelsea toia-vaas	Individual	Oppose	Written Testimony Only

Comments:

HB2476 - OPPOSE - Creates ORMA's on all coastlines and prohibits commercial activity on weekends and holidays.

Testimony:

This bill could significantly harm Hawaii's commercial charter industry, potentially reducing revenue and employment by over 15%. It unfairly assumes commercial charters cater only to tourists, thereby restricting access for local residents, particularly those working full-time who can only use these services on weekends and holidays.

Eliminating public input for such an extended period undermines the democratic process and may lead to decisions that do not reflect the community's needs or interests. I urge the committee to reconsider the bill's implications and promote a balanced approach that values both our ocean resources and the economic and recreational needs of Hawaii's residents.

HB-2476

Submitted on: 1/31/2024 6:43:39 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Evan Valiere	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

My name is Evan Valiere. I strongly oppose this bill. This is an extreme over reach for control. There are systems in place to protect these areas. I encourage the enforcement office to continue using the regulations as they are.

Thank you,

Evan

HB-2476

Submitted on: 1/31/2024 6:46:40 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Chrystie Vasquez	Individual	Oppose	Written Testimony Only

Comments:

Our company would have to lay off about a 1/3 of its employees as we would lose the income generated on the weekend. I have lots of friends and family who would be directly impacted with job loss should this bill pass.

HB-2476

Submitted on: 1/31/2024 6:48:50 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Luigi coscarelli	Individual	Oppose	Written Testimony Only

Comments:

Subject: 2476 HB RELATING TO OCEAN RECREATION MANAGEMENT.

Luigi Coscarelli

111 Nokahea Loop #305

Kihei, HI 96753

Luigicosca@aol.com

(808)250-4363

01/31/2024

Dear Wal and to all other Committee members,

RE: Bill 2476 HB : Ocean recreation management

I am writing to express my strong opposition to [Bill 2476 HB : Ocean recreation management], which proposes significant restrictions on commercial ocean activities in state waters, particularly on weekends and holidays. As a Boat captain/Operator and thrill-craft user, these proposed regulations would have a severe impact on our operations and potentially jeopardize our ability to remain viable.

As an individual who enjoys life on the water leisurely and as Captain/Operator; this bill would have huge ramifications in the long haul to the local community. I have worked on Ka'anapali for over 20 years on Boats and Thrill-crafts. This bill would take away from the hard working individual who take pride and joy working these beautiful shores. We already have stringent operational rules due to seasonal blockades and ORMAs and of course mother nature . So to take away weekends and holidays would take away from hard-working individuals who sometimes have to work 2-3 plus jobs already. it would also affect the locals as they also work M-F jobs and would enjoy to have activities to partake on such occasions.

I understand the importance of effective ocean recreation management, and I appreciate efforts to strike a balance between conservation and commercial activities. However, the current language of the bill fails to consider the practical implications on businesses like mine, which are unfairly targeted and constantly blamed for various issues.

The Captains and thrill-craft operators are often unfairly singled out for environmental concerns, safety issues, or other challenges that are not solely within our control. While we are committed to responsible practices, this bill unfairly places the burden on our industry without considering the broader context and the shared responsibility of all stakeholders.

I urge the committee to reconsider the proposed restrictions and work towards a solution that accommodates the interests of both conservation and the local business community.

Collaborative discussions with stakeholders could lead to a more balanced approach that achieves the intended goals without unfairly scapegoating our industry.

I would appreciate the opportunity to further discuss my concerns during any upcoming hearings

or meetings regarding this bill. Thank you for considering my testimony, and I hope that we can find a mutually beneficial resolution.

Sincerely,

Luigi Coscarelli; Captain & Manager of Kaanapali Beach watercraft

HB-2476

Submitted on: 1/31/2024 6:58:35 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Megan Coscarella	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. This bill kills jobs and will have a ripple effect throughout the state on the thousands of businesses that support the charter industry.

HB-2476

Submitted on: 1/31/2024 7:21:32 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Rachel Dailey	Individual	Oppose	Written Testimony Only

Comments:

Subject: Opposition Testimony for 2476 HB RELATING TO OCEAN RECREATION MANAGEMENT

Rachel Dailey

Lahaina, HI

01/31/2024

Chair Linda Ichiyama

House Committee on Water and Land

Dear Chair Ichiyama,

RE: 2476 HB RELATING TO OCEAN RECREATION MANAGEMENT

I am writing to express opposition to 2476 HB RELATING TO OCEAN RECREATION MANAGEMENT.

Sincerely,

Rachel Dailey

HB-2476

Submitted on: 1/31/2024 7:40:11 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
victoria martocci	Individual	Oppose	In Person

Comments:

Subject: Opposition Testimony for HB2476 Relating to Ocean Recreation Management

Victoria Martocci

Lahaina, HI

01/31/2024

Chair Linda Ichiyama

House Committee on Water and Land

Dear Chair Ichiyama,

RE: HB2476 Relating to Ocean Recreation Management

I am writing to express opposition to HB2476 Relating to Ocean Recreation Management which would have a crippling effect on our locally owned small businesses in this industry by prohibiting their ability to do business 1/3 of the year. We need to support Hawaii small businesses, not regulate and limit them to the point that only outside conglomerates can afford to do business here.

Sincerely,

Victoria Martocci.

HB-2476

Submitted on: 1/31/2024 7:41:59 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Valentin Neamtu	Individual	Oppose	Written Testimony Only

Comments:

The criteria of this bill and all the other bills in this hearing are not well described and are subject to the discretion of the DLNR. This bill will prohibit all commercial activity within 3000 ft of the coastline and during the weekend unless it is permitted by the Board of Land and Natural Resources. This is the most blatant squeeze of struggling businesses imaginable. Every commercial business will want to work during the weekend so everyone will have to pay to get permitted. This is basically a weekend tax for commercial boat companies.

HB-2476

Submitted on: 1/31/2024 7:54:50 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Pete Fisher	Individual	Comments	Written Testimony Only

Comments:

Greetings and aloha!

Our kayaking operations in Wailua are restricted to Monday thru Friday. Through experience we have learned that during the wet season we often can only operate 1 or 2 days in any given week and sometimes no days in a particular week due to unfavorable wind and water conditions. Due to the limitations we notice that some outfitters are operating on risky days to make up for the loss of weekends and holidays. While the "risk takers" are still legal, the more conservative and savvy companies close, cancel, rebook, or refund their participants. I thought it would be appropriate to mention the viewpoint of a permittee.

Mahalo nui loa,

Pete Fisher, owner Kayak Wailua, LLC

HB-2476

Submitted on: 1/31/2024 7:56:00 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Maren Anka	Individual	Oppose	Written Testimony Only

Comments:

House Committee on Water and Land

Dear Chair Ichiyama,

RE:HB 2476

I am writing to express opposition to 2476 - Ocean management

Sincerely,

Maren Anka

HB-2476

Submitted on: 1/31/2024 8:00:14 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
abigail nulty	Individual	Oppose	Written Testimony Only

Comments:

Subject: Opposition Testimony for HB2476.

Abbi Nulty
Lahaina, HI
01/31/2024

Chair Linda Ichiyama
House Committee on Water and Land

Dear Chair Ichiyama,

RE: HB2476

I am writing to express opposition to HB2476.

Sincerely,

Abbi Nulty

HB-2476

Submitted on: 1/31/2024 8:24:49 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tim Honderick	Individual	Oppose	Written Testimony Only

Comments:

This is a bad bill. Please do not allow to advance

HB-2476

Submitted on: 1/31/2024 8:27:52 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Suelang Watson	Individual	Oppose	Written Testimony Only

Comments:

PLEASE ACCPET THIS AS MY WRITTEN TESTIMONEY TO STRONGLY OPPOSE BILL HB2476.

To all those trying to pass this unjust, nonsensical bill, please understand that by passing this bill you will seriously impact many people's ability to earn a living out on the ocean.

