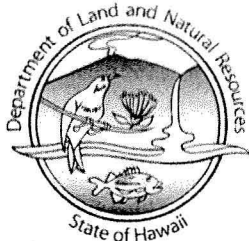
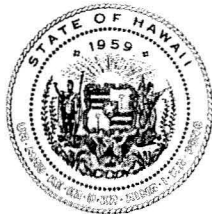


LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Laura H. Thielen
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
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

TESTIMONY OF THE CHAIRPERSON
OF THE BOARD OF LAND AND NATURAL RESOURCES

On House Bill 3389 – Relating To Marine Life Conservation Districts

Before the HOUSE COMMITTEE ON WATER, LAND AND OCEAN RESOURCES
AND HAWAIIAN AFFAIRS

February 08, 2008

House Bill 3389 would prohibit all commercial activity in Marine Life Conservation Districts. While the Department of Land and Natural Resources (Department) recognizes the concerns articulated in this bill, the Department nonetheless opposes this measure.

The Department fully acknowledges that the primary purpose of a Marine Life Conservation District (MLCD) is to protect and conserve native marine organisms and the habitats upon which they depend. The Department also realizes that there can be potentially adverse impacts to an MLCD due to any level of human visitation.

The current bill, however, would not fully address such impacts, which do not arise only from commercial activities. Non-commercial recreational activities also create similar impacts, therefore banning commercial activities, which consist primarily of dive and snorkel tours, would not be a comprehensive solution to such problems.

The Department believes that if managed at appropriate levels, commercial activities in MLCDs can lead to enhanced appreciation of the State's marine resources, and increased education regarding both their ecological importance and their potential vulnerability. Some of the State's MLCDs lie in areas that can only be accessed effectively by boat, and one effect of this bill would be to deny access to residents who are not boat owners. The Department thus feels that the positive benefits of such activities by and large outweigh their impacts to these protected areas. The Department also notes that in cases where there has been significant damage to the natural resources from such activities, the Board of Land and Natural Resources has the necessary authority to levy severe penalties, and has shown a willingness to do so, particularly in regard to a recent case involving the sinking of a commercial vessel in the Molokini MLCD.

The Department has over the years, undertaken studies to assess the impacts of commercial marine tourism and recreational activities on the resources of our MLCDs. To date, while there have been some documented impacts, the overall effect of high levels of recreational use has been insignificant. The commercial use of Department-managed marine protected areas undergo

scrutiny by the Department for appropriateness, and to determine what protective conditions are required of commercial activities in order to protect those resources.

In summary, the Department feels that complete ban on commercial activities for MLCs as proposed in this measure is overly broad and restrictive, and would not address the full range of causes for recreational impacts to the State's MLCs. The Department also feels that the effects of the bill would be counterproductive, by diminishing environmental education opportunities and depriving the State's visitors and residents alike of a chance to experience first hand the stunning endemic marine biodiversity for which Hawaii is justly famous.



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

LINDA LINGLE
GOVERNOR
THEODORE E. LIU
DIRECTOR
MARK K. ANDERSON
DEPUTY DIRECTOR

No. 1 Capitol District Bldg., 250 South Hotel St., 5th Flr., Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804
Web site: www.hawaii.gov/dbedt

Tel.: (808) 586-2355
Fax: (808) 586-2377

Statement of
THEODORE E. LIU
Director
Department of Business, Economic Development, and Tourism
before the
**HOUSE COMMITTEE ON WATER, LAND, OCEAN RESOURCES &
HAWAIIAN AFFAIRS**
Friday, February 8, 2008
8:30 AM
State Capitol, Conference Room 312

in consideration of
HB 3389
RELATING TO MARINE LIFE CONSERVATION DISTRICTS.

Chair Ito, Vice-Chair Karamatsu, and member of the Committee.

The Department of Business, Economic Development & Tourism (DBEDT) opposes HB 3389 which seeks to prohibit all commercial activities in areas designated as marine life conservation districts (MLCD) after 01/01/68.

We leave the substantive matters of this bill to be addressed by the Department of Land and Natural Resources (DLNR). And while we appreciate the need to protect our State's marine life conservation districts, DBEDT would like to voice concerns about how this measure will negatively impact the issuance of film permits for areas designated as MLCDs. Currently, DBEDT has a Memorandum of Agreement (MOA) with DLNR for the issuance of film permits. DBEDT's Film Industry Branch (FIB) works with the various DLNR agencies to issue film permits for public property under DLNR's management. Film permits have been issued for some of the MLCDs, particularly Hanauma Bay, Pupukea, and Waikiki on Oahu; Kealakekua Bay on the Big Island; and Manele-Hulopoe on Lanai. These permits have been issued on a case-by-case basis and the conditions were based on the rules/regulations for that particular MLCD.

Hawaii's ability to develop its film industry depends largely on our reputation as a film friendly location and that requires that we continue to ensure that a wide variety of

state controlled locations are available for filming and that film permits can be processed in a timely manner. If locations start to dwindle and the process becomes too cumbersome for production they will choose alternative locations to take their projects.

In addition, Hawaii now has a new tax credit for film that since its inception has generated more than \$200 million in direct expenditures in the state. If securing locations for filming or the film permit process itself becomes too onerous, then film productions will not come to Hawaii despite the attractive tax incentive.

Thank you for this opportunity to testify.



Ocean Tourism Coalition

The Voice for Hawaii's Ocean Tourism Industry
820 Mililani Street, #810
(808) 205-1745 Phone (808) 533-2739 Fax
office@oceantourism.org

Committee on WLH

Date: Friday, February 08, 2008

Time: 8:30 AM

Place: Conference Room 312

Speaking in the Strongest Possible Opposition to HB 3389

Chair Rep. Ken Ito, Vice Chair Jon Riki Karamatsu and members of the WLH Committee:

My name is James E. Coon, President of the Ocean Tourism Coalition (OTC) Hawaii's State-wide organization celebrating twenty-five years of representing the Ocean Tourism Industry. We represent the 300 Small Commercial Passenger Vessels operating out of State Harbor facilities. We speak in **the Strongest Possible Opposition of HB 3389:**

This bill would bankrupt dozens of these small family businesses and cause unnecessary harm to them and their communities. Many of these businesses have been operating responsibly for many decades, employ many people and are well respected both by the environmental community as well as the local communities of which they are a vital part. Most of these companies are also servicing a significant amount of debt for money borrowed to build and refurbish these vessels often costing well over one Million Dollars each. It is only the long term trust that our industry has built up with the banking community and the reasonable expectation of permit renewal that makes our financing possible.

It is legislation like HB 3389 that creates instability in our industry and causes banks to be very, very cautious about lending money to our small enterprises.

The Ocean Tourism Industry is highly regulated. It is mature and stable. There have been very few new permits issued within the past 20 years, so our industry is not the problem with out of control growth. We represent less than 3% of the boats in the state, yet we provide close to 50% of all boating income to DLNR.

OTC has taken the lead in helping to establish these Marine Life Conservation Districts as well as responsible stewardship of these precious resources. We are the industry that pioneered eco-tourism. It is our industry that installs and uses day use moorings, does not anchor in coral, does not take live specimens, promotes various NGO naturalists and work with them to train our staff and educate the visiting public. We have led the charge in the protection of the Humpback Whale and other endangered species. Our motto is to “take pictures and leave bubbles”. It is very arguable that our highly professional and well trained boating companies should be the primary method by which many of these fragile MLCD’s are accessed, where no one touches the coral reef and the guests are led in guided reef tours. (This is done in many other environmentally sensitive areas such as the Colorado Rivers model).

In reading the DLNR report “What Stresses Hawaii’s Marine Ecosystems?” there was nothing stated there that would suggest that it was the Ocean Tourism industry that should be shut down or that measures as draconian as prohibiting all commercial access to these MLCD’s was warranted.

It would serve no purpose to wipe out this important industry and the repercussions of such irresponsible action would have both local and international negative impact on the State of Hawaii.

Please Kill This Bill!

Sincerely,

James E. Coon, President
Ocean Tourism Coalition (OTC)

karamatsu1-Brandon

From: Jeff Strahn [jstrahn@mauidiveshop.com]
Sent: Wednesday, February 06, 2008 3:03 PM
To: WLHtestimony
Subject: Against HB3389



Committee on WLH

Date: Monday February 8, 2008
Time: 9:00 am
Place: Conference Room 312

Speaking in Against to HB 3389

My name is Jeff Strahn, President of Hawaii Islands Recreational Scuba Association (HIRSA). We represent recreation Scuba through the state. We speak in **against of HB 3389:**

This bill will kill an entire industry. Please do not pass it.

Sincerely,

Jeffrey S. Strahn
President
Hawaii Islands Recreational Scuba Association



Jeff Strahn
1455 South Kihei Road
Kihei, HI 96753
808.270.9813
Jeff@mauidiveshop.com



Lahaina Divers
a hawaiian experience like none other

February 8, 2008

Testimony To: House Committee on Water, Land, Ocean Resources & Hawaiian Affairs
Representative Ken Ito, Chair

Presented By: Greg Howeth, President
Lahaina Divers, Inc.

Subject: H.B. 3389 – RELATING TO MARINE LIFE CONSERVATION DISTRICTS.

Chair Ito and Members of the Committee:

I am Greg Howeth, President of Lahaina Divers, a charter boat company on Maui that specializes in scuba diving excursions. Lahaina Divers, Inc. was founded in 1978 and employs approximately 25 people. We strongly oppose this bill.

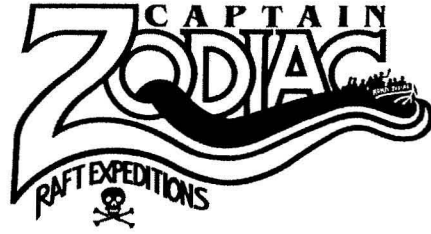
We have built our business around protecting our marine environment and educating people on the importance of protecting our marine ecosystems and natural resources. We recognize that without a pristine ocean to dive in, we can not and will not have a sustainable business.

143 Dickenson Street • Lahaina, Maui, HI 96761
Toll Free: (800) 998-3483 • Phone: (808) 667-7496
Fax: (808) 661-5195 • Email: lahdiver@maui.net
www.lahainadivers.com

The very passage of this bill would put us out of business. Our company operates in the Marine Life Conservation Districts here in Maui and for us to lose the ability to dive on and around Molokini Island and Honolua Bay would be devastating to our livelihood.

We humbly ask that H.B. 3389 not be passed.

Thank you.



