



February 7, 2008

Representative Ken Ito, Chair;  
 Representative Jon Riki Karamatsu, Vice Chair;  
 and Members of the Committee  
 Committee on Water, Land, Ocean Resources & Hawaiian Affairs  
 For Hearing on Friday, February 8, 2008 at 8:30am  
 State Capitol, Conference Rom 312

RE: HB 3389

Dear Chair Ito, Vice Chair Karamatsu &  
 Members of the Committee:

On behalf of the Maui Chamber of Commerce, an organization comprised of over 940 members, 88% of which are small businesses with 25 or fewer employees, we ask that you oppose HB 3389 as it would be devastating to many commercial activity businesses in Maui County and would eliminate many opportunities for environmental education.

We understand the motivation behind the bill is to help protect endangered marine life conservation districts (MLCDs) which is important to the business sector as well.

...appropriate. We believe that more studies are required to evaluate each individual site, to determine on a case by case basis protection and mitigation measures that can be employed to help preserve these sites. Then, if regulation is required, reasonable regulation can be enacted to address concerns identified while allowing commercial activity operations to continue.

This bill, designed to prohibit all commercial activities in MLCDs, including Molokini, Honolua Bay, Hulapoi Bay, would kill many businesses who conduct snorkel and dive charters, etc. in these areas. It would bankrupt dozens of small family businesses and cause unnecessary harm to them and their communities. At a time when our economy is slowing, we feel these measures are drastic and unfounded.

Chair Ito, Vice Chair Karamatsu & Members of the  
Committee on Water, Land, Ocean Resources & Hawaiian Affairs  
February 7, 2008  
Page 2.

Commercial operators in Maui County are environmentally sensitive. These businesses have been operating responsibly for many decades, employing many people and are well respected both by the environmental community as well as the local communities of which they are a vital part. They seek to protect the environment by making customers aware of marine conservation. They do this by taking people to these spectacular wonders and helping them understand the importance of taking care of these areas and what is being done to protect them—efforts that are important in conservation and protection as well.

In fact, the Ocean Tourism Coalition has taken the lead in helping to establish Marine Life Conservation Districts and stewardship of these precious resources. They are the industry that pioneered eco-tourism and work with naturalists to train their staff and educate the visiting public.

While the Maui Chamber of Commerce understands the need to protect our environment and supports the triple bottom line lens of sustainability—economy, environment, and social well being—we recommend further study be done to determine which areas are truly in jeopardy, the causes of concern, what mitigation measures can be applied, and what reasonable legislation is required before establishing severe measures, such as this, that would put many businesses out of business overnight!

Wiping out this important industry serves no purpose, would negatively impact our economy, and would add to the anti-business sentiment that plagues Hawaii. Therefore, we ask that you oppose HB 3389.



Pamela Tumpap  
President

February 8, 2008

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

FROM: Kevin & Claudia Merrill/ President & Vice President  
Dolphin Discoveries

RE: H.B. 3389-RELATING TO MARINE LIFE CONSERVATION  
DISTRICTS

Chair Ito and Members of the Committee:

We, Kevin & Claudia Merrill, President & Vice President of Dolphin Discoveries, have been operating a successful snorkel tour company in Kailua –Kona for the past 15 years. We are USCG licensed Captains, certified marine mammal naturalists, certified Hawaii tour guides, and have studied both oceanography and marine mammal biology. We have built our business on the premise of offering a high quality, educational and fun tour for the many tourists that come to our islands looking for ocean activities, It is our strong belief that guided tours offer the tourist a safe and informed alternative to going in to the ocean on their own, without the knowledge of safety, and protecting our corals and marine life.

We sincerely hope you will consider “controlled commercial usage” of MLCD’s rather than banning it. An educated tourist will come away with a much richer memory and will know how fragile the marine environment is and will not harm it. Our Captains and crew always give a safety briefing, a talk on protecting the reef by not touching anything, stepping on the bottom or climbing up on the “rocks”. We continually witness visitors that have come on their own , standing on the fragile coral , climbing in over the rocks, stepping on “vava” etc. We receive numerous letters from our guests thanking us for teaching them to use the gear, overcome their fear of the ocean, and for making their snorkel experience a safe, informed, fun , memorable part of their trip. Most people who come to Kona , come here for the water sports , as we are known for our calm protected bays for snorkeling, in fact this is why many people choose to come here .