I myself work as a boat captain and deckhand crew on multiple 6-pack vessels out of the Kawaihae South Harbour. All of those vessels are small, "mom and pop" family-run operations.

Prohibiting commercial activity in ORMA's on weekends and state and federal holidays unless authorized by the Board of Land and Natural Resources is ridiculous. We are often at our most busy on weekends and this authoritarian ruling that would forbid us from working on the ocean on weekends would greatly restrict local Hawai'i residents with full-time jobs, such as myself and my husband, from being able to work full-time, resulting in a serious reduction of employment hours.

If it is passed, the results would be devastating for many. The overall negative impact of this bill being passed would seriously impact us by potentially reducing statewide commercial charter revenue AND statewide commercial charter employment by 15% or more.

I, SUELANG WATSON, STRONGLY OPPOSE BILL HB2476.

HB-2476

Submitted on: 1/31/2024 8:29:51 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Aria Juliet Castillo	Individual	Oppose	Written Testimony Only

Comments:

Permit system should not be sold for auction. It will allow corporate and foreign investors to take all the opportunity away from local residents and small business owners.

HB-2476

Submitted on: 1/31/2024 8:32:51 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Miranda Miller	Individual	Oppose	Written Testimony Only

Comments:

Subject: Opposition Testimony for HB2476

Miranda Miller

15 Papahi Loop

Kahului, HI 96732

mirandaleigh.paints@gmail.com

413.281.9918

1/31/24

Rep. Linda Ichiyama, Chair

COMMITTEE ON WATER & LAND

430 VIA VIDEOCONFERENCE

Dear Rep. Linda Ichiyama,

RE: HB2476

I am writing to express my strong opposition to HB2476 RELATING TO OCEAN RECREATION MANAGEMENT., which proposes significant restrictions on commercial ocean activities in state waters, particularly on weekends and holidays. As a CHARTER SAILING COMPANY, these proposed regulations would have a severe impact on our operations and potentially jeopardize our ability to remain viable.

As a charter sailing business, we rely on tourism throughout the entirety of the year, weekends and holidays included. In order to make the money we need to keep the business successfully operating and having enough to pay harbor fees and taxes to the state, we need to be able to

operate as many days possible. There are certain times of the year that are slower than others so being able to operate 7 days a week helps.

I understand the importance of effective ocean recreation management, and I appreciate efforts to strike a balance between conservation and commercial activities. However, the current language of the bill fails to consider the practical implications on businesses like mine, which are unfairly targeted and constantly blamed for various issues.

The RECREATIONAL BOAT CHARTER INDUSTRY is often unfairly singled out for environmental concerns, safety issues, or other challenges that are not solely within our control. While we are committed to responsible practices, this bill unfairly places the burden on our industry without considering the broader context and the shared responsibility of all stakeholders.

I urge the committee to reconsider the proposed restrictions and work towards a solution that accommodates the interests of both conservation and the local business community. Collaborative discussions with stakeholders could lead to a more balanced approach that achieves the intended goals without unfairly scapegoating our industry.

I would appreciate the opportunity to further discuss my concerns during any upcoming hearings or meetings regarding this bill. Thank you for considering my testimony, and I hope that we can find a mutually beneficial resolution.

Sincerely,

Miranda Miller

Dive Instructor, First Mate

Kapalua Kai Sailing

HB-2476

Submitted on: 1/31/2024 8:36:25 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Capt. J D DuShane	Individual	Oppose	Written Testimony Only

Comments:

oppose

HB-2476

Submitted on: 1/31/2024 8:37:17 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kathy Takahashi	Individual	Oppose	Written Testimony Only

Comments:

HB2476 is designed to cripple a not recovered industry. We are a tourist destination and activities, specifically water activities are reasons people come to Hawaii. This drives revenue to businesses and subsequently the state.

The state wants to shut down any water based commercial activity on the weekends and weekday holidays, there are at least 1 per month by desinating areas 3000 feet from shore as Ocean Recreation Management Areas. Nothing on the weekends.

Someday the prople who put these ideas together will meet with and consider the stake holders who also happen to be vocal and voters.

Strongly opopose.

HB-2476

Submitted on: 1/31/2024 8:46:59 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Sands Dyer	Individual	Oppose	Written Testimony Only

Comments:

RE: [HB2476]

I am writing to express my strong opposition to HB2476, which proposes significant restrictions on commercial ocean activities in state waters, particularly on weekends and holidays. As a Commercial Catamaran Touring Company, these proposed regulations would have a severe impact on our operations and potentially jeopardize our ability to remain viable.

I understand the importance of effective ocean recreation management, and I appreciate efforts to strike a balance between conservation and commercial activities. However, the current language of the bill fails to consider the practical implications on businesses like mine, which are unfairly targeted and constantly blamed for various issues.

The Lahaina boating industry is often unfairly singled out for environmental concerns, safety issues, or other challenges that are not solely within our control. While we are committed to responsible practices, this bill unfairly places the burden on our industry without considering the broader context and the shared responsibility of all stakeholders.

I urge the committee to reconsider the proposed restrictions and work towards a solution that accommodates the interests of both conservation and the local business community. Collaborative discussions with stakeholders could lead to a more balanced approach that achieves the intended goals without unfairly scapegoating our industry.

I would appreciate the opportunity to further discuss my concerns during any upcoming hearings or meetings regarding this bill. Thank you for considering my testimony, and I hope that we can find a mutually beneficial resolution.

Sincerely,

Sands Dyer, President, Gemini Sailing Charters

HB-2476

Submitted on: 1/31/2024 8:47:37 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jonny Riggs	Individual	Oppose	Written Testimony Only

Comments:

Oppose

HB-2476

Submitted on: 1/31/2024 8:50:07 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jarrod Smith	Individual	Oppose	Written Testimony Only

Comments:

PLEASE ACCEPT THIS AS MY WRITTEN TESTIMONY TO **STRONGLY OPPOSE BILL HB2476.**

To all those trying to pass this bill, please understand that with it's passing, you will seriously impact many people's ability to earn a living.

I myself work as deckhand crew on multiple 6-pack vessels out of the Kawaihae South Harbour. All of those vessels are small family-run operations.

Prohibiting commercial activity in ORMA's on weekends and state and federal holidays unless authorized by the Board of Land and Natural Resources is ridiculous. When would working class people looking to book charters go out if not on the weekends? We are often at our most busy on weekends and this ruling would forbid us from working on the ocean on weekends and would greatly restrict local Hawai'i residents with full-time jobs, such as myself and my husband, from being able to work full-time, resulting in a serious reduction of employment hours.

If passed, the results would be devastating for many. The overall negative impacts of this bill's potential passing would seriously impact ocean workers by potentially reducing statewide commercial charter revenue AND statewide commercial charter employment by 15% or more.

I, Jarrod Smith STRONGLY OPPOSE BILL HB2476.

HB2476 – ORMA

I strongly oppose HB2476. I represent myself as a Kaua'i resident passionate about my community and as a business owner, leading and managing Holo Holo Charters, a snorkeling and sightseeing boat tour operator on Kaua'i. While this bill does not directly impact my business as we operate out of a Dept of Transportation Harbor, I stand by my fellow commercial ocean users to protect our industry and livelihood.

As commercial ocean users, we know these waters best and know and understand the problems and opportunities, best. I agree that better management is needed and historically DOBOR/DLNR has been inadequate in supporting that, directly leading to the current issues. Work with us to find solutions.

You won't find anyone more experienced or knowledgeable besides the people who are literally out there every single day. Our staff are super passionate about the ocean, that's why they choose careers in our industry. They are residents who spend their days off recreating on and in the ocean. We understand the problems you are trying to solve, but your method is completely backwards.

There is no sensical reason to eliminate commercial boating on weekends and holidays. We supply a recreational service for thousands of people (primarily visitors) on weekends and holidays. Take away that service and those thousands of people are now finding something else to do that day; further clogging our parks, beaches, shops and restaurants.

Currently, I must book a restaurant reservation 2-3 months in advance to have a weekend date night with my husband. Now I would be competing with thousands of others for a dinner reservation on the weekend because they can't do an afternoon tour that day.

