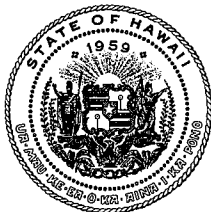
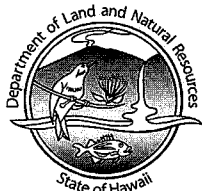


LINDA LINGLE  
GOVERNOR OF HAWAII



FEB 11 2008

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**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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

**On Senate Bill 2816 Senate Draft 1 – Relating To Intra-County Ferry Service**

**BEFORE THE SENATE COMMITTEE ON  
ECONOMIC DEVELOPMENT AND TAXATION**

**February 12, 2008**

Senate Bill 2816 Senate Draft 1 proposes to provide priority assignment of mooring space in Maalaea Small Boat Harbor for any new ferry operating from Maalaea Small Boat Harbor to Lahaina Small Boat Harbor, and provide an exemption from the fuel tax for fuel purchases for the ferry service. The Department of Land and Natural Resources (Department) comments are limited to SECTION 2 of this bill as it pertains to assigning priority mooring space in Maalaea Small Boat Harbor to any intra-county ferry service, and defers to the Department of Taxation for comment on the portion of the bill that pertains to exemption from the fuel tax for fuel purchase for the ferry service. The Department does not support SECTION 2.

The Department's Division of Boating and Ocean Recreation (DOBOR) has had conversations with the current ferry service operator and has explained that once the ferry improvements are completed at the Maalaea Small Boat Harbor, they will reassess whether additional mooring space is available at the end of the mole where the current ferry terminal is located. Should mooring space be available, DOBOR would be willing to offer mooring at the ferry terminal for authorized ferry vessels. A concern DOBOR has is that if they are required to provide mooring space for all ferry operators, then existing tenants of the Harbor may have to be asked to vacate in order to accommodate the additional vessels.

Also, due to ongoing construction, vessels are being relocated throughout the Harbor and this will continue until construction is completed resulting in very limited mooring space. When mooring space does become available, it is offered to the first qualified applicant on the wait list according to the Department's administrative rules. Currently, applicants on the wait list for the Maalaea Small Boat Harbor have been waiting for over ten years for mooring space. As such, the Department feels that giving preferential treatment to a new commercial operation would not be fair to those who have been on the wait list for years.

**testimony**

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**From:** Greg Kaufman [greg@pacificwhale.org]  
**Sent:** Monday, February 11, 2008 10:11 AM  
**To:** testimony  
**Subject:** Testimony Regarding SB2816

Senate Committee on Transportation & Internal Affairs

Testimony Regarding SB2816  
Relating to Intra-County Ferry Service  
Feb. 12, 2008

Aloha:

While we are supportive of the current intra-island ferry service provided by Expeditions Ferry service, we oppose this bill for the following reasons:

1. This is a special interest bill that unfairly provides economic benefits to one lone operator in the Maui County's ocean tourism industry.
2. The Expeditions Ferry service is not a single-purpose ferry operation per se, rather it sells many tour packages associated with its operation. This 'ferry' service competes with other ocean tourism business/vessels/tours. This bill will create an unfair 'playing field' in Maui's ocean tourism industry by providing Expeditions Ferry service with an economic advantage through the exemption from fuel taxes.
3. The bill is vaguely worded. If the area of operation is Maui County, it should state it. We are concerned this could open the door for the Hawaii Superferry (HSF) to gain access to the fuel tax exemption provided in the future. By stopping at Kaunakakai, Molokai, to or from Maui (intra-island), HSF may attempt to justify its operations as qualified under the Bill.
4. There is no evidence given, nor are we aware of any, that current ferry operations in Maui County have been impeded or impaired at their current loading docks, slips or piers. Prioritizing the ferry use over other current commercial tour and fishing uses, and public use, is not justified.

Sincerely,

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