These bays in particular are important to commercial snorkel operators, because they provide a safe, protected, haven from the surf that breaks on many of the west facing shores.

Studies have been done by Dr. Bill Walsh in Aquatic Resources on the conditions of the corals and fish in Kealakekua Bay, and his findings show that to date the reef is healthy and thriving. This shows that the current amount of usage is sustainable and we again ask you to consider "controlled commercial usage".

Our company employs 10 employees with families they are supporting. To ban commercial activity in Kealakekua Bay would find them and many others unemployed and looking for work in their field, (the ocean industry) which this bill would ultimately destroy. Tourists come to the tropics of Hawaii expecting to enjoy our ocean, coral reefs, etc. If we don't offer them a way to do this that will not be harmful to the environment, we may very well see our reefs decline at a very fast pace. This can be seen at beach parks that are accessible by shore, where people walk in to snorkel, standing on the coral, feeding the fish, etc.

We sincerely hope that you will reject this bill that would have an extremely negative impact on the tourism industry and economic health of the islands.

Sincerely,  
Claudia & Kevin Merrill  
VP & Pres.  
Dolphin Discoveries

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**From:** Teri Leicher [mailto:teri@jacksdivinglocker.com]  
**Sent:** Friday, February 08, 2008 8:34 AM  
**To:** WLHtestimony  
**Subject:** H.B.3389 - Relating to Marine Life Conservation Districts

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

**From:** Teri Leicher  
Managing Partner of Jacks Diving Locker

**Re:** H.B. 3389 - Relating to Marine Life Conservation Districts-being heard Today -  
2/8/08

Aloha Chair Ito and the Committee,

My Name is Teri Leicher. I am the managing partner in Jack's Diving Locker, a family owned business in Kona Hawaii. I am writing on behalf of my family and 45 employees. I would like to state that our company has been in business for over 26 years and continues to be the recipient of many business and environmental awards.

Although we do not use Marine Life Conservation Districts (MLCD's) on a daily basis, we are against H.B.3389 for the following reasons.

1. Many of these areas are accessible only by boat.
2. Using commercial operators are one of the best ways of access to these areas. The operators are professional and help to protect the areas through their briefings, watchfulness, and maintenance of the Day Use Moorings that are used to protect the reefs in some areas.
3. Hawaii's MLCD's are some of the best managed Ocean Rec areas in the State of Hawaii as they currently stand.
4. To end commercial activity would not only keep most Kama'aina from accessing these areas, it will cost the State of Hawaii billions of dollars in lost revenue.

There are many other reasons to not support this bill but in the interest of time I will thank you for this opportunity to comment and ask that you "kill" this bill.

Mahalo, Teri Leicher

**From:** South Pacific Kayaks & Outfitters [mailto:kayak@southpacifickayaks.com]  
**Sent:** Thursday, February 07, 2008 6:08 PM  
**To:** WLHtestimony  
**Subject:** Testimony

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

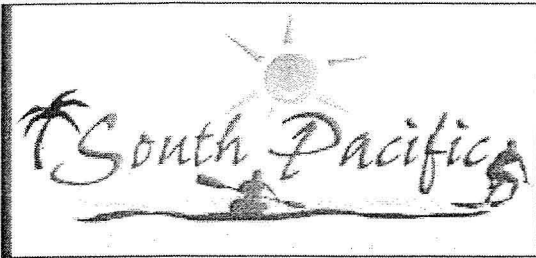
**Hearing Date:** Friday, February 8, 2008  
**Opposition of :** SB3389 - Relating to Marine Life Conservation Districts

Honorable Chairman, Vice Chair and members of the committee;

My name is Roger Simonot and I operate a small tour business on Maui. The above mentioned bill, although the intent is admirable, if passed will fail to address the issues the bill is geared for. The real outcome will be a decrease the folks who watch these places as if it were their own. As an example, see Ahihi Kinau. The operators there used to manage the area quite well then it became politically incorrect to have activity there. The end result is a reserve that is more open to abuse than ever before. We regularly see poachers there, we see a problem with the recreational users being destructive, etc. While the activity operators watched the area taking care and educating the recreational users as they needed to ensure the long term viability of the area. Keeping it pristine was in their best interests. The latest is they now want to close the area completely to all users.