Having studied sustainable business and environmental carrying capacities I recognize our resources are near a breaking point. But mandating all businesses in this industry are closed two days a week is not only illegal it is unjust and does not support your intention.

I encourage my team to not just share problems but solutions too. So, I will share my solution that may be unpopular but I believe it provides a more reasonable and realistic approach to your intention of providing our resources with a rest. Instead of eliminating the same operating days for everyone across the board, merely shifting the burden to other areas, allow operators to choose the days that work for their particular business. Permits could come with an operating restriction stating that you can only run 300 days of the year, businesses can select what works best for their vessel scheduling, maintenance needs, planned vacations, etc. The resources still get a rest but you're not completely eliminating all tour options for two days of each week.

Eliminating weekends and holidays amounts to 118 days on average. Divided by 365 days, that amounts to 32.3% or roughly one third of business annually.

We employ over 50 people on Kaua'i, paying them a real living wage, investing in their skills and development, and providing actual careers that they are passionate about and can support their families. This bill would force layoffs for 1/3 of staff in businesses like ours. How would you feel about cutting 16 members of your staff?

Workers would be forced to work a Monday through Friday schedule, further impacting our congested roadways. They would be forced to lose a day of work when they have scheduled doctor, dmv, or other appointments that are already confided to Monday through Friday.

We support local suppliers, vendors, caterers, and others who depend on our business and would be significantly impacted by a 32% reduction in business.

The demand is still going to be there, and the market adapts. So, I guarantee you are just going to end up with illegal operators trying to take advantage of the system. "Go meet uncle at the dock Saturday morning and bring cash." There is already a lack of enforcement by DOCARE, I have no faith that they would succeed in eliminating that extremely dangerous activity.

It's expensive, difficult and frustrating to run a business, but we do it because we are truly passionate about creating memorable ocean experiences for our guests. We are the most invested in our ocean resources and are committed to delivering a safe and quality product every day. We use the ocean daily and know how to share the resource with commercial and recreational users. We are not the problem.

Mahalo,

Chandra Bertsch
Co-Owner & General Manager
Holo Holo Charters
PO Box 50940
'Ele'ele HI 96705

HB-2476

Submitted on: 1/31/2024 8:55:01 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Damon Little	Individual	Oppose	Written Testimony Only

Comments:

I Captain Damon J Little strongly oppose this bill. I am a single father of two children and greatly depend on my income as a captain to feed, clothe, and house them and myself. Any reduction in the ability for ocean activities will be detrimental to my livelihood. We are already not consistently busy because of lulls in seasonal tourism and because of the weather conditions present in Kawaihae. There is also not an overcrowding of commercial vessels in Kawaihae. There are many days when I am the only boat leaving from Kawaihae south basin. As well, not allowing operations on weekends would take away many Hawaii residents ability to enjoy ocean tours, because most of these people work Monday-Friday. Please don't pass this bill. It will further the inability for normal middle clas people to survive and continue the already rampant gentrification of our islands.

HB-2476

Submitted on: 1/31/2024 8:57:49 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
BYRON KAY	Individual	Oppose	Remotely Via Zoom

Comments:

HB2476 will severely hamper Hawai'i's largest export industry and reduce tax dollars.

HB2476 & 77 Gives Hawai'i state officials power to reduce and control ocean activities. It gives them the power to say where and when these activities happen. When this type of government overreach occurs, it always distorts the market leading to less of the thing it's attempting to control. We have seen this occur throughout history.

Hawai'i's tourism industry is the lifeblood of the State. It's the one major 'export' we offer. Hawai'i's biggest offering is it's natural beauty. Industry's continue to move away as they are uncompetitive on the world markets. These bills will lead to a less competitive tourism industry as operators will no longer be allowed to operate on weekends and holidays. This will IMMEDIATELY reduce tax revenue by at least 31%. This reduction in revenue and spend will cascade through the tax base. It will also force operators to cut staff leading to fewer jobs in Hawaii's largest industry.

As costs rise, operators will be forced to charge more. This will make Hawai'i uncompetitive and lead to less tourism. Fewer tourists will mean fewer jobs and less taxable spending. Hawai'i's legislature will be forced to cut spending as revenue falls or take on more debt burden.

These bills are introduced under the guise of "increasing user safety and reducing user conflicts," however, the safety record will show that ocean-related activities are safe. Conflicts are non-existent. It is not in their best interest for tour operators to create conflict. It's bad for business.

Kindly strike down HB2476 as it's intent might sound good, but it's effect will be devastating.

HB-2476

Submitted on: 1/31/2024 8:58:24 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Chris Haines	Individual	Oppose	Remotely Via Zoom

Comments:

These proposed changes are not clearly defined and too restrictive. This will only restrict legitimate operators and reduce revenue from one of the state's largest industries, while increasing the amount of illegal commercial activity.

HB-2476

Submitted on: 1/31/2024 8:58:48 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Teri Leicher	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

My Name is Teri Leicher. I am opposed to HB2476 for the following reasons.

1. These activities are for Kama'aina and visitors alike.
2. Many Kama'aina can only enjoy activities on weekends and holidays and make plans to do so often involving travel.
3. Whether its snorkel trips, scuba diving, hiking or parasailing etc. these trips are often only available to us Kama'aina on our weekends and holidays.

It seems if the problem is some folks don't want to look at a parasail, or hear a jet ski, the location may need to be adjusted to a more desirable place or folks on the beach or condo may want to relocate where they aren't bothered.

I remember a cove on Hawaii Island where a sailboat went for decades. Then million dollar homes were built and the homeowners didn't want to see the sailboat. Well...they probably shouldn't have purchased a home there.

Mahalo,

Teri Leicher

HB-2476

Submitted on: 1/31/2024 9:12:49 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
kai nishiki	Individual	Support	Written Testimony Only

Comments:

Support, please provide adequate funding for DOBOR who normally manages ORMAs and also adequate monitoring and enforcement DOCARE. Ka paakai analysis and EA/EIS should be required to assess impacts of commercial activities on communities, biological carrying capacity studies as well.

Over tourism is negatively affecting quality of life for residents, there should be month long rest periods in addition to weekends and holiday prohibition on commercial activities. Beach chair and cabana rentals on our public beaches should also be prohibited.

HB-2476

Submitted on: 1/31/2024 9:15:43 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Victoria Davis	Individual	Oppose	Written Testimony Only

Comments:

Strongly oppose this bill due to excessive 3000 ft boundary.

Victoria Davis

HB-2476

Submitted on: 1/31/2024 9:29:47 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Renee Street	Individual	Oppose	Written Testimony Only

Comments:

Renee Street, 178 Hale St, Lahaina, HI 96761

renee_street@hotmail.com

31 January 24

Dear Legislative Committee,

RE: Opposition Testimony for HB2476

I am writing to express my strong opposition to HB2476, which proposes significant restrictions on commercial ocean activities in state waters, particularly on weekends and holidays. As a Scuba Diving Professional, these proposed regulations would have a severe impact on our operations and potentially jeopardize our ability to remain viable.

I have been an Open Water Scuba Instructor for the past decade. I have had the pleasure of working in a number of countries including Honduras, Indonesia, Samoa, Thailand, and Malaysia. Several years ago I returned to the United States to work in Maui. I joined Dive Maui in Lahaina, Hawaii and have been working there for over two years. Together with the owners, we have worked to create a successful scuba training facility helping to train not only recreational divers but also dive professionals. Always as a part of these courses, we emphasize conservation and ocean protection. We aim to create ocean ambassadors who will spread the word to others on saving and protecting the ocean and the importance of Hawaii in that mission.

We have been fortunate to have steady customers year around, without a measurable high or low season. Even during the pandemic, scuba diving was bringing tourists to Maui. This tourism brings money, jobs, and helps to cement Hawaii's reputation as a worldwide premier tourist destination.

