

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
RYAN K.P. KANAKA'OLE
Acting Chairperson

Before the Senate Committee on
WAYS AND MEANS

Tuesday, March 3, 2026
10:17 AM
State Capitol, Conference Room 211

In consideration of
SENATE BILL 3173
RELATING TO CULTURAL EDUCATION

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

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

CIARA W.K. KAHAHANE
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

Senate Bill 3173 proposes to establish a Cultural Training Pilot Program within the Department of Land and Natural Resources (Department) to be administered by the Division of Boating and Ocean Recreation (DOBOR) for all commercial use permit (CUP) holders and applicants operating in Lahaina Harbor and requires these CUP holders and applicants to complete cultural training from a DOBOR partner organization identified by the Office of Hawaiian Affairs (OHA) specializing in Native Hawaiian culture and place-based history. **The Department appreciates the intent of this measure and offers recommended amendments.**

The Department recognizes the historical and cultural significance of Lahaina, as well as the benefits in educating CUP holders to ensure that all CUP holders possess a foundational understanding of Native Hawaiian place-based history and stewardship responsibilities, particularly as wildfire recovery efforts are still underway, thereby fostering an informed and respectful commercial environment in Lahaina Harbor and surrounding ocean areas.

The Department offers the following items that the Committee may wish to address:

- The Department agrees that OHA should be the entity to identify the training partner organization. However, the Department recommends that full administration of the training pilot program be placed under OHA's authority as well, as the subject matter expert. The Department's role should be limited to verifying a valid certificate of completion when a CUP holder or applicant submits permit paperwork.

- For the purpose of verifying compliance, the Committee may want to clarify who "commercial use permit holders and applicants" encompasses, such as the company owner, company management, and/or employees (office staff and crew).
- Finally, the Committee may want to clarify if the training certification is a one-time or recurring requirement, such as once within six months of establishment of the pilot program or upon CUP renewal as well.

Mahalo for the opportunity to testify on this measure.



COMMENTS ON SB3173
RELATING TO CULTURAL EDUCATION

Senate Committee on Ways and Means
Hawai'i Capitol

March 2, 2026

10:00 AM

Room 211

Aloha e Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Senate Committee on Ways and Means:

The Office of Hawaiian Affairs (OHA) provides COMMENTS on SB3173, which would establish a three year Cultural Training Pilot Program within the Department of Land and Natural Resources to be administered by the Division of Boating and Ocean Recreation (DOBOR) in collaboration with OHA. Specifically, OHA is tasked under the bill with identifying an organization “that specializes in Native Hawaiian culture and place-based history to teach a cultural training course to educate commercial use permit holders and applicants for commercial use permits on the cultural and historic significance of the area.” Page 1, line 7-11.

Consistent with the testimony of beneficiaries from the Lahaina community, OHA supports the intent of this bill to ensure a broader understanding of the cultural and historic significance of the Lahaina area for commercial permittees operating out of Lahaina Harbor. Accordingly, if necessary, from a community perspective, OHA stands willing and ready to help DOBOR identify an appropriate organization to conduct the proposed cultural training. This mandate is consistent with OHA’s existing statutory duty to serve “as the principal public agency in this State responsible for the performance, development, and coordination of programs and activities relating to native Hawaiians and Hawaiians.” HRS § 10-3(3).

To ensure an appropriate local organization is identified, however, OHA suggests that the organization be explicitly defined in this measure as a **non-profit Native Hawaiian organization, based in or near the Lahaina area with a track record of service in the community.**

Further, it is unclear from the language of the bill whether the organization conducting training will receive monetary compensation for this service or if DOBOR shall provide in-kind resources to support the cultural training course. The bill says simply that DOBOR “shall partner with an organization . . . to teach a cultural training course.” Page 1 line 6-9. Placing the “enforcement” duty on a non-governmental agency to certify compliance is also unduly burdensome, and may inflame tensions between the cultural

training entity and permittees, contrary to the underlying intent of the bill to facilitate greater cultural understanding and cooperation.

To address these issues, OHA suggests the following amendments to section (a) beginning at page 1 line 5:

The division of boating and recreation shall partner with an organization or organizations identified by the office of Hawaiian affairs that specialize~~s~~ in Native Hawaiian culture and place-based history to teach a cultural training course to educate commercial use permit holders and applicants for commercial use permits on the cultural and historic significance of the area. The selected organization or organizations shall be non-profit Native Hawaiian organizations based in or near Lahaina with prior comparable experience conducting cultural sensitivity trainings. The division of boating and recreation shall invite its permittees and permit applicants to a one (1) day training event no less than two times per year to ensure compliance by permittees and permit applications, and provide the selected organization or organizations with other in kind resources and support necessary to perform this service.