Do not lose sight of the benefits of the activity users of the area. Do not lose sight of the direct benefit derived from these user groups. They can be partnered with to benefit the area as the bill intended as opposed to being seen as the ones causing thge problems.

Roger Simonot

	<p>Maui's Favorite Adventure Team!</p> <p>Kayak &amp; Snorkel Tours Surf Lessons Hiking Treks</p>
<p><b>Roger Simonot</b></p> <p>kayak@southpacifickayaks.com www.southpacifickayaks.com</p>	<p><b>South Pacific Kayaks &amp; Outfitters</b> P.O. Box 1965 Kihei, HI 96753</p> <p>tel: (808) 875-4848 fax: (866) 628-4595</p>

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**From:** Inca Robbin & Peter Wood [mailto:sailingmaui@yahoo.com]  
**Sent:** Friday, February 08, 2008 12:59 AM  
**To:** WLHtestimony; WLHtestimony  
**Subject:** Testimony Against HB3389

Honorable Chairman,

I am writing this testimony to request that you **kill bill 3389**. I own and operate a catamaran in Maui, and have been providing snorkel tours for over 30 years to Honolua Bay for Maui's visitors. During that time we have not seen any damage to the coral or fish that was caused by charter boats. In my opinion the fish and coral are flourishing in this marine sanctuary. There are six 49 passenger catamarans out of Kaanapali that use Honolua Bay on a regular basis during the months of April through October. Each one of these vessels comes self contained and equipped with toilets and a refuse disposal system. They leave no tracks or waste of any kind, while at the same time educating and watching over the guests they share this beautiful sanctuary with. If there is any damage to the delicate eco system it is mostly caused by the **development** of the land surrounding the sanctuary and especially **agriculture and golf courses** that introduce **pollution** when the heavy winter rains cause run off that flows down the river and into the bay. More pollution and potential damage is caused by the many tourists who arrive by land each day to spend the day snorkeling and enjoying the sunshine. Because there is not adequate parking, rest rooms, or trash bins provided, these people are forced to go to the bathroom in the bushes or near shore waters, and regularly litter the area with their rubbish. This is a huge contrast to the commercial vessels that come in clean and leave clean with minimal impact.

As more and more visitors are discovering Honolua Bay due to things like the Visitor Channel, and the famous Maui Revealed Guide Book, they come from land side in droves and cause several problems that have effected Honolua Bay over the years, such as:

1. Parking along the road side is limited and dangerous. There have been problems with tourist rental cars being broken into as the cars are left unattended on the roadside and are an easy target.
2. Tourists are walking from the road to the water - trampling the natural flora and fauna.
3. Trash is not deposited in proper receptacles and is scattered around the area.
4. Cigarette butts are tossed everywhere. These do not naturally decompose and are known killers for the green sea turtles and fish which inhabit the bay
5. Without clean restrooms, tourists are inclined to pee in the bushes. Frequently I have seen toilet paper stuffed in the plants off the beaten path. Even more appealing than squatting in the bushes is to pee in the water, right on top of the fish and coral.
6. As Honolua Bay does not have state provided lifeguards, tourists who venture out into the water often get into trouble by swimming the long distance to the coral reefs and then require assistance to get back to shore safely. These people are in jeopardy of drowning and of course their families will proceed to sue the state.

7. No one is educating these visitors, so standing on the coral seems like a logical place for them to rest, chat to each other and adjust their snorkeling equipment. They have no idea that standing on the coral kills it and that it takes a year to grow an inch.

The advantages to having commercial operators are as follows:

1. The land is left undisturbed as tourists are coming into the marine sanctuary on the self contained charter boats with professional and safe supervision
2. Trash bins are on every vessel and provide guests with a easy place to dispose of their garbage
3. Ash trays are provided and operators educate guests of the very adverse effects of throwing cigarette butts in the water
4. Bathrooms are on vessels and guests are encouraged to utilize them rather than peeing on or near the coral reefs
5. The boat Captains and Crew provide lifeguard and safety services to their guests, in addition to the visitors from the shore. All commercial vessels are required by the USCG to have CPR trained personnel, a full First Aid kit. Our vessel has "Oxygen" and a "Defibrillator", VHF marine radio, and Cell phones in order to contact medical assistance in an emergency. There have been numerous times we have rescued tourists that came to the bay by shore, swimming them back to safety with our floatation devices, and turning it from a situation that might have been a death to a mere scary experience with a thankfully happy ending. In addition there are countless times our staff have provided medical attention to victims of heart attacks on shore, while waiting for ambulances to arrive.
6. Most importantly the commercial operators provide very thorough educational briefings on how to protect the coral and fish, simple statements such as **"Make this is a visual experience only"** go a long way. Our Captains safety briefings always include important educational instruction such as advising guests that standing on the coral kills it. Petting or riding sea turtles is a \$10,000 fine, feeding fish not only in marine sanctuary's but anywhere in Hawaii or other places in the world is a big detriment to the natural feeding patterns and balance - frozen pea's will kill them by clogging the fishes digestive tracts, Cheese Whiz is full of chemicals, Bread has preservative's, and in general by feeding the fish you are bringing them up to the surface risking them to unnatural sun damage. In addition feeding fish is disrupting the natural balance of the Eco system by encouraging aggressive behavior and creating dependency on humans. I can not tell you haw many times myself, my staff and other charter boat Captains and Crew have advised tourists from the shore side not to stand on our coral reefs and please do not feed the fish.
7. Last but not least, as marine operators whose livelihood depends on having pristine protected reefs and fish we have diligently reported to the DLNR DOCARE department any "Local" fisherman who deem it their right as "Hawaiians" to kill fish in the marine sanctuary's. Despite the numerous risks of reporting this subversive activity, such as retaliation from the locals and the total lack of support by DOCARE. In fact several times during the summer time our company photographed illegal fishing in Honolua Bay by Local families who are squatting there and charging tourists for "Park Usage". We submitted these photos and information to the DLNR. The



repercussion of reporting this, was being singled out and called by the enforcement agents with alleged stories of our guests/staff harassing and riding turtles, a blatant falsehood designed to discourage us from assisting DOCARE any further.

The commercial operators are trained professionals who provide:

**SAFETY, EDUCATION, THE LEAST AMOUNT OF DAMAGE TO THE ENVIRONMENT AND THE INFRASTRUCTURE**

In addition commercial boat operators are providing:

1. An educational tourist attraction for Hawaii's visitors
2. Countless jobs supporting the residents who need tourism to provide livelihoods for their families
3. Funds for the State's boating fund - (note our Harbors are in the worst condition of any state in the USA!)

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

*Inca Robbin - Owner, President - First Mate  
Peter Wood - Owner, Vice President - Captain  
Shangri-La Sailing Charters  
Kapalua Kai Sailing Inc.  
Sailing Maui  
Pmb 307 # 109 B  
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[www.sailingmaui.com](http://www.sailingmaui.com)*

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

From: Jay (John) O'Bannon [mailto:cptjay\_o@earthlink.net]  
Sent: Friday, February 08, 2008 6:34 AM  
To: WLHtestimony  
Subject: RE: H.B. 3389

February 8, 2008

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

From: Jay O'Bannon, Boat Captain, Kailua-Kona, HI

RE: H.B. 3389- Relating to Marine Life Conservation Districts

Hearing: February 8, 2008, 8:30 A.M.

Testimony:

My name is Jay O'Bannon. I am a boat captain in Kailua-Kona and I work for several water related tourist companies. The activities I provide service for, scuba diving and snorkeling all utilize the Marine Life Conservation Districts.

The Marine Life Conservation Districts (MLCD's) were established to provide critical habitat free from take for commercial interests and replenishment zones. Take was meant as removing fish or other marine organisms for sale. In most cases, removal of fish and marine organisms commercially was for sale to the aquarium market or as food. These zones also provided for the recreational enjoyment of the sea, by tourists and local populations due to the fact that marine life in these areas was abundant.

I am sending this letter to the committee in opposition to this measure, H.B. 3389, for the following reasons.

1. Commercial operators provide services to the visiting population for recreation in the marine environment.
2. Commercial operators provide substantial information to these visitors with regard to the marine ecosystem, it's fragility and protection.
3. In Kailua-Kona, tourism is our largest industry and water related tourist activities account for a significant proportion of our livelihoods.
4. If this bill passes, it will be the death blow to dozens of businesses and displace hundreds of people who work in the marine related tourist industry.