In addition, between December and April, Dive Maui operates daily whale watching trips. I work as a whale naturalist on these trips. This business not only brings in tourists to Maui. But also educates thousands of people each season on the importance of conserving and protecting our ocean. We speak at great length about whales, the ocean, and the role of humanity in protecting both. Therefore, limiting, restricting or ending Dive Maui's ability to educate and train the public

will have a detrimental effect on tourism, conservation, and the public's perception of Hawaii's role in ecotourism.

I understand the importance of effective ocean recreation management, and I appreciate efforts to strike a balance between conservation and commercial activities. However, the current language of the bill fails to consider the practical implications on businesses like mine, which are unfairly targeted and constantly blamed for various issues.

The scuba industry is often unfairly singled out for environmental concerns, safety issues, or other challenges that are not solely within our control. While we are committed to responsible practices, this bill unfairly places the burden on our industry without considering the broader context and the shared responsibility of all stakeholders.

I urge the committee to reconsider the proposed restrictions and work towards a solution that accommodates the interests of both conservation and the local business community. Collaborative discussions with stakeholders could lead to a more balanced approach that achieves the intended goals without unfairly scapegoating our industry.

I would appreciate the opportunity to further discuss my concerns during any upcoming hearings or meetings regarding this bill. Thank you for considering my testimony, and I hope that we can find a mutually beneficial resolution.

Sincerely,

Renee Street

Open Water Scuba Instructor, and Course Director

Dive Maui, Lahaina, Hawaii

HB-2476

Submitted on: 1/31/2024 9:41:13 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Joshua Tjarks	Individual	Oppose	Written Testimony Only

Comments:

As a born and raised resident and small business owner I oppose this bill as it will negatively affect many local residents.

HB-2476

Submitted on: 1/31/2024 10:18:58 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kevin Millett	Individual	Oppose	Written Testimony Only

Comments:

This will be a huge blow to the state, employment, and destroy longterm invested companies.

It also reduce state revenue from the ocean tourism business by nearly 30% instantly.

HB-2476

Submitted on: 1/31/2024 10:43:53 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ezra wansor	Individual	Oppose	Written Testimony Only

Comments:

Opposed due to the cost of living in Hawaii. Why would I ever agree to allowing other people to take away over 115 days of my ability to make a living every year. I have worked as a Pilot for Atlantis Submarines for nearly 30 years and this company is a great adventure and educational experience for kamaina, school children and visitors alike. This bill could potentially destroy many business and families on Maui.

HB-2476

Submitted on: 1/31/2024 1:07:02 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ken Cherry	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose

HB-2476

Submitted on: 1/31/2024 2:40:57 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Anela Kealakai	Individual	Oppose	In Person

Comments:

Hello and thank you for allowing me to share my thoughts today. My name is Anela Kealakai, and I'm here to express my concerns about HB2476, which proposes to create Ocean Recreation Management Areas (ORMAs) and restrict commercial activities on weekends and holidays.

- 1. Impact on Small Businesses:** As a small business owner who closely works with boat operators for special events, I am deeply concerned about the restrictions this bill imposes on weekends and holidays. These are peak times for our businesses, and restricting operations during these periods could severely impact our livelihoods. Small businesses are the backbone of our local economy, and this bill threatens to weaken that foundation.
- 2. Effect on Tourism and Local Economy:** Hawaii's charm and appeal largely come from its vibrant ocean activities. Restricting these activities, particularly during times when tourists are most likely to participate, could have a detrimental effect on the overall tourism experience and, subsequently, the local economy.
- 3. Alternative Solutions:** While I understand the need to manage ocean activities to prevent overcrowding and protect the environment, I believe there are more balanced approaches. Implementing staggered schedules, capacity limits, or special weekend permits could be effective in managing crowds without completely halting activities.
- 4. Lack of Stakeholder Involvement:** It appears that the decision-making process for HB2476 lacks substantial input from the very people it affects the most – the small business owners, boat operators, and local communities. Open dialogues and consultations are crucial for creating laws that are fair and practical.
- 5. Preserving Hawaiian Culture and Traditions:** Ocean activities are more than just a business; they are a part of Hawaii's culture and traditions. This bill, in its current form, risks diminishing the rich cultural experiences that are shared with residents and visitors alike.

In conclusion, while I stand with the goals of environmental protection and effective management of natural resources, I believe HB2476, in its current form, is not the solution. I urge the committee to consider the significant impact this bill would have on small businesses, tourism, and the cultural fabric of our state and to explore more balanced approaches to achieve its objectives.

Thank you for considering my testimony.

HB-2476

Submitted on: 1/31/2024 3:45:04 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Randall Emry	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose

HB-2476

Submitted on: 1/31/2024 6:43:29 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
James R Akana III	Individual	Oppose	Written Testimony Only

Comments:

To whom this may concern,

I cant believe I am writing this to begin with. I have been in the charter industry for over 35 years here in Hawaii and have never been so scared that I will lose the opprtunity to support my family and way of life. How is this even a talking point? No one should be able to decide how or when I can make a living.

I have econmys ups and downs just for the fact I work everyday I can, in the event that the dyas I can't. I would like to know the author of this bill and how this even came to a discussion.

I am fully against this bill and any further action to regulate the states charter industry.

James R Akana III

HB-2476

Submitted on: 1/31/2024 10:07:13 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jeremy Selg	Individual	Oppose	Remotely Via Zoom

Comments:

I oppose this bill. Limiting the days we are able to operate while simultaneously raising fees by over 650% is outright ludicrous.

HB-2476

Submitted on: 1/31/2024 10:36:07 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Rhavie	Individual	Oppose	Remotely Via Zoom

Comments:

It's my understanding that commercial use permits don't extend into designated ORMAS at all? I would firstly be interested in seeing where it legally states that a use permit allows commercial activities in a designated ORMA! I have been speaking with Paul Sensano the manager for DLNR DOBOR Maui for 5 years and when he's not on administrative leave, sick, or just neglecting his duties, he is constantly suggesting no possible use in any ORMAS! That goes for all DLNR enforcement on Maui as well. Secondly, I think this bill should certainly be deferred, until more data can be presented to justify such a dramatic change as encompassing all state waters. Lastly, this second portion represents a duplicate attempt from bill 2093? Is there a particular reason your attempting to resubmit the same change in two separate bills?

HB-2476

Submitted on: 2/1/2024 8:06:11 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jordan Kamae	Individual	Oppose	Written Testimony Only

Comments:

Preserving local ocean activities is crucial. Auctioning permits may disadvantage local businesses, impacting our community. A fair, community-based approach ensures sustainability. Restricting within 3,000 ft poses challenges for tourism-driven ventures. Advocating for balanced regulations fosters a thriving marine industry that benefits all.

HB-2476

Submitted on: 2/1/2024 9:02:33 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Riley E. Coon	Individual	Oppose	Written Testimony Only

Comments:

Aloha Kakou,

As a multi-generation Hawaiian and resident of Maui, I oppose HB2476.

Hawaii has always approached challenges by creating new laws, instead of addressing the actual need. This one-wize fits all ruling will negatively impact so many locally-owned business in Hawaii, at a time when people need solid jobs, and small businesses here on Maui are struggling to survive.

Furthermore, while its well-intended, this bill would also negatively affect local people's access and enjoyment of the ocean. In fact, it will negatively impact our ocean resources. What this will do is create a playground for wealthy newcommers who can afford to buy trailer boats and Trucks that can tow them, and will result in a huge increase in ocean use - and it wont even be for the main group of people this is trying to protect.

Commercial operators care about this palce and this resource. when you take them out of the equation, experience tells ytu that places suffer. Think of COVID times - no operators. only "locals". the sheer amount of over-fishing and polution that resulted in our own residents trashing a place on the weekend was substantial. Mile marker 14 on West Maui was constantly disrespected in this manner. After covid, it was the commercial operators who went and cleaned up that reef. We pulled off miles and miles of fishing line, rescued turtles strangling in fishing line (270 turtles killed in the year after covid on Maui, vs the usual 15-25)....

