

Honolulu, Hawaii

APR 06 2023

RE: H.B. No. 1090
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred H.B. No. 1090, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO OCEAN RECREATION COMMERCIAL PERMITS,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Specify the methods by which the Department of Land and Natural Resources can issue new ocean recreation commercial permits and renew existing ocean recreation commercial permits;
- (2) Specify that new permits for ocean recreation management areas and facilities where a permit limit is implemented shall be issued by the method and order set specified, until the limit is reached; and
- (3) For renewal of existing permits in ocean recreation management areas and facilities where a permit limit is implemented, base renewal of a commercial permit on seniority, until the limit is reached.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources and Ocean



Tourism Coalition. Your Committees received testimony in opposition to this measure from Anelakai Adventures.

Your Committees find that the Department of Land and Natural Resources (Department) is currently in the process of addressing the rampant commercial marine activity taking place in the State near shore waters. This will require limiting the number of commercial use permits for high use areas. When the Department proposes to implement a permit limit through administrative rules for an area that previously did not have any type of permit limit, the Department must issue permits to all those who apply and qualify for permits until the limit is finalized. Due to the rulemaking process taking months and even years, many people can obtain permits while the Department works to implement the limit. This "run on permits" is the reason that many areas have permit counts that exceed limits, therefore this measure will help the Department to bring the permit counts down to the appropriate limits established in rule.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1090, H.D. 1, S.D. 1, and recommend that it pass Third Reading.

Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Ways and Means,


DONOVAN M. DELA CRUZ, Chair


KARL RHOADS, Chair