In conclusion, I would like to add that the commercial operators who utilize the MLCD's as destinations for their guests to the island are the true stewards of our marine environments. It was the commercial operators who instituted the introduction and use of mooring buoys in the MLCD's and other locations along the coast, protecting the fragile coral and other bottom

dwelling marine organisms. Commercial operators are adamant about educating their guests when visiting these sanctuaries to prevent disturbance, damage and degradation to the marine environment. A large majority of the visitors to Kailua-Kona come here specifically to spend time in water related activities that commercial operators provide. To prohibit all commercial activities in the MLCD's not only would kill an industry that the islands depend on, but goes against the true nature of why these sanctuaries were set aside; the prohibition of take of fish and marine organisms for commercial purposes and providing for replenishment zones.

I would like to take this opportunity to thank the Chairman, Ken Ito and the House Committee on Water, Land, Ocean Resources and Hawaiian Affairs for being able to express my feelings on this most critical issue, H.B. 3389 and the effect it will have on my life and livelihood and that of all marine related businesses in the Hawaiian Islands.

Sincerely,

Jay O'Bannon

Any society that would give up a little liberty to gain a little security will deserve neither and lose both.  
Benjamin Franklin



SHANGRI-LA SAILING CHARTERS & KAPALUA KAI SAILING, INC.  
 PMB 307, SUITE 109 B, 5095 NAPILIHU ST. LAHAINA, HAWAII 96761  
 PHONE 808-669-0133, FAX 808-665-0209, EMAIL sailingmaui@yahoo.com, WEBSITE www.sailingmaui.com

February 7, 2008

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require assistance to get back to shore safely. These people are in jeopardy of drowning and of course their families will proceed to sue the state.

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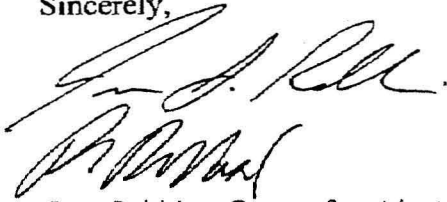
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3. Funds for the State's boating fund - (note our Harbors are in the worst condition of any state in the USA!)

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

Sincerely,



*Inca Robbin - Owner, President - First Mate  
Peter Wood - Owner, Vice President - Captain  
Shangri-La Sailing Charters  
Kapalua Kai Sailing Inc.  
Sailing Maui  
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Lahaina HI 96761  
Office 808-669-0133  
[www.sailingmaui.com](http://www.sailingmaui.com)*

**Tim Gardner**

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**From:** "Tim Gardner" <tgardner@maui.net>  
**To:** <WLHtestimony@Capitol.hawaii.gov>  
**Sent:** Thursday, February 07, 2008 5:09 PM  
**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

February 8, 2008

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

FROM: Katie Grove-Velasquez, Marine Naturalist/Educator  
Working on Maui 10+ years.

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



**Chair Ito and Members of the Committee:**

**My name is Katie Grove-Velasquez. I am a marine educator currently employed by Maui Moloka'i Sea Cruises, dba Prince Kuhio on Maui out of Maalaea Harbor.**

**This bill really distresses me on many levels. As an educator living in the islands, I understand the importance of keeping areas intact for future generations. But, also as an educator, I can't help feeling that a total shutdown is not the way to go about preserving. Instead, it feels like admitting failure. This seems to be counterproductive!**

**I feel that by using education, having boat operators help as many already do, would be far more effective to preserve areas that have diminished wildlife.**

**Molokini Crater has been studied for many years. The good news is that since the fish feeding has been stopped, the area is making a comeback. Although more studies are underway, this is encouraging news. Why can't we continue in this way?**

**Isn't it best that we all pull together?**

**For onshore shutdowns, wouldn't it be better to have all gillnets banned statewide, with tight enforcement? Gillnets have been proven to destroy reefs and harm marine life. Illegal animal takes of octopus, etc. causes a quick downslide in populations, and there is not enough enforcement. When you affect the reef, you affect the marine life, and ultimately our ocean.**

**How detrimental would a shut down be to our state tourism dollars? How many studies have been done on those figures?**

**Visitors come to the islands expecting to get in the ocean, be educated on marine life, and leave hoping to soon return. If there were a total shut down, how will this affect places, which today, do not get many people? It is inevitable. I know you realize that to shut down some places will only place NEW stress on others.**

**I feel we need to rethink this. I do NOT feel a shut down is the answer, but only the beginning to a whole new set of problems for our future generations.**

**Thank you for allowing me the privilege to testify today.**



February 8, 2008

Representative Ken Ito, Chair  
Representative Jon Riki Karamatsu, Vice-Chair  
Committee on Water, Land, Ocean Use & 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 Mary Jane Caldwell. Molokini is the prime destination for my business, Maui Classic Charters, and our visitors. I would like to comment on the consequences of eliminating all of the small businesses that have become viable due to commercial operators sharing our Marine Conservation Districts with visitors from around the world.