Lastly, local people only have weekends off and will often join commerical operators for a fun day on the water. by limiting this right to do business on weekends, it will negatively affect locals who want to celebrate a loced one or special event upon a charter boat.

Respectfully,

Riley E Coon.

Waikapu, Maui Hawaii.

HB-2476

Submitted on: 2/1/2024 11:25:26 AM

Testimony for WAL on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
David K Hall	Individual	Oppose	Written Testimony Only

Comments:

Aloha chair persons or whom this bill will be voted on by,

My name is David Keola Hall and I am opposed to HB 2476. This absurdity will directly and negatively impact my family's way of life. As one of the FEW Native Hawaiian born and raised USCG licensed charter captains, this bill will disable me and countless other commercial fishermen from continuing to provide for their ohana financially and subsistently.

The need to clearly define "commercial operator" is of utmost importance. As a charter fishing captain I rely on visitors ability to do recreational ocean activities any day of the week either near or offshore weather permitting. The waters within 3000 feet of the coast is a good portion of what little productive inshore bottom fishing grounds are left. Many "recreational" and "subsistence" fishermen hold commercial licences. If the issue is wether or not the waters and ramps are too crowded because of "commercial" operators then this bill should directly impact the private trailer boat owners as well. Especially if they sell all or even part of their catch they are NO LONGER "recreational fishermen. As a Captain not only do I rely on the financial aspect of the industry, but also my family and the community at large rely on the fish that this job allows me to bring home for personal consumption.

The real issue is the fact that all the rivers are diverted. NOT OVERFISHING if the mountain met the ocean like it did 200 years ago there would be more than enough to go around. Instead, legislation like HB 2476 is put in effect punishing those like me who comply with all applicable state and federal laws, and side stepping the underlying cause.

Mahalo,

Captain David Hall

UFO Inshore Fishing Adventures

HB-2476

Submitted on: 2/2/2024 3:04:52 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Kevin Campbell	Individual	Oppose	Written Testimony Only

Comments:

I am writing to note my strong opposition to HB-2476. I operate a small (6-pak) charter company out of Honokohau Marina and Small Boat Harbor.

The restriction eliminating commercial activities on holidays, and especially weekends would be terrible for our business.

Variations in weather and ocean conditions dictate that charters be scheduled flexibly.

This prohibition to not run charters on weekends will force more charters to run on the remaining days.

This will be less safe and will increase crowding on weekdays.

These restrictions threaten our business, and HR-2477 threatens our ability to sell our business.

We are adamantly opposed to both HR-2476 and 2477.

Sincerely,

Captain Kevin Campbell

Ocean Blue Kona

Kailua Kona

HB-2476

Submitted on: 2/2/2024 3:26:05 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Virginia Dunn	Individual	Oppose	Written Testimony Only

Comments:

I am writing to ask that you do not pass the HB2476& HB2477 bill. Da Whale Boat is a small business on the Big Island that makes a HUGE impact on our community. They use their business to educate, inspire, and support needy families. They raise money to take out less fortunate local families on the boat for free and show them the ocean they never get to explore. She has even traveled to Maui to take out victims of the Lahaina Fires onto boats! Healing is taking place on this island through her small business and non-profit. If this bill passes many many people will be affected terribly.

I don't know what caused this bill, if there is a problem with small boats in other parts of the state but the Kawaihae area barely has any boats! Please don't apply this to all areas on all islands!

The Big Island is a place that needs more jobs, this bill will take jobs away from many people. Please don't allow this to happen.

Mahalo, Virginia

HB-2476

Submitted on: 2/2/2024 6:25:06 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Andrea	Individual	Oppose	Written Testimony Only

Comments:

Businesses should be able to operate on weekends and holidays if they choose. A lot of business is conducted on weekends.

HB-2476

Submitted on: 2/2/2024 6:27:38 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Glenn Harrington	Individual	Oppose	Written Testimony Only

Comments:

I oppose all expansion of rules put forth by DLNR and DOBOR. They do not represent or help the people and are only concerned with constituents and highest bidder mentality. Many people depend on water recreation to provide for their families. The DLNR in charge of Maui and on Honolulu are absent not doing their jobs and should be fired for incompetence. I would be fired if I worked like they do. They don't even show up to hearings.

we need new leadership. Now

HB-2476

Submitted on: 2/2/2024 10:02:38 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Adam lynam	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. It creates very grey areas for boundaries for commercial charter operations, and what would enforcement look like and how much more money would that cost taxpayers to employ? Being unable to access these areas on weekends and holidays could potentially kill a charter business. Our industry is dominated by tourism, and the vast majority of our charters come on weekends and holidays. We count on those busy times to make our living and to feed our local families. We go through many tourism "drought" periods throughout the year, and rely on these busy times (weekends and holidays) to make our living and get through the slow times. Please reconsider this part of the bill!

HB-2476

Submitted on: 2/3/2024 9:17:38 AM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Jason Kunewa	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill ! I am a 4 generation Lawai'a my grandfather John Nuela Kunewa was a opelu fisherman in 1930's and started a fishing charter company in 1950's and was one of Kona's Magnificent 7 with Captain's Henry Chee, Phil and George Parker, Tac Waldron, Bill Conklin, Charlie Machado. My grandfather and my uncle Captain Haole Boy Bean and his son Captain Momi Bean have been a inspiration in what I do today as I am following in their footsteps as being a Lawai'a. We are stewards mauka and Makai and Malama and take care of what these Islands provides for us. I've been working on a fishing charter boat for 12 years driven by my ohana's legacy and I am the sole provider for my wife and 4 children. I recently acquired my Master 100 ton Captain's License. 300 plus days a year I work as a deckhand here taking tourists out to enjoy Kona's Big game fishery. We also provide fish to hotels, restaurants and businesses alike. This bill would drastically impact me and my family financially by restricting access to fishing areas within 3000 feet of the shoreline on holidays and weekends. I'm sure you know that these restrictions would have a huge impact on the economy for all businesses on all of Hawaii because tourists won't come here if it isn't appealing and ultimately take there vacations elsewhere if they cannot enjoy the type of excursion's they travel here to experience. Whether you like it or not ,tourism is what has always brought revenue to this state. I hope that you can figure out a better solution in this matter because HB2476 is definitely not the answer . I implore you to prioritize the preservation and protection of our coastal areas, ensuring that they remain accessible and well-managed for the benefit of all residents and visitors alike. sincerely ,
Jason Ke'ali'i Nui O' Kalani Kunewa

HB-2476

Submitted on: 2/3/2024 2:23:42 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Lisa Loomis	Individual	Oppose	Written Testimony Only

Comments:

Aloha, I have been a hard working member of the Lahaina community for 24 years. This bill is a slap in the face for us that want to do water activity on the weekend if we have it off. Or if I wanted to go to another island for a weekend, I can't do a snorkel boat tour or rent a paddle board because its the weekend? Also, this is going to hugely affect our businesses, from tour boat companies to board rental companies to boat caterers to restaurants to ride share drivers to boat mechanics to activity businesses, etc. This is sadly going to affect our small businesses that are trying to get back on their feet after the Lahaina Fire. I strongly oppose this bill!!

HB-2476

Submitted on: 2/3/2024 2:34:48 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Harry Devery	Individual	Oppose	Written Testimony Only

Comments:

I hope this message finds you well. I am writing to express my strong opposition to the proposed bill aiming to prohibit all commercial activity on the ocean from any harbor or beach in the State of Hawaii on weekends and holidays.

While I understand the desire to preserve the natural beauty of Hawaii's ocean waters, this proposed restriction would have severe consequences on the local economy, particularly affecting small, family-run boating companies that have already weathered significant challenges such as 9-11, the 2008 recession, and the recent COVID-19 pandemic.

Firstly, the restriction would significantly impact the ability of locals, who often have weekends and holidays off, to enjoy recreational activities on the ocean. Many residents, including myself, look forward to weekends as an opportunity to engage in water sports, island hopping, or simply enjoying the beauty of Hawaii's coastline. Imposing such limitations would deprive us of the freedom to rent stand-up paddleboards, go scuba diving, or embark on fishing charters, undermining the very essence of the lifestyle that makes Hawaii unique.