74-425 Kealakehe Parkway #16 Phone (808) 329-3199
PO Box 5612 Fax (808) 329-7590
Kailua-Kona, HI 96740
Pirates@captainzodiac.com

February 6, 2008

Representative Ken Ito, Chair
Representative Jon Riki Karamatsu, Vice Chair
Water, Land, Ocean Resources & Hawaiian Affairs Committee

Opposition of HB3389 Marine Life Conservation Districts

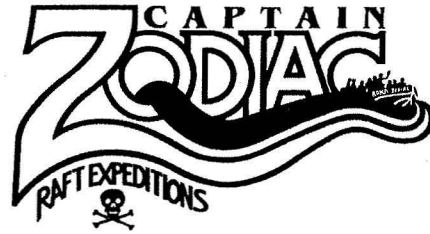
Captain Zodiac Rafting has provided conservation oriented guided snorkeling tours into Kealakekua Bay for 24 years, is the only marine business member of the Kuleana Green program.

We strenuously oppose HB3389, simply because it is far too broad in its application. For the Legislature to consider banning all commercial tour operators from MLCD's is like telling our visitors to stay home. This bill seems more politics than protection.

We recognize a need to regulate, not prohibit, the amount of use in MLCD's. Their regulation would best be done by local DLNR offices, not by our State Legislature.

The Dept of Aquatic Resources states "...management of the resource should balance the needs of different user groups..." and "MLCD's foster non-consumptive uses like swimming, snorkeling and diving." The primary reason for creation of MLCD is to prohibit fishing and taking of living or non living marine material to protect the marine environment. Commercial operators are the most careful group using these resources.

Commercial operators are more conservation oriented than anyone visiting the MLCD's on their own. We instruct and monitor their behavior to prevent coral damage. We see it every day, when people are left on their own in our MCLD; they walk on the coral, drag kayaks up on shore and harass the dolphins. None of that happens with our guests.



The groups in Kealakekua Bay have worked for 8 years with the community and DLNR to alternate our visiting times and prohibit the disturbance of marine life (in the dolphin resting area). Captain Zodiac has been visiting Kealakekua Bay since 1984, that's 24 years. It is in our best interest to conserve the resource and we have accomplished that.

You must deal with each MLCD separately. Department of Aquatic Resources has studies that show marine life flourishing in Kealakekua Bay. Frequently our guests have been to other islands and declare this "the best coral" in Hawaii. If we commercial operators have "damaged reefs, created pollution and upset the ecosystems" why is it getting better? Simple, it's due to our conservation efforts.

Hawaii's leading industry is tourism; the reef tourism contributes \$350 Million annually per the Nature Conservancy. What message does it send to tell potential visitors they cannot go into the areas most beautiful snorkel and diving spots because it's protected for the residents.

I suppose the next step is to tell visitors not to drive on the roads (shut down rental car companies) or go onto the beaches because they are restricted for use by residents and an excess of 'tourists' will degrade them?

We see our roads congested beyond belief, development of our land unchecked, our potable water sources used up, our landfills full, people living off welfare and unemployment, traveling long distances to work due to lack of affordable housing. And this Legislature wants to put hundreds of people out of work, loose millions in tax revenue by enacting this bill. Where are your priorities?

You say we put too much pressure on the system that is a generality. Our tour does two trips to Kealakekua Bay daily with a daily average of 50 people total. We spend 3 hours per day (1.5 hrs per tour) in the bay, allowing the ecosystem to rest for 21 hours. Why not shut down the worst offender? Hanauma Bay has 37,000,000 people annually probably 12 hours per day. That's over 100,000 people walking into the bay all day. The idea that Hanauma Bay should be exempt from this ban on commercial activity requires some explaining by the Legislature. Perhaps it's just another example of protecting Oahu's interests\$\$\$.

Protection of our marine resources also needs enforcement. We on the Kona coast are particularly aware of this as our DLNR does not even have a boat or a ranger for Honaunau Bay, the recreation users and kayak entry point for Kealakekua Bay.



So if you want to monitor our behavior on the reef, please do so, but also protect our reef from the very people who do the most damage, unsupervised users. The correct course of action for this bill would be to modify it from "prohibit" to "regulate".

Sincerely,
W J Zabolski

Bill Zabolski
President
Captain Zodiac



Representative Ken Ito, Chair
Representative Jon Riki Karamatsu, Vice-chair
Committee on Water, Land, Ocean Use and Hawaiian Affairs

Hearing Date: Friday, February 8, 2008

Opposition of : HB3389 - Relating to Marine Life Conservation Districts

Honorable Chairman, Vice Chair and members of the committee;

My name is Jim Walsh, and I am the General Manager of Atlantis Adventures on Maui. **I am opposed to HB3389.** There has not been enough study to date to determine whether the closure of all MLCD's to commercial companies will be of any benefit. Further, I don't believe that the consequence of such legislation has been looked at to really understand the full impact that this legislation will have on other areas; such as, employment, business closures, and revenues to the already feeble DOBOR Special Boating Fund.

The commercial operators who use the MLCD's are truly the caretakers of these areas. They look out for the well being of these environments as this is where their livelihood comes from. By removing the commercial operations from these areas will only increase the burden on state recourses to protect these areas. More DOCARE and DAR recourses will be needed to protect these areas.

What the state should be looking at is how to create alternative locations for use; such as, developing a comprehensive artificial reef program. The community, both recreational and commercial, would have more choices to dive at other interesting locations, thus lessening the potential impact of the MLCD's.

Closure is not the answer, better leadership and management are. If the state were to work with the recreational and commercial users, together we could come up with a better plan then to simply close all the MLCD's.

Please, with all due respect, kill this Bill. Thank you for the opportunity to submit testimony.

Respectfully yours,



Jim Walsh
General Manager
Atlantis Adventures ~ Maui
658 Front Street, #175
Lahaina, HI. 96761
Tel (808) 667-6604
Fax (808) 661-1210
www.atlantisadventures.com

Testimony against Bill 3389

My name is Victor Lozano; I own a company by the name of Dolphin Excursions, which operates on the Waianae coast, we have 10 employees and we support two Waianae small business stores by buying all our food goods and fuel at these locations.

This letter is to testify against Bill 3389. We need plans that work for the Waianae fishing community, ocean users and commercial operations. Not something that will hurt it.

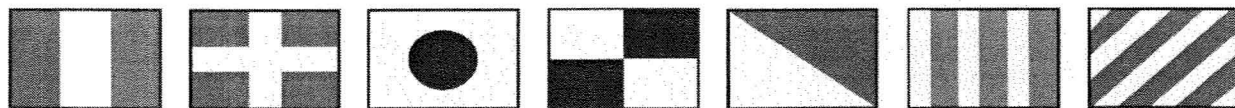
Laws are in place that protects our ocean resources we just need to start enforcing them. If you pass Bill 3389 the impacts to business and the community will be large not just in Waianae but State wide.

DLNR would be able to have a free for all at will, closing off areas as they see fit without any other discussion.

We do have problems with our ocean resources but making new laws like this are not the answer, we need to have our enforcement funded and on the job.

Victor Lozano
Dolphin Excursions Hawaii, INC
44-145 Hako St. #1
Kaneohe, Hawaii 96744
808-239-5579
vic@dolphinexcursions.com

TRIOLOGY



February 8, 2008

Testimony To: House Committee on Water, Land, Ocean Resources & Hawaiian Affairs
Representative Ken Ito, Chair

Presented By: Randolph S. Coon, President
Trilogy Excursions

Subject: H.B. 3389 – RELATING TO MARINE LIFE CONSERVATION DISTRICTS.

Chair Ito and Members of the Committee:

My name is Randy Coon, President of Trilogy Excursions – Maui's oldest sailboat company with over 36 years on Maui and Lanai. We strongly oppose this bill.

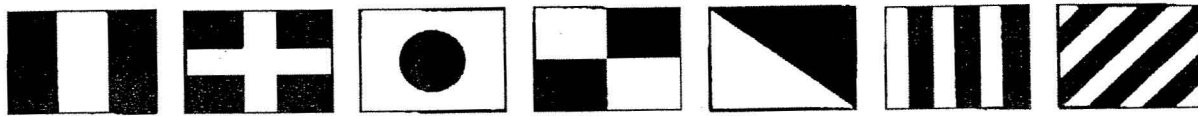
My family has built a company that is well known for its excellent customer service, our commitment to preserving and protecting our marine environment, being guided by Hawaiian Cultural values. Our company operates in the MLCD and we recognize that without a pristine ocean to dive in, we can not and will not have a sustainable business.

We humbly ask that H.B. 3389 not be passed.

Thank you.

180 LAHAINALUNA ROAD P.O. BOX 1119 LAHAINA, HAWAII 96767-1119
PHONE (808) TRIOLOGY (888) MAUI-800 FAX (808) 667-7766
EMAIL: INFO@SAILTRIOLOGY.COM WWW.SAILTRIOLOGY.COM
Ocean Adventures - Island Hospitality

TRIOLOGY



**TO: House Committee on Water, Land, Ocean Resources
& Hawaiian Affairs,
Representative Ken Ito, Chair,**

FROM: Randolph S. Coon, President, Trilogy Excursions

RE: HB 3389- RELATING TO MARINE LIFE CONSERVATION DISTRICTS

Chair Ito and Members of the Committee,

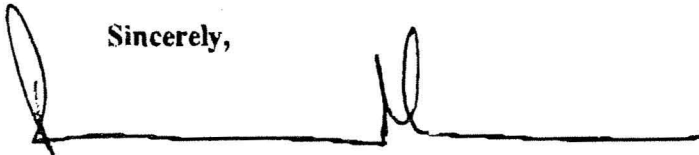
I am Randolph S. Coon, President and co-founder of Trilogy, Maui's oldest family owned and operated sailing business. I am also co-founder of the Activity and Attractions Association of Hawaii and was for many years its President.

I think I can speak for everyone in our industry when I say that I was shocked and completely taken by surprise at the broad sweeping implications of HB 3389. This bill would, among other things, effectively shut down every vessel currently taking visitors and residents alike to Molokini Crater. As I'm sure you are aware, Molokini is considered one of the premier snorkel and dive destinations in Hawaii and quite possibly the world. Our industry is proud of the active role we have played, and continue to play, in protecting and preserving natural treasures such as Molokini for our children and grandchildren and generation not yet born. Our motto of 'take pictures- leave bubbles' is a mantra that permeates our industry and resonates with conservation minded people the world over.

While I applaud the Legislatures desire to further protect Hawaii's unique ecosystems, it seems counter productive to destroy a whole industry that has been such a faithful steward of this very same ecosystem and employs directly or indirectly thousands of hard working local people.