If these amendments are incorporated, section (b) requiring independent submission of training certification by the selected organization/s will be unnecessary as DOBOR will be aware of the event attendees. Therefore, this section can be deleted.

Mahalo for the opportunity to provide testimony.

RICHARD T. BISSEN, JR.
Meia o Ke Kalana o Maui

J. KAPONO‘AI MOLITAU
Po‘o o Ka ‘Oihana Kumuwaiwai ‘Ōiwi

KEKAI ROBINSON
Hope Po‘o o Ka ‘Oihana Kumuwaiwai ‘Ōiwi



KA ‘OIHANA KUMUWAIWAI ‘ŌIWI
DEPARTMENT OF ‘ŌIWI RESOURCES
KE KALANA O MAUI, COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
pūnaewele: www.mauicounty.gov leka uila: oiwi@co.maui.hi.us

TO: Senator Donovan M. Dela Cruz, Chair
Senator Sharon Y. Moriwaki, Vice Chair
Committee on Ways and Means

SUBJECT: **SUPPORT OF SB3173, RELATING TO CULTURAL EDUCATION**

Aloha kākou:

Thank you for the opportunity to testify in SUPPORT of this important measure, which establishes a three-year cultural training pilot program for commercial use permit holders and applicants operating within Lahaina Harbor. The intent and structure of this measure aligns closely with our mission to advance cultural integrity, place-based stewardship, and responsible use of public trust resources, particularly during Lahaina’s recovery and rebuilding.

We SUPPORT this measure for the following reasons:

1. Lahaina Harbor exists within one of the most culturally significant landscapes in Hawai‘i. As a former capital of the Hawaiian Kingdom and a historic center of governance, trade, ceremony, and community life, Lahaina remains a wahi pana of deep cultural and spiritual importance. Commercial ocean activities conducted within the harbor occur within this living cultural landscape, and *cultural education is essential to ensuring that such activities are carried out with kuleana, respect, and awareness.*
2. We strongly support the establishment of a three-year pilot program administered by the Division of Boating and Ocean Recreation within the Department of Land and Natural Resources. Integrating cultural education into the existing commercial use permitting framework is a practical and effective approach that reinforces cultural competency as a core responsibility of operating in Lahaina Harbor. Requiring training for both new applicants and existing permit holders ensures consistency, equity, and meaningful impact.
3. Further, we support bill’s requirement that DOBOR partner with an organization identified by the Office of Hawaiian Affairs that specializes in Native Hawaiian culture and place-based history. This provision appropriately centers cultural expertise and ensures that ‘ike kupuna and Lahaina-specific historical context inform the education. The issuance of a certificate of completion and its inclusion as a permit requirement provides a clear, enforceable, and transparent accountability mechanism.

4. This measure aligns with our strategic goals related to cultural literacy, respectful engagement with wahi pana, and strengthening stewardship through education rather than enforcement alone. It aligns strongly with our recovery and rebuild vision for Lahaina, which emphasizes healing and rebuilding in a manner that honors Lahaina's identity and community values.
5. We view this measure a promising model for future cultural education requirements statewide. If successful, this pilot program could inform similar approaches at other harbors and for other permitted activities, helping establish cultural competency as a standard expectation across Hawai'i.

We also offer the following **COMMENTS**:

1. Prioritize Lahaina-based and Maui-based cultural practitioners and educators in the development and delivery of the training curriculum to ensure authenticity, place-specific knowledge, and community connection. Ensure curriculum content is Lahaina-specific, including pre-contact history, the period of the Hawaiian Kingdom, post-overthrow impacts, cultural protocols, and the contemporary significance of Lahaina Harbor within the broader ahupua'a.
2. Include evaluation and feedback mechanisms during the three-year pilot period to assess effectiveness, community impact, and permit holder understanding, and to inform potential statewide expansion. Consider refresher or continuing education components if the program is extended beyond the pilot phase, recognizing that cultural understanding is an ongoing practice rather than a one-time requirement.

Mahalo for your consideration.