Moreover, this proposal poses a considerable threat to the livelihoods of commercial operators, such as those in Lahaina Harbor and Mala, who are working tirelessly to rebuild their businesses after unfortunate incidents. Denying them the opportunity to operate on weekends and holidays would not only hinder their recovery but also jeopardize 31% of their annual business, as weekends and holidays account for a significant portion of their revenue.

The bill's potential impact on local businesses extends beyond the boating industry. Boat mechanics, local restaurants catering to boat-related activities, businesses involved in booking these activities, as well as transportation services like Uber and taxis, would all suffer considerable losses. This is not the time for the state to stifle economic recovery and discourage business growth.

While environmental conservation is undoubtedly crucial, there must be a balanced approach that considers both the preservation of natural resources and the economic well-being of the local community. I urge you to reconsider the implications of this bill and explore alternative solutions that promote sustainable practices without causing undue harm to the livelihoods of hardworking residents and small businesses.

HB-2476

Submitted on: 2/3/2024 3:27:22 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
William Yakymyshyn	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

With the deepest respect stop this bill, it will take away jobs and recreational activities over weekends. This makes no sense.

My wife and I have owned on Maui for 11 years. We value the ability to enjoy the ocean and all activities all year round.

Please stop this lunacy.

Mahalo,

William Yakymyshyn

50 Puu Anoano St

Lahaina, Hi

96761

HB-2476

Submitted on: 2/3/2024 3:34:39 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Tony Wells	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill due to it's risk of damage to the overall tourist industry and the lack of any evidence that this is a necessary regulation. This bill will authorize the "department" to designate zones of management without any public or legislative oversight. I believe that could likely result in excessive governmental overreach.

HB-2476

Submitted on: 2/3/2024 6:47:05 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Blair A Hubert	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB2476 and any other bills that restrict commerce especially by limiting commerce on designated days of the week.

I have lived and worked in Hawaii for 36 years and this bill eliminates over 30% of a companies ability to earn money.

HB-2476

Submitted on: 2/3/2024 8:30:59 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
James Allred	Individual	Oppose	Written Testimony Only

Comments:

Oppose

HB-2476

Submitted on: 2/4/2024 10:18:52 AM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Jason Holtz	Individual	Oppose	Written Testimony Only

Comments:

Aloha Kakahi'aka a me ahiahi , My name is Jason Holtz, I'm a 4th generation boat captain in the Sport fishing industry here in Kona. I am writing to you today to address my disagreement with bill HB2476 and HB2477 and the reasons why. Please hear me out. Right off the bat I believe the bill is unnecessary, inappropriate and will have a severe negative impact on all of the ocean recreation business in Kona and across the State. Surely you are aware that one of the main attractions to our state are the ocean recreational activities offered to both tourists and locals alike, which brings millions of dollars in revenue to our county and state, while us that generate this revenue for the state by offering access to these activities scrape by living hand to mouth due to the mismanagement of all things related to our harbor and DOBOR. This bill will be highly detrimental to the ocean recreation industry, and therefore to the State's economy, and the concept being proposed by the bill has never been discussed with the industry and should therefore be deferred until such time as the industry is given a chance to weigh-in, detail our concerns and perhaps offer less devastating alternatives. I've been in the business of charter fishing for 35 years now, following suite of my father and my grandfather before him. This bill HB2477 will harm every small business operator that relies on having a place in the harbor for their boat and offers access to the many oceanic related activities, (Fishing, diving, sailing, whale watching etc.). The majority of my life has been attached to Honokohau harbor and with every passing year it becomes more difficult to keep any business running out of it. The point being that I know the workings of not just the harbor, but also the charter industry inside and out and as a local who's family has relied on using the harbor for our business since it was first blasted out of the rocks on Ka'iwi point in the 1970s It has always been a difficult career path to make a living at, but me and my family have chosen it because of our love and respect of the ocean. This bill HB2477 will be another wrench in the industry thrown in by our elected representatives who never ask or address any issues with the local people who it affects the most. Please, as our elected representatives, I ask that you consider the times and the problems of the local people trying to make a living in the most expensive state of the country, and know that HB2477 will only hurt the local business' operating out of the harbors that we pay for. We've taken all the arrows that we can stand, please don't let loose another one.

Aloha and thank you for listening to my concerns,

Captain Jason Holtz

Kailua-Kona, Hawaii

HB-2476

Submitted on: 2/4/2024 12:07:27 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Alexis Araw	Individual	Oppose	Written Testimony Only

Comments:

I am in opposition of this bill, as it will destroy small family businesses operating in Hawai'i. Taking people's permits away without valid reason after they have already been established is completely unconstitutional and wrong. This new measure will unemploy thousands of people who have worked so hard their entire lives to create their businesses, many of whom are native Hawaiian. In no way should this bill be taken into consideration.

HB-2476

Submitted on: 2/4/2024 12:47:55 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Ryan Fernandez	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HB2476. Realistically snorkeling 3000 ft from shore or conducting commercial recreation activities in this zone will place us in deep water of 100 ft or more! Secondly eliminating commercial activities on weekends and holidays is ridiculous. Do we shut down Waikiki and limit other businesses on weekends and holidays? Do we prohibit all commercial activities on weekends or holidays? The answer is NO. The answer is NO. Therefore the ocean recreation industry cannot be singled out. This bill is NOT the solution, HB2476 is a thoughtless bill absent of vision and an illustration of poor leadership.

TO: Representative, Linda Ichiyama, Chair
Representative, Mahina Poepoe, Vice Chair
Committee Members

Committee: Tuesday, February 6, 2024
4:30 PM
Conference Room 430

RE: Strongly opposing Bill HB 2476, relating to Ocean Recreation Management

My name is Jeffrey Krantz. On behalf Go Hawaii Watersports, Go Hawaii fishing and Waikiki Parasailing I am writing with detrimental concerns regarding Bill 2476. I Strongly Oppose this Bill and many others before you.

I have faith that in the midst of your busy schedule with legislative affairs, you won't devote much time to such an obscure measure. This Bill is a threat to the hardworking individuals who have invested their time, money, and energy into building businesses reliant on the laws and policies that were in effect at the time. I implore you to consider the far-reaching consequences of these proposed measures and to strongly oppose this Bill.

I write with an urgent and fervent appeal to voice my opposition to the proposed Bill's concerning ocean recreation management areas and operations. This piece of legislation is nothing short of an assault on small businesses, rendering its effects akin to economic sabotage. Bill 2476 is filled with greed, and it is sad to see this type of behavior coming from DLNR. I have been in the water sports business for 38 years here in the state of Hawaii and it sickens me to see all these bills coming without notice. Our water sports community has always been the last to know, even when we are on the mailing list.

The provision of Bill 2476, which mandates the closure of businesses on weekends, state holidays, and federal holidays, is not just impractical but outright wrong. Small businesses are the lifeblood of our economy, and forcing closures during peak periods is a direct assault on their ability to survive. This restriction fails to consider the economic impact on these enterprises, especially during times when they could generate crucial revenue.

Furthermore, the proposal to extend ocean recreation management areas to 3000 feet from the shore, almost half a mile, is excessive. Such a vast expanse further restricts the areas available for legitimate commercial activities, exacerbating the challenges faced by small businesses. It is crucial to strike a

balance between environmental conservation and the livelihoods of those who contribute to the economic vitality of our state.

My concern deepens when I contemplate the lack of transparency in the legislative process. Has the state Department of Land and Natural Resources (DLNR) adequately utilized public hearings as a part of the process? The absence of clear communication regarding all of the ocean recreation bills is concerning. The business operators and public have a right to know how decisions that impact their businesses and recreational activities are being made before making them! Utilizing the public process to address overcrowding issues in specific areas should be conducted through rulemaking, a process with which the DLNR seems to be unfamiliar.