I urge you to reconsider this legislation and I thank the Committee for the opportunity to submit this written testimony.

Sincerely,



Randolph S. Coon, Maui, HI

Representative Ken Ito, Chair

Representative Jon Riki Karamatsu, Vice-chair

Committee on Water, Land, Ocean Use and Hawaiian Affairs

Hearing Date: Friday, February 8, 2008

Opposition of: SB3389—Relating to Marine Life Conservation Districts

As a commercial boat tour operator on the Big Island it concerns us greatly that commercial operators are again being asked to bear the results of more regulations to limit access to some of our coastal areas. We believe that most commercial operators do a very good job of educating visitors, which in turn increases awareness and respect for the environment and all Marine Life. To limit commercial access will not lead to protection of the resources; only education by all users will yield the wanted result.

You have an opportunity to create a model by working with those who do commercial tours, and with the residents who utilize our resources. It certainly requires more effort to put forth a comprehensive plan that best serves everyone, but that is the responsibility that we have placed in you.

We ask that you kill this Bill, until such time that a workable plan can be implemented that will not further erode small businesses that are the backbone of this State.

Mahalo and Aloha,

Melainah Yee

Owner/Operator SunLight On Water

-----Original Message-----

From: jake@jakebarefoot.com [mailto:jake@jakebarefoot.com]
Sent: Wednesday, February 06, 2008 3:34 PM
To: WLHtestimony
Subject: HB 3389

COMMITTEE ON WATER, LAND, OCEAN RESOURCES & HAWAIIAN AFFAIRS

DATE: Friday, February 8, 2008
TIME: 8:30 a.m.
PLACE:
Conference Room 312
State Capitol
415 South Beretania Street

HB 3389

I feel that this is a complex issue and cannot be solved by a simple ban of commercial vessels. If the state bans all commercial traffic from these areas, people will not stop going to these places. They will be forced to go privately which will bypass any sort of regulations that were previously imposed on commercial operations by the state for safety and conservation reasons. To outright ban commercial operations in these zones is simple short term solution for a complex long term problem.

Jake Barefoot
HR Manager
Barefoot Tours

From: barbara kaneshige [mailto:barbara.kaneshige@hawaiiantel.net]
Sent: Thursday, February 07, 2008 9:08 AM
To: WLHtestimony
Subject: testimoy

ue Water Rafting

BI

OB 1865

P

Kihei, Hi. 96753

Committee on WHL
Date: fri., Feb. 08, 2008
Time 8:30 A.M.

Speaking in opposition to H.B. 3389

My name is Barbara Kaneshige and I am speaking for Blue Water Rafting, the small snorkel tour company employing 13 people, that my husband Mark de Rensis started 23 years ago. We would like to thank the legislature for considering means of preserving the resources which have so richly contributed to the livelihoods of ourselves and our community.

We thank you for your consideration because preserving the resources of Hawaii is of paramount importance to every person here speaking against this bill. We are the curators of the very resources this bill proposes to protect. And we too are a resource that warrants protection.

Education is the only defense adequate to protect our natural resources. This bill threatens that line of defense that has been in place since the inception of tourism. We have grown as Hawaii has grown not separate from the land or the ocean but every bit a part of it. Daily. we educate, we police and we portect our aina.

Our goals are the very embodiment of what this bill hopes to accomplish. We applaud your intent and support your efforts to preserve the resources we revere and protect on a daily basis.

It is our strongest belief while the intent of this bill is laudable it will help to destroy the very resources it hopes to protect.

We offer our help and considerable knowledge to accomplish our mutual goal.

Barbara Kaneshige



February 8, 2008

Testimony To: House Committee on Water, Land, Ocean Resources & Hawaiian Affairs
Representative Ken Ito, Chair

Presented By: Jeff Strahn
Maui Dive Shop/Alī'i Nui Charter

Subject: H.B. 3389 – RELATING TO MARINE LIFE CONSERVATION DISTRICTS.

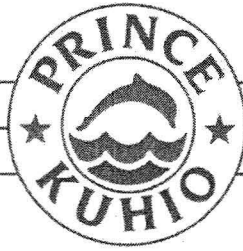
Chair Ito and Members of the Committee:

My name is Jeff Strahn and I represent Alī'i Nui Charter which is a division of Maui Dive Shop. We have been in business since 1978 and we are currently the largest diving retailer in the state of Hawaii. Our company strives to provide a quality experience for our customers, employees and guests while protecting and preserving our local marine environment.

We are in strong opposition of this bill and feel that its passage would be devastating to our livelihood.

We humbly ask that H.B. 3389 not be passed

Thank you.



MAUI-MOLOKAI SEA CRUISES

February 8, 2008

Testimony To: House Committee on Water, Land, Ocean Resources & Hawaiian Affairs
Representative Ken Ito, Chair

Presented By: Cindy Koehne
Maui-Molokai Sea Cruises – Prince Kuhio

Subject: H.B. 3389 – RELATING TO MARINE LIFE CONSERVATION DISTRICTS.

Chair Ito and Members of the Committee:

My name is Cindy Koehne and I represent Maui-Molokai Sea Cruises – Prince Kuhio which was established in 1984 and has been operating the 92-foot vessel Prince Kuhio. We employ approximately 25 individuals on the island of Maui and offer daily snorkeling cruises, private charters and seasonal whale watching to thousands of visitors from around the world every year. Hawaii's ocean is "our business". We are in strong opposition of this bill.

Our company operates in the Marine Life Conservation Districts here in Maui and for us to lose the ability to dive on and around Molokini Island and Honolua Bay would be devastating to our livelihood.

P.O. Box 516, Kahului, Maui, Hawaii 96733-7016 · (808) 242-8777

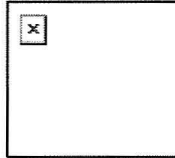
Call Toll Free 1-800-468-1287 FAX (808) 244-5890

email: info@mvprince.com · www.mvprince.com

We humbly ask you not to pass H.B. 3389.

Thank you.

From: Steven Hogan [mailto:Stevehogan@hawaii.rr.com]
Sent: Thursday, February 07, 2008 12:26 AM
To: Rep. Ken Ito
Cc: Rep. Jon Karamatsu
Subject: Testimony for Bill HB 3389



Captain Steve Hogan

PO Box 697 Puunene Hawaii 96784

Phone 808 874-1273 Fax 808 879-8201

Email SteveHogan@Hawaii.rr.com

www.MauiUnderwater.com

February 6, 2008

Testimonial

This is concerning HB 3389

Makena Coast Dive Charters has been in the scuba diving business on Maui for 22 years and is a permitted user of Molokini Crater Conservation area off the coast of Maui. We have reviewed this Bill and while we believe it is well intentioned, it is not well thought out. We find it to lack a complete understanding of the situation, the history of the use of these areas and the progress to protect them by their users.

The Bill mentions Hanauma Bay and "all marine life conservation districts," however, these can't be lumped together in one Bill as each area has its own unique environment and thus differing needs. For instance, Molokini Crater differs greatly from Hanauma Bay in a number of ways, but specifically in remoteness, depth and exposure to open ocean currents. The coral in Molokini is not "walked on or trampled" at all as it may be at Hanauma. This is due to two reasons. 1) The depth; there are very few areas shallow enough at Molokini for someone to put their feet or fins on the coral. 2) Education given by the "commercial" operators to the visitors. Due to its remoteness, visitors to Molokini

must charter a boat—a boat that is operated by people who are monitoring the use of the resource and educating their guests as to how to enjoy it with minimal impact. Our company, and other dive/snorkel ventures, provide extensive briefings to inform our guests that touching the coral or disturbing or feeding the marine life is not permitted. We in the ocean recreation industry know better than most how important it is to educate people in how to be responsible divers, snorkelers and visitors to this exceptional underwater world. We are also the ones that monitor each other and the private users of this resource.

In addition, the dive operators have been involved in the installation of the moorings at Molokini (and many other areas) so as to protect them from anchor damage. We have seen a vast improvement in the coral growth after implementing these moorings. In fact, in over twenty years of diving at Molokini, we have seen an INCREASE in both marine life and coral growth over when we first began diving here. That is an increase that took place simultaneously with the increase in visitors to this area. We see far more coral damage from one major storm than from all the visitors to the crater. How do your studies differentiate the damage caused by natural events vs. human impact?

The dive operators have stopped the setting of nets in conservation areas, prevented illegal fishing and damage of the coral from anchoring. We have rescued marine life including whales, manta rays, turtles and sharks from nets and fishing lines. We voluntarily clean up nets and fishing lines that become entangled on the reef. These operators also have designated clean up days for removing trash and debris from many underwater areas often left behind from non-commercial users. Have your studies considered the impact of NOT having the commercial operators monitoring and maintaining these marine resources?

We are called “commercial” operators by the author of this bill, but in reality we are made up mostly of naturalists, biologists, conservationists, and environmentalists that are providing an important service.

While we aren't familiar with procedures for all of Hawaii's conservation areas, there is a process already in place to protect Molokini. The very purpose of issuing the use permits is to regulate the numbers and minimize the impact. Sure stopping all activity will help ensure protection of these areas, but what is next and at what cost? Will we then need to close Haleakala National Park, Volcano National Park, Waimea Canyon, The Na Pali Coast? The list goes on and on.

It is through education that these places are protected and it is the public's opportunity to visit these places that evokes a love for the environment and a *desire* to protect it.

The other major area that this Bill has not adequately considered is the financial impact on the state and its residents that would be caused by closing these natural resources to recreational/commercial use. Hawaii is promoted as an ocean recreation destination. Millions of visitors come to Hawaii specifically to enjoy the marine environment. While protective measures have to be in place and monitored, shutting down these resources

would have devastating effects. People put up with the prohibitively high prices to visit Hawaii so that they can experience something exceptional. If you close all the exceptional dive and snorkel locations to recreational use, people will go elsewhere to find that experience. We must have these locations to sustain this economy. The visitors that come to Hawaii specifically to experience these exceptional marine environments also spend a lot of money across the state aside from the tour businesses.

Keep in mind also that it is also excruciatingly expensive to run these businesses. Every step you take toward depleting the access to these natural resources will also deplete the numbers of visitors, and thus the amount of taxes paid to the state, the number of people employed, etc. The fiscal damage to the state and its residents by passing this Bill is unfathomable.

As a "mom and pop shop," we have put our blood, sweat and tears into creating our business and have done so under the premise that our permit allows us access to Molokini as a desired destination. The operators that have built their lives by providing this service to visitors and locals need to be taken into careful consideration, as well.