This bill is an act that would simply turn this State away from a great deal of eco-tourism. Eco-tourism is a primary reason many visitors choose Hawaii over other destinations. It is in the best interest of all commercial operators in these areas to preserve and protect. Where would you get this kind of stewardship any other way?? Random visitors would be tramping along uncharted paths. Inexperienced people would be bringing their boats and renting boats to go to these areas. Anchors would be put down by well-meaning, but unaware people. It would be a nightmare for our environment. Just closing an area doesn't take the place of proper management. The overall, long range economic impact of closing these areas to visitors is enormous. The value of teaching visitors how an ecosystem works thru snorkeling, fishing, diving, and etc. is "Priceless". Certainly, the unguided experience is more dangerous to the environment!!!

This State relies heavily on small business. With this bill, you are just setting up the conditions for many small businesses to go under. Hundreds of people would loose their jobs. Millions of dollars in tax revenue would dry up unless new tour destination areas to go to are discovered. Molokini already has permanent commercial moorings and limited permits.

Please give some reasoned thought to the long term consequences of your possible actions.

Thank you for reading what I have to say,

Mary Jane Caldwell,  
Vice President

February 7, 2008

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;

Our names are Lynse Frank, Luz Kaiwi and Krista Baressi. It is with complete incredulity that we are responding to proposed House Bill 3389. While we appreciate that by initiating such a bill, you no doubt have the best of intentions of preserving Hawaii's magnificent underwater wildlife and habitat, we don't think that you have thoroughly thought it through and realized all the implications that such a bill would have. And, there would be **major implications!**

We work for a small boat business that operates out of Maalaea Harbor on Maui that has been offering snorkel tours to Molokini for the **past 25 years**. Molokini is the draw that attracts both visitors and residents alike to our services. Molokini is not reachable to most people, unless by boat.

The first sentence in the bill reads, "The legislature finds that the management and conservation of marine resources is vital to the **economic, cultural, environmental, health and social well-being of the State's residents, visitors and future generations.**

Let us take a look at these topics individually.

Firstly, economics:

**The economic impact of such a bill will be huge!**

Take the small company we work for as an example;

- It has approximately **40 employees** and a yearly payroll of around **\$1.5 million**.
- We employees then in turn pay almost that much again, **\$1.5 million**, for our mortgages, rents, groceries and services.
- The company pays **local vendors over \$1.2 million for supplies and services**.
- Last year the company we work for paid the State of Hawaii **\$182,000 in General Excise Tax**.
- Last year the company paid the **Dept. of Land and Natural resources \$133,000**.

***In summary this one small business accounts for over \$4.5 million in revenue circulating in the State of Hawaii's economy!***

And remember, the company we work for is ***just one of the small businesses that would be affected by this proposed bill.***

Can you imagine how much revenue we are talking about if you counted all the businesses affected by this bill?

Can you imagine how many folks in the boating community that will not be able to pay their mortgages and provide for their families? The boating community is a specialized field and finding employment in other fields can prove to be difficult. We are most concerned!

The harbor fees generated out of Maalaea and Lahaina Harbors on Maui no doubt account for a **substantial portion of the DLNR's budget** that pays for the maintenance and improvements of all the State of Hawaii's harbors, including all

of those that generate little or no income for the State. And, what is the draw of Maalaea and Lahaina Harbors? The draw is the commercial boats that operate out of those harbors that travel to and conduct tours of the marine life conservation districts off of Maui and Lana'i.

