

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

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I
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 Senate Committee on
WATER AND LAND**

**Friday, March 24, 2023
1:00 PM
State Capitol, Conference Room 229**

**In consideration of
SENATE CONCURRENT RESOLUTION 115/SENATE RESOLUTION 109
REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO
ADOPT ADMINISTRATIVE RULES PROHIBITING RECREATIONAL BOATING
ACTIVITIES IN MARINE LIFE CONSERVATION DISTRICTS.**

Senate Concurrent Resolution 115/Senate Resolution 109 request the Department of Land and Natural Resources (Department) to adopt administrative rules prohibiting recreational boating activities in Marine Life Conservation Districts (MLCDs). **The Department offers the following comments.**

The Department does not have any immediate plans to amend administrative rules to prohibit recreational boating activities in MLCDs but can consider such an amendment in the next rule package.

Mahalo for the opportunity to provide comments on these measures.

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

LAURA H.E. KAAKUA
FIRST DEPUTY

M. KALEO MANUEL
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



To: The Honorable Chair Lorraine Inouye, the Honorable Vice-chair Brandon Elefante, and members of the Senate Committee on Water and Land

From: The Hawai'i Reef and Ocean Coalition (by Ted Bohlen)

Re: Hearing **SCR115/SR109 REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ADOPT ADMINISTRATIVE RULES PROHIBITING RECREATIONAL BOATING ACTIVITIES IN MARINE LIFE CONSERVATION DISTRICTS**

Hearing: Friday, March 24, 2023, 1:00 p.m. CR229

Aloha Chair Inouye, the Honorable Vice-chair Elefante, and members of the Senate Committee on Water and Land:

The Hawai'i Reef and Ocean Coalition (HIROC) is a group of scientists, educators, filmmakers and environmental advocates who have been working since 2017 to protect Hawaii's coral reefs and ocean.

Hawai'i Reef and Ocean Coalition STRONGLY SUPPORTS SCR 115/SR109!

The recent grounding of and oil spill from a vessel in the Honolua-Mokuleia Bay Marine Life Conservation District should never have happened! MLCDs contain fragile ecosystems that need our protection!

This Concurrent Resolution urges the DLNR to adopt administrative rules to prohibit recreational boating activities in marine life conservation districts to prevent another event like this.

We thank the committee for hearing this important measure! Please pass SCR115/SR109 to urge DLNR to protect our marine ecosystems in marine life conservation districts!

Mahalo!

Hawai'i Reef and Ocean Coalition (by Ted Bohlen)



THE SENATE

THE THIRTY-SECOND LEGISLATURE
REGULAR SESSION OF 2023

COMMITTEE ON WATER AND LAND

Senator Lorraine R. Inouye, Chair

Senator Brandon J.C. Elefante, Vice Chair

NOTICE OF HEARING

DATE: Friday, March 24, 2023
TIME: 1:00 PM
PLACE: Conference Room 229 & Videoconference
State Capitol
415 South Beretania Street

**TESTIMONY OF THE OCEAN TOURISM COALITION IN OPPOSITION
SCR115/SR109**

The Ocean Tourism Coalition (OTC) represents over 300 ocean tour operators statewide. SCR115/SR109 (the "Resolution") attempts to resolve a very unfortunate and preventable accident that occurred in one MLCD in the State by eliminating all access by recreational boaters in every MLCD in the State. While there are some MLCD's that do not allow any vessel access, most MLCD's do allow recreational vessel access. We believe that current access should remain open to recreational vessels as well as commercial. It would be a mistake to penalize all recreational vessels because of the criminal negligence of one operator.

Sadly, the vessel grounding at Honolua MLCD could have been prevented had the current 2 hour maximum use law been enforced.

Sincerely,

James E. Coon, President, OTC



Environmental Caucus of The Democratic Party of Hawai'i

WTL_03-24-23 SCR 115/219 SR109/157

TO: COMMITTEE ON WATER AND LAND
Senator Lorraine R. Inouye, Chair
Senator Brandon J.C. Elefante, Vice Chair

CONCERNING: SCR 115/ SR 109 Prohibiting Recreational Boating in Marine Conservation
Districts
SCR 219/ SR 157 Regulating Vessel Speed Near Humpback Whales.

POSITION: FULL SUPPORT

ALOHA Chair Inouye, Vice Chair Elefante and members of the Committee

The Environmental Caucus has an enrolled membership of more than 7,000 politically active Hawaii voters and we strongly support any bill that protects our oceans and sea-life.

These resolutions are so closely related we offer support to both for similar reasons.

Marine Conservation districts were created to protect the sea life in them for the future as a hope for restocking after ignorant or careless recreational boat owners have ruined the ocean they can access. We should not have to remind this committee about garbage thrown over the boat side or running to fast and hitting sea life. Sadly there are some who feel like they can fish anywhere they are. We do not need them to be anywhere near protected areas.