We often hear of the "trickle down effect" when it comes to financial impact but closing these resources to recreational and commercial access would be more like the "tsunami effect." Not only would marine businesses go bankrupt, but the impact would be felt in every aspect of the visitor industry across the state.

You must reject this Bill and instead consider each environmental resource independently taking into consideration all of the unique variables of each location. We urge you to consider education and regulation, rather than prohibition.

Capt. Steve Hogan and Eve Hogan

Makena Coast Dive Charters Inc.

Committee on WLH

Date: Friday, February 08, 2008

Time: 8:30 AM

Place: Conference Room 312

Speaking in the Strongest Possible Opposition to HB 3389

Chair Rep. Ken Ito, Vice Chair Jon Riki Karamatsu and members of the WLH Committee:

Dear Committee and Representatives:

I am writing today due to the fact that I can not personally fly over to Oahu on Friday to give in person testimony. In lieu of such I would ask that you kindly accept this written testimony.

Regarding proposed bill #3389 I urge you to consider the magnitude of trickle down effects that approval would have. Being just one member of a boat operating community I know the catastrophic effect it will have on my company, the many employees and support services involved with our operations and the many others throughout the state that would also be adversely impacted by this bill. We have for many, many years been good stewards of the aina. We are not adding to the problems at the areas referenced in 3389. In fact our conservation efforts, awareness programs and personally escorted excursions in and around many of the beautiful harbors, inlets and marine destinations of the state have added to the public and visitor knowledge of Hawaii's marine ecosystem.

As you discuss the merits of bill 3389 I would encourage, rather implore you decline passage.

Sincerely,

Michael T. Kelley

President

Ka'anapali Kai Charters

From: Pony Express Tours [mailto:ponex@maui.net]
Sent: Thursday, February 07, 2008 7:35 AM
To: WLHtestimony
Subject: Testimony

Representative Ken Ito, Chair
Representative Jon Riki Karamatsu, Vice-chair
Committee on Water, Land, Ocean Use and Hawaiian Affairs

Hearing Date: Friday, February 8, 2008
Opposition of : SB3389 - Relating to Marine Life Conservation Districts

Honorable Chairman, Vice Chair and members of the committee;

My name is Toni Marie Davis. I am the Executive Director of the Activities & Attractions Association of Hawaii. **We are opposed to HB3389.** There is no proof that eliminating non consumptive commercial activity will reduce the impact on these natural resources' fisheries. Here is what I am fairly sure will happen if this HB3389 passes:

1. Drastically reduce the fees paid to the financially anemic special Boating Fund
2. Eliminate the passionate caretakers of these areas
3. Opportunities to be "awed" & educated first hand on the beauty of these areas will decrease
4. Increase state's liability, as the local experts ready to assist where and when needed for those not familiar with the area, yet daring enough to venture out unguided will not be present.
5. These same venturesome individuals will introduce an increased harm risk to the resource.
6. Force a large number of companies to close their doors

Creating restricted zones as management tools in nursery and spawning grounds to rebuild depleted stocks has long been a part of the Native Hawaiians caretaker practices. The MLCDs were set up as strict fish management zones. Expanding this to prohibit non consumptive commercial activity denies those operators aloha (respect), laulima (cooperation), and their malama (stewardship). Without which there can be no pono (balance). This is just wrong.

There is a distinct possibility that eliminating these controlled, safe, non consumptive activities may lead to an increased impact. Look at Ahihi-Kinau Natural Reserve on Maui. With the elimination of commercial tour operators, the fish biomass decreased. The fish which used to come right up to people snorkeling, now, swim away. Poaching and fish collecting are the suspected culprits. The "eyes" that used to assist "newbies"

while patrolling and protecting the area are gone. The "management" now wants to close the area completely to everyone, as if this is "managing".

Please, with all due respect, kill this Bill. Thank you for the opportunity to submit testimony.

Sincere Aloha,
Toni Marie Davis/Executive Director
Activities & Attractions Association of Hawaii

Persons wishing to offer comments should submit testimony at least 24 hours prior to the hearing with a transmittal cover indicating:• Testifier's name with position/title and organization;• The Committee the comments are directed to;• The date and time of the hearing;• Measure number; and• The number of copies the Committee is requesting.

While every effort will be made to copy, organize, and collate all testimony received, materials received on the day of the hearing or improperly identified or directed to the incorrect office, may be distributed to the Committee after the hearing. Submit testimony in ONE of the following ways:

PAPER: 5 copies (including an original) to Room 427 in the State Capitol; or
FAX: less than 5 pages in length, 586-8494 (Oahu) or 1-800-535-3859 (Neighbor Islands).
EMAIL: less than 5 pages in length, transmit to WLHtestimony@Capitol.hawaii.gov.

Sailing  Shipps Ltd
GEMINI CHARTERS
Ka'anapali Sailing Adventures

P.O. Box 10846 • Lahaina • HI 96761 • e-mail. gemini@geminicharters.com
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Water, Land, Ocean Resources & Hawaiian Affairs Committee
Representative Ken Ito Chair
Representative Jon Riki Karamatsu Vice-Chair

February 8th, 2008

Opposed to: HB 3389

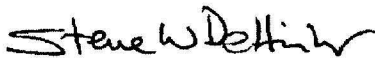
Dear Representatives,

Having been in business at Ka'anapali since 1980, Gemini has always protected and helped preserve the marine environment that we share with our passengers on a daily basis.

We strongly oppose HB 3389.

Thank you for taking the time to read our short testimony.

Best regards,



Steve W. Dettwiler

Operations Manager

Vice President

Sailing Shipps Ltd, DbA Gemini Charters

-----Original Message-----

From: Philip Heath [mailto:philipkheath@yahoo.com]
Sent: Thursday, February 07, 2008 5:51 AM
To: WLHtestimony
Subject: Marine Life Conservation District/ HB 3389

Chairman Ito,

I strongly oppose banning all boats from Marine Life Conservation Districts. This bill will put thousands of people out of work, harm our economy, decrease our freedoms and drive away tourism.

As a scuba instructor I help introduce people to the underwater world and they learn to respect the reef and the animals that live there.

Please oppose HB 3389. I personally would like to have the freedom to go snorkeling & diving on Kahoolawe.

Sincerely,
Philip Heath
P.O. Box 1530
Lahaina, HI 96767
5 Star Scuba
Scuba Instructor

HB 3389 Hearing on Friday @ 8:30 am COMMITTEE ON
WATER, LAND, OCEAN RESOURCES & HAWAIIAN AFFAIRS

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TESTIMONY FOR SIDNEY AKIONA

My name is Sidney Akiona, President of KaiKanani Inc. I have been operating a small boat tour business since 1983. I am totally opposed to HB 3389 not only to the detrimental effect on my livelihood, but also to the livelihood of my employees and how it will affect their families. As part of the tour industry, I have taken 1000's of visitors out to Molokini to see the wonders the reefs that Hawaii has to offer. As my business depends on the natural beauty that Molokini has to offer, it would be only common sense that I make sure that the destination is preserved with minimal impact on the natural habitat. Your proposed bill 3389 would prohibit any of the visitors coming to our islands any chance of seeing its beauty. What good is a natural reserve if no one can review it?

From: Kyle Fields [mailto:Kyle@seaquesthawaii.com]
Sent: Thursday, February 07, 2008 5:53 AM
To: WLHtestimony
Subject: Opposition Testimony to HB3389 / Committe Meeting February 8, 2008

Representative Ken Ito, Chair
Representative Jon Karamatsu, Vice-chair
Committee on Water, Land, Ocean Resources, Hawaiian Affairs Committee

7 FEB 2008

Opposition of HB 3389 Prohibits all commercial activities in marine life conservation districts designated after 01/01/68

1. This testimony is to express my strong objections to the prohibition of commercial activity in MLCD's, outlined in HB 3389.
2. My name is Kyle Fields. My wife and I own Sea Quest Rafting Adventures in Kailua-Kona. We are a small business that has been providing snorkeling and rafting tours to small groups in Kealakekua Bay and Honaunau Bay since 1989. As a commercial operator, we work hard to minimize our impact on the reef by coordinating our tour times with our competitors, minimizing the use of our engines while in the snorkel sites, and educating our guests that they are not to stand on or touch any part of the reef. We pride ourselves that our guests leave with a greater appreciation of Hawaii's natural resources as well its history.
3. Kealakekua Bay is one of the few areas along the Kona coast that provide a safe yet beautiful snorkeling experience to tourists and residents. After the major earthquake in October 2006 when Kealakekua Bay was placed off limits for about a week for safety reasons, we attempted to use alternate snorkel sites. It was not a good experience for our guests as well as our employees as they were forced to drop their guests over reefs that were thirty to forty feet deep in waves as high as five feet. Our guests left with a very poor impression of snorkeling on the Big Island as well as our company.
4. Passage of HB 3389 will most likely force our company into Chapter 7 liquidation and force our employees to collect unemployment while they seek alternate employment in an industry that has been legislated out of existence.
5. Commercial as well as recreational use of MLCD's should be regulated and monitored by the DLNR in order to preserve these precious resources; however, HB 3389 will preserve the resource but ban anyone from being able to appreciate the resource. HB 3389 is a completely unbalanced and draconian approach to resource preservation.

6. The people of Hawaii must ask themselves the hard question of where the jobs, health care, and tax dollars will come from to support our people and its government after we systematically begin eliminating our number one industry. Furthermore, where will the tax dollars come from to provide the infrastructure needed to support environmental protection when the state has eliminated the source for these tax dollars?

7. I implore you to eliminate this bill in favor of a more balanced approach to preserving our MLCD's across the state. We need a win-win solution where we can maximize the preservation of our resources while still preserving the economic base for our citizens and future citizens.

With Aloha,

Kyle Fields

Sea Quest Rafting Adventures

PO BOX 390292

Keauhou HI 96739

808-557-1559

From: Kyle Fields [mailto:kyle@seaquesthawaii.com]
Sent: Thursday, February 07, 2008 6:53 AM
To: Rep. Jon Karamatsu
Subject: HB 3389

Representative Jon Riki Karamatsu
41st Representative District
Hawaii State Capitol, Room 427
415 South Beretania Street
Honolulu, HI 96813

7 FEB 2008

1. HB 3389, which prohibits commercial activities in marine life conservation districts (MLCDs), is scheduled to be heard before the WLH committee on Friday, 8 FEB 2008.
2. Please consider my testimony attached below and eliminate this bill.