MAUI

CHAMBER OF COMMERCE
VOICE OF BUSINESS

**HEARING BEFORE THE SENATE COMMITTEE ON WAYS AND MEANS
HAWAII STATE CAPITOL, SENATE CONFERENCE ROOM 211
TUESDAY, MARCH 3, 2026 AT 10:17 A.M.**

To The Honorable Senator Donovan M. Dela Cruz, Chair
The Honorable Senator Sharon Y. Moriwaki, Vice Chair
Members of the Committee on Ways and Means

OPPOSE SB3173 RELATING TO CULTURAL EDUCATION

The Maui Chamber of Commerce recognizes the importance of cultural and historical education. However, we respectfully oppose this bill as it is too broad, and we would like to see more work done with stakeholders prior to a new program being piloted and mandated.

We believe stakeholders should be contacted and surveyed first to determine the level of need/interest, understand how many already have cultural and historical training/education programs in place, whether the information is appropriate for their particular tours, and if they already have a cultural adviser they work with regularly.

Further, we are concerned that this pilot program would be mandatory. The requirement for all existing and prospective commercial use permit holders to complete cultural training introduces new compliance obligations. While cultural education is valuable, the implementation details, such as training duration, scheduling, costs, and administrative processes, will significantly affect businesses. These requirements could add operational burdens, particularly for small businesses already facing workforce shortages and financial pressures.

We appreciate the opportunity to share our concerns and ask that this bill 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.

SB-3173

Submitted on: 2/28/2026 6:18:52 AM

Testimony for WAM on 3/3/2026 10:17:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Keoni Shizuma | Individual | Support | Written Testimony Only |

Comments:

Aloha,

I am testifying in support of SB3173.

Hawaii is filled with culturally significant places with deep history and meaningful connections to many of the people in Hawaii. As businesses and newcomers to Hawaii, as well as uneducated residents, traverse these areas, damage and disrespect can occur unknowingly to these places. Lahaina and West Maui is no exception to this, and thus I support the creation of a cultural training course that is required for commercial operations at Lahaina Harbor.

While this is a pilot program, I believe it should be noted that certification should be renewed every other year, to maintain the permit to do commercial business there. This shouldn't be a "check-the-box" requirement, but one that operators need to regularly be refreshed on.

Also, businesses that are found to be violating or disregarding the teachings of the course should have their certification removed and their permit revoked.

Mahalo for your consideration,
Keoni Shizuma

SB-3173

Submitted on: 3/2/2026 1:40:04 PM

Testimony for WAM on 3/3/2026 10:17:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|-----------------------------------|---------------------------|------------------------|
| Denver Saxton Coon | Testifying for Trilogy Excursions | Oppose | Written Testimony Only |

Comments:

Chair, Vice Chair, and Members of the Committee:

My name is Denver Coon, testifying on behalf of Trilogy Excursions. Our family business has operated from Lahaina Harbor for fifty-four years and has deep roots in the West Maui community.

Trilogy supports cultural education and recognizes the profound cultural and historical significance of Lahaina and Moku‘ula. For decades, we have worked with cultural practitioners and educators to ensure our crews receive place based cultural education and understand proper protocol and stewardship. Cultural education is not new to our operations. It is embedded in our company culture.

Our concerns are not about the intent of this bill. They are about how it is structured and implemented.

At the prior hearing, we raised specific concerns regarding ambiguity, implementation, and operational impact. Respectfully, those concerns have not been addressed in the current draft.

As written, SB3173 conditions the ability to operate on completion of a specified training course, but it does not clearly define who must complete the training. It is unclear whether the requirement applies to permit holders, captains, all employees, seasonal crew, or new hires. The bill also does not clarify how often the course will be offered, whether new employees may work while awaiting training, whether equivalent operator led cultural programs may qualify, or who bears the cost of implementation.

The financial impact is also concerning. If operators must pay course fees for every employee while also paying wages during training time, the cumulative cost could be significant, especially for small and family run businesses still recovering from the 2023 fires.

Many operators are and will be in the process of rebuilding vessels, rehiring crews, and operating on narrow margins. A mandatory training program tied to permit authority, without clear funding, fee structure, or compliance timelines, effectively shifts the financial and administrative burden onto operators during an already fragile recovery period.

If training availability is limited or access is delayed, lawful operations could effectively be suspended through no fault of the operator. That uncertainty creates instability at a time when stability is critical.

We respectfully request that the committee either defer the bill for further stakeholder collaboration or amend it to provide clear definitions of who must complete training, guaranteed and timely access to courses, a reasonable transition and compliance period, and clear guidance regarding funding and cost responsibility.

We support cultural education. We believe in it. But implementation matters, and it must be structured in a way that is clear, workable, and mindful of Lahaina's ongoing recovery.

Mahalo for your consideration.