### **Secondly, cultural and environmental:**

The company we work for, and probably a good many of the others operating out of Maui, pay particular attention to educating and informing our guests of the cultural practices of Hawaii and teaching both residents and visitors alike about the spectacular marine life. We take great pride in sharing our aloha and knowledge with others. We teach them proper reef etiquette and hopefully next time they are on their own at the beach, they will now know how to conduct themselves to protect the corals and fish.

We host many Maui school children on our boats and offer free trips to literally hundreds of "Make A Wish" children from all around the country, who are handicapped and would probably never get a chance otherwise to experience the majesty of our underwater world.

For a state that is trying to promote "Eco-Tourism", closing the marine life conservation districts seems to be a concept that is completely backwards. We want to attract those people, show them close-up the diversity of marine life here in Hawaii. Australia certainly promotes its Great Barrier Reef. We need the tourist industry and being able to tout all the natural wonders that Hawaii has, benefits us all.

As an operator in a marine life conservation district, it is in our company's best interests to take very good care of the underwater habitat and to be good stewards. Quite simply, if the marine habitat and its inhabitants are compromised or destroyed, there will be no business.

It was the boating community who kept insisting that mooring pins be installed in Molokini to prevent damage to the corals, not the State, which dragged its heels for a great long time!

In regards to the Molokini Shoal Marine Life Conservation District, it is already regulated in that there are only 40 permits issued, which have to be renewed on a yearly basis.

**Thirdly, the health and social well-being of the State's residents, visitors and future generations:**

There is nothing more nurturing or healthy than to be out communing with nature. Hawaii has such beautiful and special natural treasures. We should all be allowed to visit all of them, while always being conscious of how our behavior affects the very creatures we come to visit. Our company's snorkel tours aim to share that knowledge of good marine practices with all that we take out on our tours.

**Lastly, how come Hanauma Bay is excluded from this bill???????**

**It is the most overrun of all the marine life conservation districts and the closest to Honolulu. We find it very interesting that this bill just effects MLCDs created after January 1st, 1968, when Hanauma Bay Marine Conservation was created in 1967!**

We urge you to please reconsider this bill.

Thank you for your time,



Lynse Frank, Born in Hawaii and Current Resident



Luz Kaiwi, Graduate of Baldwin High School, Maui, Hawaii and Current Resident



Krista Baressi, Newer Resident of Maui and Concerned



LATE TESTIMONY

February 7, 2008

Rep. Ken Ito, Chair  
Rep. Ion Karamatsu, Vice Chair

Rep. Mele Carroll  
Rep. Roland Sagum, III  
Rep. Michael Y. Magaoay  
Rep. Scott K. Saiki  
Rep. Hermina M. Morita  
Rep. Cynthia Thielen,

Re: Opposition of HB3389,

Good Morning, Chairman, Vice-Chair and Committee Members,

I am Puhi Dant, President and 2nd generation owner of Fair Wind Cruises in Keauhou Kona. We employ 50 people fulltime, have received state awards, visitor industry awards and awards from our community over the past 37 years. We are speaking against HB 3389, because it is too broad and does not affectively manage the natural resources and would eliminate access to many these incredible areas because of the inaccessibility.

In Kona, no one would be able to get to the MLCD, Kealakekua Bay unless they were hiking down a steep, gravelly old pathway, used by horses and a limited amount of healthy active persons. This land access does not offer restrooms, freshwater or any source of communications for any type of medical emergency and there has been many occasions that Fair wind or other commercial operators have rescued hikers, or swimmers that have gotten to the monument and now are exhausted and without water.

I have been told that the reason this bill has been written is to get the attention of the DLNR to take correct action. The wording of this bill says nothing about the DLNR, it threatens the current commercial businesses that use these MLCD's. DLNR is not being threatened. We as operators and stewards of these MLCD's are the ones being threatened. Our history with the MLCD in Kona, Kealakekua Bay started in 1971 with my father Mike Dant, founder and then owner of Fair Wind Cruises. In 1971 he started snorkeling and scuba charters to Kealakekua Bay. This was only visited by two other businesses at the time. Captain Cook Cruises, and vessel Jeannie Marie took approximately 100 people daily to this bay. The Jeannie Marie stopped operating in the mid 70's.

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I started going to this bay in 1973 and on a daily basis would remove trash left from then an unaware and sometimes abusive use of this resource. The trash and indiscriminant use of anchoring devises, such as truck axle, engine blocks, concrete hollow tiles was a common site at Kealakekua Bay. Fair Wind as a company has helped change the look and the awareness of this precious and historic destination by being proactive stewards. The DLNR did not have a vessel to access the bay, so basically it was the physical presence of the commercial vessels that did keep people from fishing as well as fish collecting.