With Aloha,

Kyle Fields,
President,
Sea Quest Rafting Adventures
PO BOX 390292
Keauhou HI 96739
808-557-1559

Begin forwarded message:

From: Kyle Fields <Kyle@seaquesthawaii.com>
Date: February 7, 2008 5:52:51 AM HST
To: WLHTestimony@capitol.hawaii.gov
Subject: Opposition Testimony to HB3389 / Committe Meeting February 8, 2008

Representative Ken Ito, Chair
Representative Jon Karamatsu, Vice-chair
Committee on Water, Land, Ocean Resources, Hawaiian Affairs
Committee

7 FEB 2008

Opposition of HB 3389 Prohibits all commercial activities in marine life conservation districts designated after 01/01/68

1. This testimony is to express my strong objections to the prohibition of commercial activity in MLCD's, outlined in HB 3389.
2. My name is Kyle Fields. My wife and I own Sea Quest Rafting Adventures in Kailua-Kona. We are a small business that has been providing snorkeling and rafting tours to small groups in Kealakekua Bay and Honaunau Bay since 1989. As a commercial operator, we work hard to minimize our impact on the reef by coordinating our tour times with our competitors, minimizing the use of our engines while in the snorkel sites, and educating our guests that they are not to stand on or touch any part of the reef. We pride ourselves that our guests leave with a greater appreciation of Hawaii's natural resources as well its history.
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4. Passage of HB 3389 will most likely force our company into Chapter 7 liquidation and force our employees to collect unemployment while they seek alternate employment in an industry that has been legislated out of existence.
5. Commercial as well as recreational use of MLCD's should be regulated and monitored by the DLNR in order to preserve these precious resources; however, HB 3389 will preserve the resource but ban anyone from being able to appreciate the resource. HB 3389 is a completely unbalanced and draconian approach to resource preservation.
6. The people of Hawaii must ask themselves the hard question of where the jobs, health care, and tax dollars will come from to support our people and its government after we systematically begin eliminating our number one industry. Furthermore, where will the tax dollars come from to provide the infrastructure needed to support environmental protection when the state has eliminated the source for these tax dollars?
7. I implore you to eliminate this bill in favor of a more balanced approach to preserving our MLCD's across the state. We need a win-win solution where we can maximize the preservation of our resources while still preserving the economic base for our citizens and future citizens.

With Aloha,

Kyle Fields

Sea Quest Rafting Adventures

PO BOX 390292

Keauhou HI 96739

From: tara hecker [mailto:tarahecker@yahoo.com]
Sent: Thursday, February 07, 2008 12:12 PM
To: WLHtestimony
Subject: Opposition of HB3389

TO WHOM IT MAY CONCERN:

This email is to oppose HB3389. I have been a captain for Captain Zodiac for over three years. In that time I have personally educated people about the reef, it's inhabitants, and it's importance. I am a scuba diving instructor, a boat captain, and a resident of Hawaii for 10 years. I of all people understand the importance of the protecting the marine environment. I do think that MLCD's should be regulated but, to prohibit all commercial tour operators is unnecessary. It would put hundreds of people out of work and would not help protect the MLCD's. In my observations, it is the UNGUIDED tours that do the most damage. They are the ones standing on the reef, dragging kayaks on shore, harassing the dolphins, etc... None of these illegal acts happen on our tours because we, as well as other operators, are conservation oriented. We understand the importance and delicacy of our MLCD's. We prevent destruction and promote education at Captain Zodiac with our detailed marine life briefings and our constant supervision of our snorkelers. It makes more sense to have our local DLNR agents regulating the MLCD's and enforcing penalties. Prohibiting all commercial tour operators will NOT help protect our MLCD's.

Mahalo,
Capt. Tara E. Hecker
(808)987-0297
tarahecker@yahoo.com
Kailua-Kona, HI.

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From: BAMBOO REEF HAWAII [mailto:bambooreefhawaii@hawaiiantel.net]
Sent: Wednesday, February 06, 2008 1:28 PM
To: WLHtestimony
Subject: Opposition Testimony to HB3389 / Committe Meeting February 8, 2008

Representative Ken Ito, Chair
Representative Jon Karamatsu, Vice-chair
Committee on Water, Land, Ocean Resources, Hawaiian Affairs Committee

Wednesday, February 5, 2008

Opposition of HB 3389 Prohibits all commercial activities in marine life conservation districts designated after 01/01/68

This testimony is to express my strong objections to the prohibition of commercial activity in MLCD's, outlined in HB 3389.

My name is Geoff Hand and I live with my wife and son on the Big Island, where we operate a small ocean recreation business that we depend on for our livelihood. We love the ocean and enjoy sharing it with friends and visitors. I don't want to see the Hawaiian Islands become marine preserves that only scientists can enter and enjoy.

Please keep some perspective on what is appropriate to make into the highest level of protection – a “preserve” vs. what is best regulated and protected as a MLCD. In the past MLCD's were designated for non-consumptive uses but definitely set aside for human use i.e. snorkeling, diving, swimming, etc. This bill will ban human use from these important public places in the State. Please don't take the natural beauty and marine resources that surround Hawaii away from people to enjoy and explore.

There are many “environmentalists” today that are eager for you to protect nature from human use, since after all, didn't people poison the air and water in the past? It is a mistake to become overzealous in the way we protect natural resources. We need to regulate people's behavior not exclude it from the equation. People need beautiful places to explore and renew themselves. In Hawaii the ocean is the main place for exploring and enjoying the natural world and people rights to access nature needs protecting too.

I participate in providing free marine education brochures, navigational maps and safety briefings to visitors and residents of Kealakekua Bay MLCD 7 days

a week. I have worked for the past year to improve visitor's appreciation and protection of the marine life and cultural history of the Bay in this way. Banning visitors and residents to this Bay is unwanted and unnecessary here. The best snorkeling at the Bay can only be accessed by boat and this means by commercial boat charters and kayak tours. Banning commercial use bans human use!

This bill makes a weak case that too much human use is damaging the marine environment. Human use is one source that impacts the environment in MLCD's but not to the extent that it justifies banning people from all MLCD's!

In fact, the scientific evidence at Keakalekua Bay MLCD demonstrates that past and current human use is definitely not damaging the Bay. The evidence here demonstrates that long term human use and coral/marine life can thrive together.

I have learned in community meetings on the Big Island that some conservationists are sounding alarms about degradation of coral and marine life, despite contradictory evidence in studies by local scientists that refute their claims. It is this kind of misguided pseudo-protectionism that threatens to exclude the human element from our favorite marine resources. Don't let them do it! Man is the measure of all things. No more so than when considering eliminating man from the nature equation... it is we who love, appreciate, and use these natural places – it is ridiculous to ban human use from Kealakekua Bay and the other MLCD's.

I am a conservationist too and respect what scientists tell us about the health of our area. I am not impressed by those who wish to make the natural world and marine environment into a mausoleum that cannot be viewed or explored or enjoyed. I take steps to protect the Bay from damage with education and community service. I value action that protects the bay and includes the human element, not vilifying recreation and human use as spoiling the natural resource but mitigating negative impacts with reasonable regulations.

MLCD's were created to support and encourage non-consumptive uses such as diving, snorkeling and swimming – human use! MLCD's were not intended to be nature preserves but parks for people to learn about nature, marine life, and the ocean - first hand. Since tourists and residents alike access MLCD's through commercial tours, banning commercial operators from MLCD's bans human use – not a good idea. We need to be balanced in the protection of our resources and not be unduly influenced by those who want to separate people from nature.

Many residents find refuge and relaxation in the beauty of Hawaii's MLCD's . In these natural places people re-create themselves and find inspiration.

MLCD's represent the best marine areas Hawaii has to offer and now only those with the income to afford a private boat will be able to enjoy these special places – Hawaii has always provided access for everyone to the ocean... not just the wealthy.

Tourists that come year after year and share their Hawaii with friends and family will find some of their favorite spots off-limits! How will eliminating visitors favorite places benefit a State whose economy goes up and down with the tourist season and its popularity as a destination? This ban of human use really doesn't bode well at all for the economy.

In review, there is an assumption in this bill that something is broken in MLCD's, yet the scientific evidence indicates MLCD's are thriving under existing regulations and with the current level of human use. Recent studies at Kealakekua Bay MLCD shows human use coexisting with a healthy reef and fish population... if something isn't broken – why are you fixing it?

This idea of banning human use is extreme, unwarranted, and likely to damage a fragile tourist economy and devastate the many businesses that provide transportation services and activities at MLCD's, not to mention disenfranchise residents from access to the ocean and the inspiration and re creation it conveys.

Finally, it is interesting to note that the most popular and highly visited and possibly the most negatively affected MLCD – Hanauma Bay on Oahu is excluded from this bill's consideration. Did the designers of this bill think more highly of Oahu's tourist climate and health - than of Maui's and the Big Island's? Do the authors of this bill think that the Big Island is incapable of regulating its own affairs? The MLCD's of Maui and Hawaii are just as important to these island's tourist economy and recreation resource as is Hanauma Bay is to Oahu. It is patently unjust not to apply this ridiculous ban to all MLCD's EXCEPT the author's home MLCD. If it's too extreme for your MLCD, then it is too extreme for ours as well! The shame is on you.

A good idea would be to stop the HB 3389 before it takes up valuable time that could be devoted to more worthy projects. Please oppose the HB 3389 and stop it in committee.

In anticipation of your thoughtful consideration, thank you.

Geoff Hand
81-6367 Mamalahoa Hwy. Kealahou, Hawaii 96750
808-325-0956

From: Mendy Dant [mailto:mendy@fair-wind.com]
Sent: Wednesday, February 06, 2008 2:51 PM
To: WLHtestimony
Subject: Opposition to HB 3389/ Committee Meeting February 8, 2008
Importance: High

Representative Ken Ito, Chair
Representative Jon Karamatsu, Vice-chair
Committee on Water, Land, Ocean Resources, Hawaiian Affairs Committee
Wednesday, February 5, 2008

Opposition of HB 3389 Prohibits all commercial activities in marine life conservation districts designated after 01/01/68

I am writing against the above-mentioned bill, HB3389. This bill states PROHIBIT ALL COMMERCIAL USE FROM ALL MLCD'S. The objective is to protect the marine life environment. But this bill is too extreme, too broad and therefore more devastating than productive. A solution to this issue has already been addressed in the permit process started back in 1988 for Kealakekua Bay, and in Molokini where the commercial use is controlled with limited permits.

