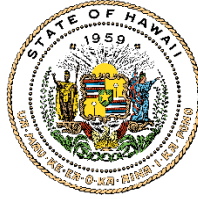


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



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

DIVISION OF AQUATIC RESOURCES
1151 PUNCHBOWL STREET, ROOM 330
HONOLULU, HAWAII 968139

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

June 20, 2023

TO: Dawn N. S. Chang, Chairperson
Department of Land and Natural Resources

FROM: David Sakoda, Fisheries Program Manager
Division of Aquatic Resources

SUBJECT: Request to appoint hearings officers to conduct hybrid virtual/in-person statewide public hearings on the adoption of Hawaii Administrative Rules chapter 13-78, "Ocean Stewardship User Fee."

The Division of Aquatic Resources (DAR) requests the appointment of hearings officers to conduct public rulemaking hearings pursuant to chapter 91, Hawaii Revised Statutes, for the proposed adoption of Hawaii Administrative Rules (HAR) chapter 13-78, "Ocean Stewardship User Fee." The proposed new chapter will implement §187A-52, Hawaii Revised Statutes, which requires all operators of commercial vessels, watercraft, or water sports equipment that are required to have a commercial operator permit or commercial use permit pursuant to HAR §13-256-3 to collect a \$1 ocean stewardship user fee from each passenger carried or customer served and transfer these fees to DLNR. The proposed rules also establish the due date for the fees to be submitted to DLNR, the reporting and record keeping requirements for commercial operators, and applicable penalties for violations of the chapter.

The proposed format of the public hearings is a hybrid virtual/in-person format with in-person host sites for those wishing to provide in-person testimony on Hawai'i Island (Hilo and Kona), Maui (Kahului), Moloka'i (Kaunakakai), Lāna'i (Mānele), O'ahu (Honolulu), and Kaua'i (Līhu'e) as well as a virtual option via Zoom. Due to the expected high volume of testifiers, we have chosen to offer three separate hybrid public hearings over three days and have assigned the in-person host sites to specific days according to their location (Maui, Moloka'i, and Lāna'i on 7/25/23, Hilo and Kona on 7/26/23, and O'ahu and Kaua'i on 7/27/23). DAR will have a Zoom public hearings officer that will facilitate all three of the meetings as well as public hearings officers for each in-person location. Each in-person site will have a TV/projector, speakers, microphone, and camera setup and will be logged into the Zoom meeting that will be shown on the TV/projector for all in attendance to watch. The Zoom public hearings officer will show a pre-recorded public hearing presentation on the proposed rules and then the in-person public hearing officer will facilitate in-person testimony. The in-person testimony will be given via a pre-setup camera and microphone at the in-person location which will be connected to the Zoom meeting and broadcast onto DAR's YouTube channel. Once all in-person testimony is collected,

the Zoom public hearings officer will collect the virtual testimony. DAR requests the following individuals be appointed for the public hearings scheduled for the following dates, times, and locations:

| Date and Time | Location | Officer Name | Officer Title |
|--|---|-----------------------|-------------------------------|
| All | Zoom | David Sakoda | DAR Fisheries Program Manager |
| Tuesday, July 25, 2023, 5:30 p.m. – 8:30 p.m. | DAR – Maui Office, 130 Mahalani Street, Wailuku, Hawai‘i 96793 | Russell Sparks | DAR-Maui Aquatic Biologist |
| | OHA – Kūlana ‘Ōiwi, 600 Maunaloa Highway, Kaunakakai, Hawai‘i 96748 | Kristy Stone | DAR-Maui Aquatic Biologist |
| | DOBOR Office, Mānele Small Boat Harbor, Mānele Harbor Road, Lāna‘i City, Hawai‘i 96763 | Adam Wong | DAR-Maui Education Specialist |
| Wednesday, July 26, 2023, 5:30 p.m. – 8:30 p.m. | Aupuni Center Conference Room, 101 Pauahi Street, Suite #1, Hilo, Hawai‘i 96720 | Troy Sakihara | DAR-Hilo Aquatic Biologist |
| | West Hawai‘i Civic Center – Community Meeting Hale, 74-5044 Ane Keohokālole Highway, Kailua-Kona, Hawai‘i 96740 | Chris Teague | DAR-Kona Aquatic Biologist |
| Thursday, July 27, 2023, 5:30 p.m. – 8:30 p.m. | Robert Louis Stevenson Middle School Cafeteria, 1202 Prospect Street, Honolulu, Hawai‘i 96822 | Bryan Ishida | DAR-O‘ahu Aquatic Biologist |
| | Līhu‘e Neighborhood Center, 3353 ‘Eono Street, Līhu‘e, Hawai‘i 96766 | Heather Ylitalo-Ward* | DAR-Kaua‘i Aquatic Biologist |

*Requesting appointment of Aaron Swink, DAR-Kau‘i Education Specialist, as a back-up public hearing officer in case Heather is unavailable.

Additionally, DAR requests the appointment of Luna Kekoa, DAR Ecosystems Management Program Manager, and John Kahiapo, DAR-Hilo Education Specialist, as back-up public hearings officers in case any of the officers listed above are, for any reason, unable to serve on their respective dates.

If you have any questions or concerns, please contact me at (808) 265-0629 or via e-mail at David.Sakoda@hawaii.gov.

- APPROVED
 DENIED



Dawn N. S. Chang, Chairperson
Board of Land and Natural Resources

Jun 20, 2023

DATE