Your attention to this matter is crucial, and I have confidence you will advocate for the rights and livelihoods of those who contribute to the economic vibrancy of our state. I truly hope you can see through what is being done here and the detrimental effects this will have to each and every company in Hawaii that provides tourists with activities and employment of our local families.

I emphasize how challenging it already is to operate a business in this state. Small businesses, which form the backbone of our economy, are struggling to stay afloat amidst existing bureaucratic hurdles and exorbitant costs. The audacity of suggesting a 100% increase in fees, coupled with an additional three-dollar-per-passenger charge, is not just burdensome; it's a merciless blow to businesses that are barely surviving.

The provision prohibiting the transfer or sale of a business is not only absurd but potentially illegal. It infringes upon the fundamental rights of business owners and reeks of governmental overreach. This is a blatant violation of the principles that underpin our economic system, stifling entrepreneurship and leaving business owners at the mercy of arbitrary restrictions.

I implore the legislators to look back at the historical context that has led us to this point. This is not the first time the DLNR has attempted such egregious overreach. The repetitive nature of these attempts should raise alarm bells, prompting a thorough reevaluation of the motives behind such legislation.

Your immediate attention to this matter is crucial. The potential consequences of this Bill are dire, and I urge you to stand against such oppressive measures that threaten the economic fabric of our state.

Sincerely,

Jeffrey Krantz, Owner and Operator

Go Hawai'i Watersports, GO Hawai'i Fishing, co-owner Waikiki Parasailing

Krantz3k@gmail.com

(808)781-2004

February 3, 2024

HB-2476

Submitted on: 2/4/2024 4:24:47 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Jessica Rohr	Individual	Oppose	Written Testimony Only

Comments:

I am testifying on behalf of myself, Jessica Rohr. I have been working in the commercial boating industry for over 20 years, having always worked for small businesses. I oppose this bill based on the financial burden it imposes on low grossing small family run businesses. The solution to the problems that are trying to be addressed with this bill shouldn't put people out of business. It's not fair to the families or their employees. Reducing operation times and distances will undoubtedly result in severe financial set backs for operators. I understand wanting to limit permits and find a balance between recreational ocean goers and commercial but shouldn't be putting people with legal operations out of business or adding to their already high costs. I to am a recreational ocean goer and I don't want my view to be littered with commercial boats, but let's move forward with what we've got instead of hurting the current operators. This bill should be revised to take people's livelihoods into consideration. Thank you.

HB-2476

Submitted on: 2/4/2024 4:28:49 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Bev Prefontaine	Individual	Oppose	Written Testimony Only

Comments:

I have lived here on Maui for 11 years and strongly oppose this bill. Myself and visiting guests sometimes need to experience ocean recreational activities on the weekends due to work schedules and visiting windows.

HB-2476

Submitted on: 2/4/2024 5:05:21 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Cinzia Bruno	Individual	Oppose	Written Testimony Only

Comments:

This bill would devastate the local economy on Kaua'i. Though this sweeping legislation may apply to specific areas, it does not apply to Kaua'i and it's surrounding waters. To implement the measure proposed would personally impact me in absolutely devastating ways. Tourism is a vital part of the economy on the west side of Kaua'i and to lose income in that realm would cause massive suffering on a scale I do not believe the state fully understands.

HB-2476

Submitted on: 2/4/2024 5:12:18 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Tamara Paltin	Individual	Support	Written Testimony Only

Comments:

I am supportive of HB2476 in theory, however, enforcement is key.

Mahalo,

Tamara Paltin

HB-2476

Submitted on: 2/4/2024 6:16:31 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Lael Wilson	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha, committee members.

I am Lael Wilson, Hawaiian, fisherman, and waterman. I am opposed to bills HB2476 and HB2477 (which there is no longer access to provide a written testimony for HB2477 even though the hearing has also been extended). I am 48 years old and have made my living fishing.

I am always concerned when rules are made about the environment that I work in . With a lifetime of experience here in Hawaiian waters I am opposed to your bill 100percent. Your community may not be affected but my people are . Hawaii is all about the ocean and our local businesses have developed around it. This bill will take away peoples livelihoods. Many local families rely on these ocean related services to provide for them in one way or another.

I don't hear any public complaints or outcry and so I wonder who comes up with these unnecessary bills. Do they know anything about fishing? Diving, surfing, or our other Hawaiian ocean activities?What experts opinion brought about this bill? 3000 feet from shore? Where will I fish Opelu ? How do I do an ono run? Not to mention bottom fishing.

Each island is different , topographically and should have separate rules if any are necessary.

The fishing industry contributes over 100 million dollars annually to our local economy according to the Hawaii seafood council thousands of visitors come just for these ocean experiences and many Hawaii residents rely heavily on their patronage.

HB-2476

Submitted on: 2/4/2024 7:07:53 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Briana Thomas	Individual	Oppose	Written Testimony Only

Comments:

I have lived in Hawaii for 30 years and I have worked for a water activities company throughout that entire time. This bill would negatively impact my livelihood and all those who are also employed by a commercial water activities company. I strongly oppose this bill.

Brandon Young

2/4/2024

Testimony on HB 2476

Testimony in Opposition

My name is Brandon Young and I am testifying in opposition to this bill. As a resident of the State of Hawaii, I believe that recreational operators have the right to operate their business on the weekends and evenings. This is prime time for locals who work during the week. This bill would severely limit recreational operators in running their business and making a living. Most of these operations are managed by individuals who are trying to make a living through their business. If this bill would pass, the limitations to small business operators would cut into the tax revenues that are collected through these recreational businesses. This bill would also give the DLNR greater access to managing the oceans of Hawaii. This further action will not help the citizens of Hawaii. I would ask that you defer this bill in support of all recreational operators in Hawaii. Thank you for your time. Have a wonderful day.

HB-2476

Submitted on: 2/4/2024 9:32:28 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Iwa Shaw	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I am writing to express my **opposition** to HB 2476.

I was born and raised in Hawaii and have lived here my entire life. I have seen and felt the changes in some of my favorite places due to the impacts of tourism. I also own and operate 2 small boating charter companies on Maui and see the importance of organized/guided tourism, which is when tourists book tours which are operated by permitted commercial companies. Organized tourism provides tourists with a guided experience including cultural and environmental education, which helps protect our land and oceans. It also limits the number of people and the area impacted. As an operator, I am responsible for my guests and provide full supervision of their actions. There are other ways to curb the impacts of tourism on our islands and the commercial boating industry should not be blamed.

The commercial boating community contributes a large sum of gross revenue to the state and eliminating weekends and holidays will effectively decrease the amount of gross revenue generated by a noticeable amount. These funds are necessary, now more than ever, as we face the task of rebuilding the historical Lahaina Harbor, probably the highest grossing commercial harbor in Hawaii.

This bill has the potential of severely impacting my businesses and my livelihood as well as all of the other commercial maritime owners, operators, and employees who take a lot of pride in what we do. This bill is not clearly written and I urge you to **table** this bill so that we can continue the efforts of working towards a solution that is best for everyone.

Mahalo Nui,

‘Iwa Shaw

HB-2476

Submitted on: 2/4/2024 9:42:35 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Chris Freed	Individual	Oppose	In Person

Comments:

In the hearing on February 1st, The DLNR chair admitted that they did not properly manage commercial activity. I oppose bill 2476 because I do not trust DLNR to effectively manage our ocean recreation resource. This bill would cost businesses over 30% in lost revenue by not allowing them to operate on weekends and holidays. How does this make sense when DLNR says it has a budget shortfall and needs to raise rates and add additional fees? I believe DLNR needs to be audited, and be held accountable for their admitted mis-management

HB-2476

Submitted on: 2/4/2024 10:11:08 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
David Shizuma	Individual	Support	Remotely Via Zoom

Comments:

Aloha Chair, Vice Chair, and members of the committee,

I stand in support of HB2476.

Growing up in Kaneohe and using the bay for recreational fishing and paddling, I remember when time on the ocean meant relaxing, being out with nature, and enjoying the peace and quiet, while fishing with friends and family for home consumption. The bay always felt safe and we would see other families out there enjoying their time on the ocean as well.