I agree the DLNR has been very ineffective in managing the Kona specific MLCD. The solution has been challenging and it may be from the AG's office that is actually stymieing the DLNR in Kona. The kayak renters drag their kayak up on the shore, which is state parks land, the rafts drift and do not tie up to a mooring, so state land is not used. This is navigable waters and is legal for vessels to travel in. So this might be a sticky issue for the AG. But the commercial companies want to participate with the DLNR and are even willing to pay reasonable user fees to help hire a ranger to protect the area.

The DLNR has held hours and hours of meetings on this exact issue in Kona and found excellent practical steps to insure conservative controls. Hurray the goal was reached, after investing many hours we succeeded as a community group of residents and commercial users. But, the state DLNR has never executed a permit program to accomplish the goal. But this is not the first group I personally have worked with on this exact issue. Since receiving a commercial use permit from the BLNR in 1990 to operate commercially in Kealakekua Bay, our company has been called upon to meet with DLNR staff and other commercial users to try to control the commercial un-permitted users, many times. Carol She` was the first Honolulu DLNR-DOBOR staff person to conduct meetings in Kona with residents and commercial users. She worked the commercial users by threatening to close us out of the bay, as the state had in Kauai. That lasted for about 2 years, end result was -nothing changed. No new rules, no new controls. Then new companies kept coming into the bay and increasing their capacity. So new meetings started with Peter Young and eventually Bob Masuda, again after a couple of year's meetings, nothing changed, no new controls. So now, we see a bill introduced by Oahu legislatures. After inquiring why this extremely detrimental bill was introduced, we are told that it is to get the attention of the DLNR to do something to protect the MLCD's from accidents like the sunken dive boat in Molokini. That was one vessel out of all of these years, this is not an effective bill. Kona is not Oahu; we get the lowest visitor numbers, and need access to our MLCD, Kealakekua Bay. Commercial boats are the mode of transportation even our residents use to enjoy the bays' beautiful marine life and calm protected waters.

Fair Wind Cruises has been going to Kealakekua Bay, a MLCD, since 1971. We currently have 50 employees and have had the mooring since 1971, when my father-in-law, Mike Dant started the business in Keauhou Bay. We received a permit to go into this bay in 1990, from

the BLNR after applying and producing an EIS. All businesses wanting to apply for a permit needed to do so by a deadline in 1988, and then be approved by the BLNR. Since then many other boat tour and kayak businesses have started bringing people to this bay. The state never enforced any controls to these new users.

So, since the initial permitting process in 1988, there has not been any permitting process.

Out of the current commercial users, only Fair Wind because we went through the application process has a set-mooring pin in the bay. Fair Wind pays an additional .5% of our gross income to the DLNR for using a mooring pin. We put the mooring in at our expense and are responsible for its upkeep. I would suggest a permit plan that can meet the AG's concerns be applied to the other approved commercial users. This is the type of management we the taxpayers expect from our government officials, to protect our resources and allow business and taxpayers to survive together amicably.

We should inform you that we "the commercial users" are generally the ones that keep the poaching of tropical fish to a minimum, we are the DLNR's eyes and ears, because they can not be there. We have personally witnessed a healthier reef in this bay over the past 37-year period that we have frequented it. Our presence helps to prevent by educating people and policing illegal anchoring, fishing, and fish collecting. We help the "public" who hike on their own and can not get back up the pali, so we save them by bringing them back to the harbor with us, often giving there exhausted and dehydrated bodies the emergency medical assistance they need.

Since we are a tourism economy, most of our jobs and taxes come from tourism. Our vital visitors want to get into the ocean and Kona does not offer many safe or easy access locations. Where would our snorklers go? They could all go to Kahaluu, or Honaunau... Where they already do go to, but now we'll need to add 150,000 more to those two places. Also, most of our residents do not own vessels, and this is the easiest way to get to Kealahou Bay. We can accommodate wheelchair customers otherwise they would have no other way to enjoy the flat calm waters of this historic bay.

Kona has lost Bean's Dinner Sail, Fluming the Ditch and a major hiking area from Hawaii Natural Forest & Trail, how much more do we need to lose before we aren't a strong choice for many visitors? We do not need the state government to close down marine businesses that are eco-friendly and sustainable attractions. We need your support to kill this bill as soon as possible. Good management is the means to accomplish the outcome you want. This bay is healthy, and with some growth limits of the commercial use we can all be winners, but if it keeps being un-managed by the state, then we all lose, especially with a bill like this HB 3389.

The bill mentions 37 million users to Hanauma Bay every year; the outer islands do not have those kinds of numbers at all. As our permit allows us to bring 200 passengers max each day, actually Fair Wind brings in less than 50,000 a year and with all of the other rafts and kayaks probably another 100,000, totaling about 150,000 a year. A far cry from the huge numbers going to Oahu or Maui.

I do believe strongly that the DLNR needs to give permits to the companies that pass their requirements and allow only the amount that is designated as safely not negatively impacting the bay's pristine conditions. We are in need of these controls sooner than later. We need the AG office and the DLNR to find a way to control this precious asset. But this bill HB3389 does not offer controls it totally kills many good businesses and a main Big Island attraction.

Sincerely,
Melynda Dant

--

Vice President
78-6775 Box "A" Makenawai St.
Kailua Kona, HI 96740
Wk; 808-322-2644 ext#2

-----Original Message-----

From: Betsy Morrigan [mailto:kayaklady@hawaii.rr.com]

Sent: Wednesday, February 06, 2008 3:15 PM

To: WLHtestimony

Subject: Opposition Testimony to HB3389 / Committee Meeting February 8, 2008

Representative Ken Ito, Chair

Representative Jon Karamatsu, Vice-chair

Committee on Water, Land, Ocean Resources, Hawaiian Affairs Committee

Wednesday, February 5, 2008

Opposition to HB 3389 Prohibits all commercial activities in marine life conservation districts designated after 01/01/68

I wish to testify against this bill.

I am first and foremost an environmentalist belonging to the non-profit environmental groups Sierra Club, the Nature Conservancy, E Mau Na Ala Hele trail advocacy group, Malama Kai, and the Coral Reef Alliance. I own and operate a kayak and hiking guided tour company called Hawaii Pack and Paddle. I am also president of the non-profit group KAI, Kayak Alliance of the Islands. KAI trains and pays for a 'docent' seven days a week at the entrance to the bay to educate all kayakers in Kealahou Bay MLCD about safe and respectful practices in the MLCD. Each visitor to the bay gets a brochure about the history and culture and one about the natural resources of the bay, and a map with guidelines to be followed, including:

1. no contacting of coral (and how to avoid this)
2. no chasing of dolphins
3. using the bathroom before the trip
4. No fish feeding
- 5.

This bill would significantly impair public access for residents and visitors alike to some of the safest and most interesting snorkeling, diving, hiking, and historical areas in the State. Furthermore, the premise of the bill, that human overuse threatens these areas, is contrary to the present scientific evidence. These areas are currently protected and the existing protection has succeeded in preventing degradation of the coral or marine life. Closing significant access through banning commercial recreational activities in MLCD's will result in a serious reduction of tourist destinations, and economic hardships for the thousands of employees and the hundreds of owners of the commercial enterprises losing their livelihoods. Finally, there will be a large direct loss of state revenues from permit fees.

I agree that it is crucial to protect the ocean resources of the state and we see that the MLCD's are already doing a good job of this. To protect the resource is it not necessary to prohibit commercial activities in these MLCD's. The current level of regulations for MLCD's well protects these important natural resources without unnecessarily restricting access to the public or state-permitted commercial operations that provide guided services to access these MLCD's. Restricting commercial activities simply amounts to prohibiting human recreational use of the MLCD's. The MLCD's were designated to protect the fish and other marine life for human enjoyment and perpetuate the marine resource's health by limiting over-fishing and taking of marine life, which has been very successful. Prohibiting all commercial activity fails to recognize these areas as the critical tourist destinations

that caused them to be protected in the first place. Tourists and residents alike need safe, guided recreational activity locations which the MLCD's have provided. Guided tour operators provide close monitoring of guests and education about the fragile marine environment. Prohibiting commercial activity in these MLCD's will eliminate up to 75% of the most popular dive/snorkeling locations in Hawaii!

It is important to look at the DLNR's own words to see how they view public usage of the MLCD's in their website:

<http://www.hawaii.gov/dlnr/dar/mlcd/index.htm>

³Regulations in MLCDs

Since the purpose of MLCDs is to protect marine life to the greatest extent possible, the taking of any type of living material (fishes, eggs, shells, corals, algae, etc.) and non-living habitat material (sand, rocks, coral skeletons, etc.) is generally restricted, if it is permitted at all. This fosters non-consumptive uses of the area, such as swimming, snorkeling and diving.² (bold-face and italic emphasis is mine)

For example, on the island of Hawaii where I live, the Kealakekua Bay MLCD's corals have not been adversely affected by commercial tourism ocean recreation activity. You can read the report of the DLNR in their article: Human Activities in Marine Protected Areas-Impact on Substrates, Final Report. Kim N. Holland & Carl G. Meyer, September 2003. (Human Activities in MPAs). Here are the scientists' conclusions (bold-face and italic emphasis is mine):

³Conclusions and Recommendations

Results of the present study suggest that human impacts are currently minor at the four Hawaii MPAs investigated despite relatively high use (up to 100,000 snorkelers per year) of these areas. The interaction of two main factors (benthic assemblage composition and distribution of activity types among sites) is responsible for low human impact at these sites. Benthic assemblages at three sites (Honolua Bay, Kealakekua Bay and Manele-Hulopoe) contain relatively fragile coral species (e.g., *P. compressa*) but these occur below the depth range of the most prevalent activity (snorkeling) at these sites.

The one MPA site where SCUBA diving is common (Pupukea MLCD) has an extremely resilient benthic assemblage consisting of encrusting and wave resistant species that are little affected by diver contact. The wading and standing that has caused damage at other sites (e.g., Hanauma Bay) was limited in the present study to small areas around shoreline entry points and occurred almost entirely on inert substrates (sand and uncolonized rock).

The rate of coral damage observed (0.7% of all substrate contacts) in the present study is low compared to damage rates documented at other locations. Present patterns and levels of recreational use at the four MPA sites appear to be sustainable but an ongoing monitoring effort (Diver Impacts) should be maintained to ensure that the cumulative effects of minor damage does not cause major degradation of corals over longer time scales.²

(DLNR Kealakekua Bay Submittal 9-23-05).