The same goes for protecting the whales, which come here to have their babies and bring in tourist dollars. The Humpbacks were endangered species and many people, and environmental and marine science groups, have labored to help bring them back to a safer sustainable population.

BUT how many times have we seen them arrive tangled in fish nets or wounded by a propeller, or starving because they swallowed plastic and could not digest food? We cannot protect them from all human refuse and abuse. But we can protect them here in Hawaiian waters.

We urge this committee to protect them from local boat operators who are just too foolish or too greedy for tourist dollars to slow down and keep a safe distance. Vote for both SCR115/SR109 and SCR219/SR157

Martha E Randolph SCC Representative
for and on behalf of the Environmental Caucus of the Democratic Party of Hawaii

SCR-115

Submitted on: 3/22/2023 12:56:38 PM

Testimony for WTL on 3/24/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Zachary LaPrade	Individual	Oppose	Remotely Via Zoom

Comments:

Dear Chair, Vice Chair and Honorable Members of this Committee:

As a recreational boater who sails to Honolua Bay with my family on a regular basis, I am writing to express my strong opposition to the proposed resolution prohibiting recreational boating activities in Marine Life Conservation Districts.

Here are some of my reasons for opposing the proposed administrative rules:

- The proposed rules would unfairly penalize responsible recreational boaters for the actions of one individual who violated the law. While the diesel spill caused by a grounded vessel off Honolua Bay was unfortunate, it should not be used to justify a blanket ban on recreational boating activities in Marine Life Conservation Districts. Instead, measures should be taken to hold individuals accountable for their actions and prevent similar incidents from occurring in the future.
- Recreational boating activities, such as sailing, allow families like mine to connect with the natural environment and appreciate the beauty of our state. Banning these activities would deprive families of these valuable experiences and discourage tourism.
- Recreational boating activities, such as sailing, fishing, and snorkeling, can be done in a responsible and sustainable manner that is compatible with protecting marine life and ecosystems. Prohibiting all recreational boating activities in Marine Life Conservation Districts would be an extreme measure that fails to recognize the important role that responsible boaters play in promoting marine conservation and stewardship.
- There are already regulations in place to protect Marine Life Conservation Districts, including permits required for taking marine life for scientific, educational, or other purposes. Prohibiting all recreational boating activities would be an unnecessary and excessive measure that goes beyond what is necessary to protect marine resources
- The proposed administrative rules would limit access to public waters and natural resources, which goes against the principles of public trust doctrine that hold that natural resources should be held in trust by the government for the benefit of all citizens. The public should have the right to access and enjoy the natural resources that belong to them.
- Finally, the proposed administrative rules do not take into account the fact that many recreational boaters are responsible and respectful of the marine environment, and have a vested interest in preserving it for future generations. It is unfair to punish all recreational boaters for the actions of a few bad actors. Instead, the focus should be on educating

boaters and promoting responsible and sustainable practices that protect marine life and ecosystems

In conclusion, I urge you to reconsider the proposed administrative rules and instead explore alternative solutions that balance the protection of natural resources and wildlife with the needs of recreational boaters and their families. Thank you for considering my opposition to the proposed rules.

Sincerely,

Zachary LaPrade

SCR-115

Submitted on: 3/21/2023 9:48:26 PM

Testimony for WTL on 3/24/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Thorne Abbott	Individual	Oppose	Written Testimony Only

Comments:

While this bill is well intended, based on recent occurrences at Honolua Bay, the prohibition of ALL recreational boating may have unintended consequences. For instance, prohibiting the use, enjoyment and inspiration gained from using hand powered watercraft including kayakas and paddle boards. We recommend a bill that encourages DLNR to focus on mooring capacity and location and the management of motorized craft (including sail boats with motors) or vessels over a certain size threshold when in the vicinity of marine life districts.

SCR-115

Submitted on: 3/23/2023 3:48:26 PM

Testimony for WTL on 3/24/2023 1:00:00 PM



Submitted By	Organization	Testifier Position	Testify
Kim Falinski	Individual	Comments	Written Testimony Only

Comments:

Dear WTL committee,

I humbly suggest that the majority of impact to the MLCs is from aquatic tourism, not from recreational boating. Including tour boat operators and other marine use stakeholders in a more comprehensive analysis of impacts would be beneficial for the reef and for important sites like Honolua Bay.

Sincerely,

Kim Falinski

SCR-115

Submitted on: 3/24/2023 8:52:10 AM

Testimony for WTL on 3/24/2023 1:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Testify
Jody C Boeringa	Individual	Oppose	Written Testimony Only

Comments:

To whom it may concern,

I am opposed to this new bill since the marine santuraries should be able to be used via boat. I like to enjoy the Ocean and scuba and snorkel in these sanctuaries. Many of the beautiful areas only reachable by boat.

Sincerely,

Jody Boeringa