In more recent times, fishing or paddling in Kaneohe bay has become much more dangerous and noisy. Boats are often found “flying by” at high speeds, jet skis are seen whipping back and forth all over the bay, and commercial tour boats are seen all the time. These types of companies often have their music blasting from speakers on their boats as they provide entertainment to their patrons. The bay was never the same.

I applaud the department’s efforts to improve the situation and to care for our precious resources.

While I’m sure there will be tour boat operators and other water-sport companies that will be against this bill, I believe that this is the right thing to do to provide a safe environment for our families, in order to create that family-oriented environment that we knew growing up in Hawaii in the 80s. By controlling the type of activities occurring in our ocean waters, the burden on the environment will be lessened, helping our natural resources to recover, and ensure that it will be available for future generations in Hawaii to enjoy.

Mahalo for your time and consideration.

Keoni Shizuma

HB-2476

Submitted on: 2/5/2024 7:17:20 AM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Kevin Tinneney	Individual	Oppose	Written Testimony Only

Comments:

I strongly appose this bill and any other bill tied to it.

i do not think any though was put into these bill about how much it will effect so many different parties. This bill is detrimental to many businesses and will sink them.

this is how people feed their families and pay their bills. It's simply down right wrong and baffling the way the language in chick these bills are written. They blanket so many different parties . Once again I strongly appose this this

HB-2476

Submitted on: 2/5/2024 9:20:00 AM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Jenny Smith	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill due to the impact it would have on small businesses in Hawaii.

HB-2476

Submitted on: 2/5/2024 9:54:00 AM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Jonathan Hale	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose bill HB2476

HB-2476

Submitted on: 2/5/2024 10:05:26 AM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Uilani Naipo	Individual	Support	Written Testimony Only

Comments:

I support this measure with recommendations that Ka Pa‘akai Analysis and SAP be used in its carrying capacity exercises, understanding the impact and planning for ORMA and thrill crafts use.

DOBOR shall work with marine managed area co-managers and community stewards of all areas impacted to protect **cultural** and natural resources, community impact related to both land and water, and other carrying capacity measures by conducting Ka Pa‘akai Analysis and SAP.

All issued permits should be treated as assets and upon serious violations, should be revoked to include marine mooring and vessel storage spaces.

Thank You,

- U‘ilani Naipo

HB-2476

Submitted on: 2/5/2024 10:05:38 AM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Annika Young	Individual	Oppose	Written Testimony Only

Comments:

I am in opposition to the passing of this bill.

HB-2476

Submitted on: 2/5/2024 11:33:37 AM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Yourash Wassel	Individual	Oppose	Written Testimony Only

Comments:

I am writing to express my strong opposition to HB2476 which proposes significant restrictions on commercial ocean activities in state waters, particularly on weekends and holidays. As a Charter boat company, these proposed regulations would have a severe impact on our operations and potentially jeopardize our ability to remain viable.

Yuri Wassel

Makena Coast Charters

HB-2476

Submitted on: 2/5/2024 12:35:35 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Kevin Leib	Individual	Oppose	Written Testimony Only

Comments:

This is a huge economic blow to the entire islands economy. If we reduce the days the tourism industry can operate in the ocean from 5 to 7 days, the economic impact would be reducing revenues by at least 5/7th, but realistically even more because weekends are often busier. I know I could not afford to live here if my revenue was reduced by that much. I already have to wick 3 jobs to make ends meet, and if I lose the opportunity to work on the weekends I would be placed well below the poverty line and would no longer be able to afford even the basics like rent and groceries.

HB-2476

Submitted on: 2/5/2024 12:42:22 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Kyle Ingram	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB2476. As a member of the local community, and one who makes my family's livelihood off teaching scuba diving, limiting our ability to do so on weekends and holiday's will drastically inhibit me and my fellow Professional Scuba Instructors ability to survive in Hawaii. Holiday's and weekends are the most significant business days for diver tourism. These proposed changes will drastically reduce the dive industry ability to surviving in Hawaii, which will lead to further destruction of our beautiful reef systems and further elimination of our valuable marine species, since those professional, like myself, protecting and educating others to protect it will be unable to do so.

HB-2476

Submitted on: 2/5/2024 2:36:52 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Scott	Individual	Oppose	Written Testimony Only

Comments:

Strongly oppose this bill. There are hard enough times on the island of Maui , now to limit even further the amount one can work is absolutly absurd.

HB-2476

Submitted on: 2/5/2024 3:10:02 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Rachel Domingo	Individual	Oppose	Written Testimony Only

Comments:

I am writing to express my strong opposition to the proposed bill HB2476.

While we understand the need for effective ocean recreation management to protect public safety and marine natural resources, we believe that certain provisions in the proposed bill would adversely impact not only our business, but also the broader ocean recreation community.

Reducing our allowable operating days by one third of the year will also reduce our employee's paychecks. We will have to lay people off immediately, if this passes. Plain and simply.

Moreover, the proposal to designate all ocean waters within 3000 feet from the shore as ORMAS and restrict commercial activity within these areas raises apprehensions about the TRUE intention of this bill. If this goes into effect, **all existing permitted businesses will have to get new permits** to legally operate where they are already operating. This puts businesses (and all of the PEOPLE) that work for them at immediate risk. Will I get a permit? Will I have a business that can continue to employ people? If this bill passes, no one will know the answer to this.

As a stakeholder deeply invested in the local community and in the preservation of our marine environment, we would appreciate the opportunity to engage in further discussions and collaborate on alternative solutions that balance the need for effective ocean recreation management with the interests of commercial operators and the public.

For these reasons, we respectfully urge you to reconsider the proposed bill's impact on the commercial ocean activity providers, recognizing the vital role we play in contributing Hawaii's economy and promoting responsible marine recreation.

HB-2476

Submitted on: 2/5/2024 3:16:15 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Sharon Adric	Individual	Oppose	Written Testimony Only

Comments:

I oppose this Bill

HB-2476

Submitted on: 2/5/2024 3:16:19 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael de Haas	Individual	Oppose	Written Testimony Only

Comments:

Aloha from Kihei in Maui County.

I am writing you today in opposition of this legislation. I am a commercial marine mechanic as well as an avid fisherman.

I oppose this legislation for both personal and professional reasons. As a marine mechanic I regularly service and thus have close conversation with many of the local commercial dive and charter boat operators. These companies are already paying multiple permit fees to operate. The waters off all Hawaiian islands drop off very quickly. I personally do not know of any divable locations in Hawaii less than 100' deep more than 3000' off shore. This would be an added fee to every single operator.

Regarding commercial fishing, most fishermen are not catching their payload within 3000' of shore. However, many fishermen start their trip catching live bait. These bait are often smaller fish swimming in large schools close to shore where they can find protection from larger predators. This legislation would mean that on weekends and holidays fishermen would be subject to additional permit fees to catch bait before heading off shore.

Both categories of operators will be discouraged from conducting business on weekends and on holidays. I firmly believe the loss of commercial activity on these days will have a greater negative impact on the taxes collected from the goods and services than will be gained from the added permit fee.

I strong oppose this legislation and hope you do as well.

mahalos plenty,

Michael de Haas

HB-2476

Submitted on: 2/5/2024 3:26:43 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Sarah Sisco	Individual	Oppose	Written Testimony Only

Comments:

The majority of work on the islands is tourism-based specifically tourism related to water sports. Putting this limitation on our workers would cause undue hardships for our residents that require this full time income. The effects of limiting access to our main attraction will likely have unpredicted effects on tourism such as bottle neck visiting times, over using our non water related resources (road to Hana, Haleakala, etc), and reduced availability for those interested in participating in water related sports and activities.

HB-2476

Submitted on: 2/5/2024 3:33:39 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Jerald Satake	Individual	Support	Written Testimony Only

Comments:

Please protect our resources for our residents and not let commercial businesses exploit our natural resources.

Mahalo