Therefore, the premise of HB 3389 -- that MLCD's need this extreme level of protection from human overuse -- is simply not supported by the scientific evidence. Certainly Kealakekua Bay does not have a ³trampled reef² nor is there anchor damage here. In fact, the scientific evidence supports that

current regulations and commercial tours are working well to protect the marine ecosystem in our MLCD's. Current DLNR regulations, compliance by commercial tour operators, and the geography of the area have cooperated in maintaining a healthy reef in the MLCD's in general, and Kealakekua in particular. In fact, commercial guided tour operators are careful to protect this coral reef in a number of 'best practices' which include careful education of their guests against touching of or stepping on coral and feeding of fish etc. Most tour operators are also aware of what sunscreen can do and encourage guests to wipe it off, or minimize it, and to use rash guards or T-shirts in the water instead.

There are very few bays that offer the accessibility, calm and safe waters, and excellent snorkeling and history that Kealakekua Bay MLCD affords. Because of its geographic inaccessibility by road, for the average resident or tourist, commercial tours are the only way to see the Captain Cook Monument here and Ka`awaloa bay where Cook and the Hawaiians first made contact. Banning these commercial tours will stop most public access.

This bill will significantly reduce public access to another unusually fine tourist destination for snorkeling that Hawaii has to offer residents and tourists: Molokini Shoals MLCD. Similarly, if Molokini MLCD-the best snorkeling in Maui -- is off limits to all snorkel boats, how many tourists will still want to go to Maui year-round to enjoy ocean recreation?

I agree that commercial marine recreation access in the MLCD's needs to be limited and regulated, but certainly not prohibited. If this bill is passed, there will be very few spots that tourists will be able to snorkel on a safe guided tour on the island of Hawaii. This bill will depress the state's economy, leading to a dangerous downward spiral effect that may be permanent. Hawaii will come to be viewed as a place unfriendly to tourists with few ocean activities for tourists to enjoy, and then visitors will seek and find other, more welcoming tropical destinations.

Furthermore, there are hundreds of businesses and thousands of deckhands, divemasters, captains, and tour staff that will lose employment and their livelihood if this bill is adopted. On the island of Hawaii alone, approximately \$5,000,000 annual revenue is generated from commercial snorkeling and diving activities at Kealakekua, Waialea Bay, and Old Airport MLCD's and is spent on this island on jobs, housing, food, and basic necessities. Furthermore, significant major revenues in permit fees in the million dollar range annually to the state as a whole will be lost if commercial activities are terminated from the MLCD's. These fees are desperately needed and used to maintain DLNR ramps and harbors.

I well understand the care the state needs to exercise to manage our marine resources and the MLCD's have proved to be an excellent way of doing so. It is true that the number of boats, passengers and companies may need to be monitored and perhaps regulated more intensively, especially in the well-used MLCD's of Kealakekua on the island of Hawaii and in Molokini Shoals in Maui. However, let's not throw out the baby with the bathwater here!

DLNR Chairperson Laura Thielen has wisely assigned the Hawaii Island Dept of Aquatics Chief Administrator Bill Walsh to coordinate a DLNR task force group to review management practices at Kealakekua Bay MLCD. I trust that they will come up with some reasonable suggestions that will prevent future

marine tourism overuse here, without an all-out ban on all commercial guided tours.

In short, science does not support that MLCD's are victims of overuse by humans, but rather that commercial activity with state regulation has served to protect these marine protected areas. Prohibiting commercial activities in MLCD's only serves to restrict public access to some of Hawaii's most popular tourist destinations, reduces important revenues to the State, and puts thousands of people out of work at a time when we can least afford it.

Please vote against HB 3389.

Sincerely,

Betsy Morrigan
809-328-8911
808-938-4492

February 6, 2008

Representative Ken Ito, Chair
Representative Jon Riki Karamatsu, Vice Chair
Water, Land, Ocean Resources & Hawaiian Affairs Committee

Opposition of HB3389 Marine Life Conservation Districts

I strenuously oppose HB3389, simply because it is far too broad in its application. For the Legislature to consider banning all commercial tour operators from MLCD's is like telling our visitors to stay home. This bill seems more politics than protection.

I recognize a need to regulate, not prohibit, the amount of use in MLCD's. Their regulation would best be done by local DLNR offices, not by our State Legislature.

The Dept of Aquatic Resources states "...management of the resource should balance the needs of different user groups..." and "MLCD's foster non-consumptive uses like swimming, snorkeling and diving." The primary reason for creation of MLCD is to prohibit fishing and taking of living or non living marine material to protect the marine environment. Commercial operators are the most careful group using these resources.

Commercial operators are more conservation oriented than anyone visiting the MLCD's on their own. They instruct and monitor their behavior to prevent coral damage. I see it every day, when people are left on their own in our MCLD; they walk on the coral, drag kayaks up on shore and harass the dolphins. Commercial operators ensure that their guests are educated about how to respect the area and also enforce their guests behavior to make sure the area is protected.

The groups in Kealakekua Bay have worked for 8 years with the community and DLNR to alternate visiting times and prohibit the disturbance of marine life (in the dolphin resting area).

You must deal with each MLCD separately. Department of Aquatic Resources has studies that show marine life flourishing in Kealakekua Bay. Frequently guests have been to other islands and declare this "the best coral" in Hawaii. If commercial operators have "damaged reefs, created pollution and upset the ecosystems" why is it getting better? Simple, it's due to our conservation efforts.

Hawaii's leading industry is tourism; the reef tourism contributes \$350 Million annually per the Nature Conservancy. If people are not able to reserve commercial tours to get to these areas, they will still attempt to snorkel and dive along our coasts. Unfortunately, by doing self-guided tours, they are not given the benefit of being educated in the best way to preserve the reef or enjoy these areas safely. Many people that take these tours are not knowledgeable about the reef or its potential hazards, before being educated by the operators. Limiting these tours will not only damage the economy but can also increase the dangers for visitors.

In addition for working part-time for Captain Zodiac, I have been an environmental educator for four years, since I graduated from college. I have done a variety of tourist-based activities as a participant and as part of my career. I have learned that most people that visit our islands are not from areas as ecologically fragile as our own. Unfortunately, many of them do not realize that coral reefs, being based on an ecosystem of delicate animals and the essential algae that live on them, are in balance. They also do not know the most appropriate way to respect and enjoy this environment. Many people who visit are used to doing most of their swimming in a concrete

pool, not over a pristine reef. I feel that commercial operators are not the problem but, on the contrary, are the key to preserving this precious resource for the future.

Reef Teach is a local, mostly volunteer-based, program that reaches out to visitors at heavily trafficked coastal areas. They have seen the success that can be attained by educating visitors in what is and is not acceptable behavior when enjoying these areas so that they may be conserved for the future. They have volunteers near the shore at locations where reefs are easily trampled on. The most damage is done when people are not educated about the environment and the impact we can have on it, both positive and negative. These volunteers make visitors aware of the rarity and beauty they are about to experience. Unfortunately, Kealakekua Bay does not offer easy access for volunteers to be on-hand to educate most of the visitors here. Every day I visit the bay, I see people crossing the bay by kayak and disrespecting the entire area. Not only do they drag their vessels over the reef and walk along the bottom, they desecrate the monument as well. Visitors that are part of commercial tours are given careful instructions and guidelines on how to enjoy and respect the reef environment. Once people are educated, they are willing and often times eager to follow what is asked of them in order to protect the bay. In fact, many people tell me, when they return to the boat, how beautiful the reef is and how they have never seen anything like it. Then when they learn more about the fish and other occupants of the reef, they get excited about their adventure. When people are excited about something, they want to protect it and educate others of its importance. *By limited or banning commercial operators from visiting the bay, you are not only limiting the education that visitors receive about this special place and its history, you are also limiting the awareness that can be spread to others in the future.*

You say we put too much pressure on the system; that is a generality. The Captain Zodiac tour does two trips to Kealakekua Bay daily with a daily average of 50 people total. We spend 3 hours per day (1.5 hrs per tour) in the bay, allowing the ecosystem to rest for 21 hours. Why not shut down the worst offender? Hanauma Bay has 37,000,000 people annually probably 12 hours per day. That's over 100,000 people walking into the bay all day. The idea that Hanauma Bay should be exempt from this ban on commercial activity requires some explaining by the Legislature. Perhaps it's just another example of protecting Oahu's interests\$\$\$.

Protection of our marine resources also needs enforcement. We on the Kona coast are particularly aware of this as our DLNR does not even have a boat or a ranger for Honaunau Bay, the recreation users and kayak entry point for Kealakekua Bay.

If you want to monitor our behavior on the reef, please do so, but also protect our reef from the very people who do the most damage, unsupervised users. The correct course of action for this bill would be to modify it from "prohibit" to "regulate".

Sincerely,

Stacia Goecke
75-6105 Kipehi Place
Kailua-Kona, HI 96740

From: rhardlydavison@aol.com [mailto:rhardlydavison@aol.com]

Sent: Thursday, February 07, 2008 10:10 AM

To: WLHtestimony

Subject: Chair Ito and Respected Members of the Committee:

TESTIMONY IN OPPOSITION TO HB 3389 AS WRITTEN

House Committee on Water, Land, Ocean Resources and Hawaiian Affairs

Room 312 on Friday, 8 February 2008

Chair Ito and Respected Members of the Committee:

My name is Richard Davison.

I have been involved in ocean tourism for the past twenty years. This testimony is based on that experience.

It seems that this bill to deny commercial operations from using Hawaiian waters is the opposite of what should be done. It is the commercial operators that are the shepherds of the environment. We understand it is us who lose if the environment is hurt, and so it is us who take care of it. It is us commercial operators who pick up trash left by the public, and it is us who are the eyes and ears for the States Enforcement branches when the laws are disregarded. Also, because we understand the importance of the marine environment we educate all the citizens that take our tours on the true meaning of Malama Kai. We live and operate by example.

Please do not pass this ill advised bill..