In 1988, the DLNR told anyone wanting a mooring in Kealakekua Bay that they had to apply for a permit by July. Fair Winds permit process, included an EIS. By 1989, we had hearings and received a commercial permit, one of three. Fair Wind, Captain Cook Cruises and the Leslie Family on the south side of the bay were the permittees. Fair Wind and Captain Cook Cruises were to pay an additional fee of .5% of our gross revenue, and to monthly go ashore onto Ka'awaloa and clean up garbage that was left there by hikers, campers etc.

The daily passenger count throughout the 70's & 90's were about 100-200 people a day between Captain Cook Cruises and Fair Wind Cruises. Mid-90's the Captain Cook Company sold their Kona business and it soon failed, rafts and eventually kayaks followed, bringing in approximately the numbers that Captain Cook Cruises did in their heyday.

Since that time the DLNR and DOCARE have on and off focused on Kealakekua Bay by talking about closing the bay, or adding new rules, more rules, but in reality they cannot enforce the current rules. They are under staffed and have no money. With every change of administration at the DLNR & BLNR, Governors and local DLNR Harbor Masters, we start all over from the beginning.

They threaten our 3<sup>rd</sup> generation family business and we have to patiently educate and hope they see that our MLCB destinations are important and there well being is a priority to Fair Wind and to the other commercial users. The commercial users are still the eyes and ears for the DLNR.

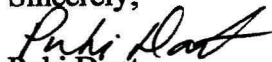
After meeting and more meetings, solutions have come up from the commercial users that have been embraced by the residents in the Kealakekua Bay area. Permit the limited commercial users; add moorings so the rafts and kayaks can be controlled as they have been in Molokini. Have reasonable user fees go directly back into the Kealakekua area for education, enforcement and a state ranger. These practical steps may have been proactive solutions 15 years ago when we started these conversations, but today it is necessary and urgent.

We have seen the increase in commercial users during our lifetime here and it keeps growing. Fair Wind is held accountable for the commercialism and growth every time Kealakekua becomes a political issue, but in fact Fair Wind has maintained the same capacity since it was issued the permit in 1989.

We urge you to kill this extremely, broad bill and send the message to the DLNR to do their job, take steps to implement the plans they have come up with locally to control each MLCD. Each island is very different, the solutions that might be warranted on Oahu with 37 million annual users are not the same as needed where the visitors are more like 150,000 annually.

We would gladly accept any questions any of you may have for us. Thank you for the opportunity to speak to you today on this very important subject.

Sincerely,

  
Puhi Dant

# LATE TESTIMONY

Feb. 8, 2008

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

From: Bryan Stewart, Charter Boat Captain, Fisherman, Diver, Windsurfer,  
and Boat Owner

RE: H.B. 3389 – Relating to Marine Life Conservation Districts

## LATE TESTIMONY

Chairman Ito and members of the committee:

Aloha, my name is Bryan Stewart and I am apposed to prohibiting all commercial activities in Marine life districts.

As a charter boat captain that uses all 3 MLCDs on Maui 5 days a week or more, I feel qualified to comment on this proposed legislation. I feel that both professionally and privately that I and the companies I work for are good stewards of our marine environment. I also educate thousands of visitors and resident about our fragile marine environment, and help prevent far more damage in our MLCDs than my impact might produce. Losing the use of MLCDs like Molokini and Honolua Bay would drastically lessen the good I can and have done in protecting and sharing our unique ocean experience.

The prohibition would also dramatically impact me personally, professionally, as well as all the people I work with, and work for. Please strike this bill #H.B. 3389, for the good of our state.

I work for and represent 4 of the 41 Molokini permittees, including: Maui-Molokai Sea Cruises, ProDive Maui, The Dive Shop Watersports Inc., and Sea Escape Boat Rentals. I also am a private boat owner, scuba diver, fisherman, and windsurfer, so I use these MLCDs for my own pleasure. Please rethink this bill and allow my informed input to give you more knowledge that could help modify your' good intentions.

My sincere thanks for your attention to this matter. Mahalo, Capt. Bryan Stewart

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