Thank you for your attention,

Richard Davison

41-585 Poalima street

Waimanalo Oahu

[Rhardlydavison@aol.com](mailto:rhardlydavison@aol.com)

More new features than ever. Check out the new [AOL Mail!](#)



RawcoHI@cs.com
02/07/2008 09:37 AM

To Rhardlydavison@aol.com, hschreiner@paradisecruises.com
cc
bcc
Subject Bills we gotta comment on for Friday's hearing at 0830

Sorry this is so late. The ship's satellite would not accept outgoing E-mail all day yesterday. These bills will be heard Friday morning at 0830 in room 312, the Water, Land, Ocean Resources and Hawaiian Affairs Committee of the House, Chair is Rep Ken Ito. Don't hesitate to copy anything I've put here and get it in to help the cause. We all need to support the Keehi repair bill, as it means help to the entire system to get their docks rebuilt and the income rolling in. Goes to: W LHtestimony@capitol.hawaii.gov

Aloha,

Reg

TESTIMONY IN OPPOSITION TO HB 3389 AS WRITTEN

House Committee on Water, Land, Ocean Resources and Hawaiian Affairs
Room312 on Friday, 8 February 2008

Chair Ito and Respected Members of the Committee:

My name is Reg white. I have worked in the ocean tourism sector of our state's tourism industry for the past thirty five years. Based on that experience, I suggest to you that this bill to deny only commercial operations from using certain waters is exactly backwards. It is the people who operate these businesses that have the very most to lose if the resource is damaged. It is these commercial operators who do not allow anyone into the waters until they have been given a proper orientation as to how to behave and how to see the wonders of our undersea world without doing any damage to the resource. It is the commercial operators who do not allow any visitors into the water without an escort who sees to it that the resource is protected for future generations to appreciate, that we take only pictures and leave only bubbles. This is not true of the general, unescorted public.

Please do not pass this well intended but ill advised bill.

Thank you,

Reg White
Vice president, project development
Paradise Cruise, Ltd.
1540S. King St.
Honolulu, HI 96826-1919
(808) 222-9794
RawcoHI@cs.com

TESTIMONY IN SUPPORT OF HB 3345

House Committee on Water, Land, Ocean Resources and Hawaiian Affairs

Pg 1

RELATING TO MARINE LIFE CONSERVATION DISTRICT: MOLOKINI
HB 3389

In reference to: prohibit all commercial activities, including but not limited to commercial tours, dive groups, sightseeing tours, hikes, or guided services."

I would like to bring to your attention that if you prohibit all commercial activities as stated above, for Molokini (where there are established and maintained day use mooring systems) than all the operators would be forced to go out of business or find other areas to go to. These new areas would be without the benefit of an established mooring system, causing the same problems Molokini faced years ago when the commercial operators continually asked the State to establish the mooring system and rules to prevent further damage and destruction. The commercial boat operators helped in the operation of placing the permanent moorings and NOW MAINTAIN those moorings for the benefit of all, including non-commercial boat operators that use the day use mooring system.

Will non-commercial boat operators maintain the moorings once commercial operators no longer do that?

Once those moorings become lost or unstable and dangerous will they start anchoring again?

As a commercial tour boat owner and operator I am always aware of the rules and regulations and the mooring maintenance responsibilities that are required to keep Molokini an attraction that can be enjoyed for many years to come. We have a responsibility to ourselves and the other operators to do just that.

We all as commercial boat and tour operators are in constant awareness and help each other and hold each other accountable to adhere to the rules and regulations.

pg 2

Will non-commercial boat operators feel the same way and will they have a copy of the rules and regulations?

If non-commercial boat operators break the rules and damage the coral or kill the wildlife who will hold them accountable?

Who will SEE them breaking the rules?

Forcing commercial operators to go to other locations, as I stated earlier will make a significant impact on these new areas. In most of the other areas there are few if any at all trust-worthy moorings, therefore anchors will be dropped causing anchor, chain and rope damage to the coral.

Many visitors come to Maui to visit the famous Molokini. Many of our guest refuse to go on the boat if the weather and water conditions are unfavorable for travel to Molokini.

That was why they came to Maui in the first place.

What would be the sense of restricting the commercial operations in Molokini to preserve the (whole) of Molokini if only a hand full of non-commercial boat operators are the only ones to EVER SEE it?

- To fish for, take, or injure any marine life (including eggs), or possess in the water any device that may be used for the taking of marine life, except as indicated in "Permitted activities" above.
 - To take or alter any sand, coral, or other geological feature or specimen, or possess in the water any device that may be used for the taking or altering of a geological feature or specimen.
 - To feed or deliberately introduce any food material, substance, or attractant directly to or in the vicinity of any aquatic organism by any means or for any purpose except for trolling in Subzone B.
 - To moor boats for commercial activities, except as provided for by a permit.
 - To anchor boats when a day use mooring system is established by the Department.
- Note:** Molokini is a state seabird sanctuary, and entry onto the islet is prohibited.

These rules are so necessary to the preservation of Molokini, and they are rules that every

Pg 3

commercial tour operator knows by heart and if not has a set of rules on board.

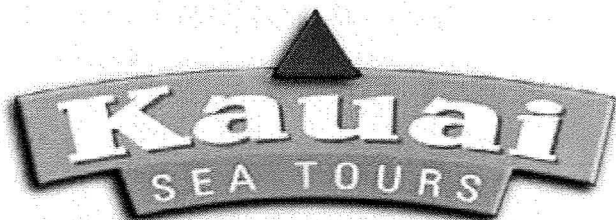
I implore you not to regulate as to restrict the operation of commercial activity in Molokini. The commercial tour operators are the ones that welcome these rules and abide by them and help to enforce them.

I also implore you to NOT allow other government agencies to knowingly and purposely violate these rules. I am speaking of the MASSIVE DESTRUCTION years past from the detonation of the ordnances, killing thousands of fish and destroying coral. Now we are facing the up and coming detonation of more ordnances which will cause further damage to the fish, coral and the birds.

Commercial activities are not responsible for the major destruction and the knowing breaking of these rules. We are also the victims of the government agencies that have the right to go into this Marine Conservation District of Molokini and destroy it!!

From: Kauai Sea Tours [mailto:seatour@aloha.net]
Sent: Thursday, February 07, 2008 5:05 PM
To: WLHtestimony
Subject: Testimony Opposed to House bill 3389 Feb2008

Fax to: 1-800-535-3859 or Email: WLHtestimony@Capitol.hawaii.gov.



Representative Ken Ito, Chair
Representative Jon Riki Karamatsu, Vice-chair
Committee on Water, Land, Ocean Use and Hawaiian Affairs

Hearing Date: Friday, February 8, 2008

Opposition of: SB3389 - Relating to Marine Life Conservation Districts

Honorable Chairman, Vice Chair and members of the committee;

My name is Ronnie Grover. I am the general manager of Kauai Sea Tours. I have worked in the marine industry for over 30 years and currently manage a workforce of up to 40 local West Kauai residents and we are strongly opposed to HB3389. This bill could cause irreparable damage to our industry and our communities.

Eliminating the non consumptive commercial activity will not necessarily reduce the impact on natural resource fisheries. I believe that by closing the areas to all commercial users this will eliminate the passionate caretakers of these areas.

As a passenger tour vessel, we supervise and educate thousands of people from students, residents and visitors about our precious marine resource. We strive to teach them respect and how to behave in our marine environment. I hope that we can continue to have the privilege to educate and share our knowledge of the marine life and near coastal lands.

Our staff are local experts that are ready to assist where and when needed. Without the local commercial industry as leaders the uneducated and unfamiliar recreational users will likely cause more damage. I truly believe that education and responsible recreation is part of the key to marine life preservation. Recreational users are given a fairly free unrestricted reign in our marine waters, where the commercial entities who are professionals in their fields are strictly regulated and taxed heavily. More education is needed for non commercial recreational boating and fishing practices.

The commercial boating industry makes up less than 3% of the boats in the state, yet we provide close to 50% of all boating income to DLNR. We have a significant investment in our businesses, equipment and our employees and this bill could bankrupt many of us and cause unnecessary harm to support businesses and our communities.

A significant impact to our near coastal fisheries and coral reefs is runoff from land development, agriculture and rivers. Look at the ring around Kauai after a heavy rain. This silt is smothering the near coastal fisheries, not the visitors hoping to catch a glimpse of tropical fish.

Creating restricted fishing zones as management tools in nursery and spawning grounds to rebuild depleted stocks has long been a part of the Native Hawaiians caretaker practices. The MLCDs were set up as strict fish management zones. Expanding this to prohibit non consumptive commercial activity is just wrong.

Please, with all due respect, kill this Bill HB 3389. Thank you for the opportunity to submit testimony.

Sincere Aloha,

Ronnie Grover
General Manager
Kauai Sea Tours
PO Box 51004
Eleele, HI 96705

From: Tim Gardner [mailto:tgardner@maui.net]
Sent: Thursday, February 07, 2008 5:10 PM
To: WLHtestimony
Subject: Testimony Opposed to HB 3389

Representative Ken Ito, Chair
Representative Jon Riki Karamatsu, Vice-chair
Committee on Water, Land, Ocean Use and Hawaiian Affairs

Hearing Date: Friday, February 8, 2008

Opposition of : SB3389 - Relating to Marine Life Conservation Districts

Honorable Chairman, Vice Chair and members of the committee;

My Name is Tim Gardner. I am the General Manager, Treasurer and a stockholder of Maalaea Kai Enterprises, Inc. dba Friendly Charters. Our company's main activity is guided snorkeling tours to Molokini. We are a small company with only one vessel, the Lani Kai. The most valuable asset of the company is its Molokini permit which was just renewed, and upon which we rely for our existence. My partners and I purchased this company 4 years ago. I can tell you that the value attributed to the existing Molokini permits represented well over half of the purchase price for the whole company, including the vessel.

Passage of this bill would effectively put an end to a 20 year old company, creating financial hardship for the owners, employees and the vendors and agents with whom we do business.

Please, with all due respect, defeat Bill. Thank you for the opportunity to submit testimony.

Aloha & Mahalo

Tim Gardner

General Manager/Treasurer/Stockholder

From: Tori [mailto:wildside@sailhawaii.com]
Sent: Thursday, February 07, 2008 5:31 PM
To: WLHtestimony
Cc: Rep. Ken Ito
Subject: testimony for House Bill 3389, Ito

Re: House Bill 3389 - RELATING TO MARINE LIFE CONSERVATION DISTRICTS.

Testimony in opposition

Commercial tours are not necessarily the worst offenders, they can be used as role models and incentive can be given to responsible operators to protect the resources. Operators in compliance are better equipped to police or "guide" visitors in popular areas, than having visitors run amok with little to no education or guidance. User fees can be charged to each tour visitor to fund conservation projects. What funds will be used to protect such districts as Hanauma Bay when user fees can no longer be collected?

Warranted limits or bans on commercial activities should be done on a district by district basis, and not as a whole. Decisions should be made on a community-based level, and not from the top down.

Page 2, line 19, reads that key commercial tour and dive groups gave testimony in 1996 supporting limiting commercial activities. This is vastly different than shutting down *all* commercial activities in *all* MLCD's designated post 1968.

Lastly, commercial opposition will prevent any further MLCD's from being created if this legislation is passed.

Tori Cullins

Wild Side Specialty Tours

Waianae, Hawaii