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GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the House Committee on
WATER, LAND AND OCEAN RESOURCES**

**Monday, February 13, 2012
9:00 AM
State Capitol, Conference Room 325**

**In consideration of
HOUSE BILL 2367
RELATING TO MARINE LIFE**

House Bill 2367 would establish a new marine life conservation district (MLCD) special fund and authorize the collection of user fees for the use of MLCDs. The Department of Land and Natural Resources (Department) supports this bill.

The Department appreciates the support of the Legislature to identify new means for supporting its marine conservation programs and areas. This would enable the Department to pursue maintenance/enhancement projects, outreach/education efforts, and monitoring/enforcement to provide for more enjoyment of our marine environment for residents and visitors alike.

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
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CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

WRITTEN ONLY

TESTIMONY BY KALBERT K. YOUNG
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE HOUSE COMMITTEE ON WATER, LAND, AND OCEAN RESOURCES
ON
HOUSE BILL NO. 2367

February 13, 2012

RELATING TO MARINE LIFE

House Bill No. 2367 establishes the Marine Life Conservation Special Fund to be expended to support marine life conservation district monitoring, research, regulatory measures, and any other measure intended to conserve, supplement or enhance the resources within any marine life conservation district.

While the Department of Budget and Finance does not take any position on programs relating to marine life conservation districts, as a matter of general policy, the department does not support the creation of special funds which do not meet the requirements of Section 37-52.3, Hawaii Revised Statutes. Special or revolving funds should: 1) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries of the program; 2) provide an appropriate means of financing for the program or activity; and 3) demonstrate the capacity to be financially self-sustaining. In regards to House Bill No. 2367, the department is unable to analyze or determine that the fund would be self-sustaining.

I encourage the Legislature to scrutinize the fiscal and operational plan for this program to ensure that it does conform to the requirements of Section 37-52.3, Hawaii Revised Statutes.

PARAGON SAILING CHARTERS
5229 LOWER KULA ROAD
KULA, HI 96790
808-878-3116 Administration
admin@sailmaui.com
www.sailmaui.com

February 11, 2012

Re: SB2664

Testimony AGAINST HB2367

Dear Sirs,

We are writing to give testimony AGAINST HB2367. Paragon Sailing Charters has been operating to Molokini Crater for 18 years and to Lana'i since 1997. Our testimony AGAINST HB2367 includes the following points:

- 1) We have seen first hand problems within the DLNR Boating division, specifically in the current administration of user fees within a "new" accounting system that has been adopted by the State of Hawaii. Every month, we are currently required to submit a Report of Gross Receipts which includes a 3% fee paid to DLNR boating for each permit that we hold. When the DLNR accounting system changed in July 2011, we were informed that the cost of permits would increase. While we have paid more each month, the accounting system that the DLNR currently uses is flawed and in its current capacity, unable to accurately account for monies paid by individual permit holders. The amount of time that is spent each month to ENSURE that the DLNR is accurately applying money received is increasing each month. We are spending time traveling to the DLNR offices and more importantly, the DLNR staff is spending ENOURMOUS amounts of time trying to calculate accurately how these monies are processed. It is hard for us to understand how the House would add any additional accounting activity to an already burdened DLNR accounting system. Our suggestion would be to get the current system simplified which in itself would create more revenue for the department through increased productivity! With the recent increase in fees in July, 2011, we ask where is this money going?
- 2) The visitors of our Great State already feel the burden of increasing fees. To assume that they will absorb an additional fee is ridiculous. How is the State to determine who is non-resident and who is resident? In this regard, this increase will affect residents and tourists alike. Increase in fees will mean that tourism will go down, when tourism goes down, we all make less money.

- 3) If this fee is to be adopted, we request that it be offset by the 3% fee we currently pay the DLNR each month. Adding a new fee feels like we are being taxed doubly.

- 4) The Molokini operators came together years ago to establish moorings for the crater itself. These operators agree that the very unique nature of Molokini is to be preserved. The operators then went to the State to encourage the creation of the Molokini Use Permits. Each month, we are required to submit our actual passenger counts to the Aquatics Division of DLNR. When we got together to protect our environment, we did so with the knowledge and complete understanding of how unique and special Molokini is to our very survival. To suggest that we need to have the visitor pay another additional fee to pay a state agency to govern us the operators is unnecessary. We are already governed and policed by the DLNR Boating Division. We already pay a fee for this to happen, through the 3% Gross Receipts Tax.

We are unable to fly to Oahu to give this testimony and appreciate the opportunity to submit testimony AGAINST HB2367 through the State website.

Thank you,

Eric & Tamara Barto
Owners, Paragon Sailing Charters
808-283-3452



Four Winds II & Maui Magic
1279 SOUTH KIHAI ROAD, #110
KIHAI, HI 96753-5222

808.879.8177

COMMITTEE ON WATER, LAND, AND OCEAN RESOURCES

Monday, February 13, 2012

9:00 AM

House Conference Room 325

In consideration of HB 2367

RELATING TO MARINE LIFE

Testimony in Strong Opposition to HB 2367

Chair Senator Donovan Dela Cruz, Vice Chair Malama Solomon and Members of the committee:

My name is Mary Jane Caldwell, Vice President of Maui Classic Charters, Inc., and I am **strongly opposed to HB 22367**.

As an owner and operator of Maui Classic Charters, Inc., a company that operates two snorkel boats that conducts tours in the Molokini Shoal Conservation District, I am surprised to hear of the impending House Bill 2367, after only last year a bill which proposed user fees for Molokini was soundly defeated.

It is my understanding that under the proposed HB2367, boat operators would be required to charge "non-residents" a fee of perhaps \$2.00 per person to enter the waters of a marine conservation district, specifically Molokini Shoal Conservation District, in our case.

Our particular tours are designed to take guests out to Molokini Crater to experience some wonderful snorkeling and an opportunity to see the amazing diversity of Hawaiian marine life. However, weather conditions frequently dictate that we have to go to a different snorkel spot, particularly on our afternoon trips.

These tours are often booked weeks in advance of the actual tour date. We can never guarantee Molokini as a snorkel destination. How are we supposed to charge our passengers this additional user fee when we don't know on a daily basis that we will indeed be going to Molokini Crater?

It will be an accounting nightmare! Should we not go to Molokini Crater, how are we to refund the user fee to our passengers? Approximately 50% of our tours are booked by activity agencies. Do all our passengers who don't get to go to Molokini have to go back to the activity agency that they bought their ticket from, to get their proposed \$2.00 per person user fee refunded? What about the passengers on the boat who don't get into the water? Are they required to pay the proposed user fee?

Do we need to check our passengers identification, so that we only charge "non-residents" the user fee? This proposed bill does not seem to be thought out very well.

How long in duration does this proposed bill plan on receiving the user surcharge?
Is there an end date or is this proposed fee going to be charged in perpetuity?
Is the proposed user fee going to increase in the future?

I also question the very need for these funds, which I understand could amount to One Million Dollars annually.

Are you aware of all the steps that we are required to take as a permittee for the Molokini Shoal Marine Life Conservation District?

There are 5 pages of detailed rules & regulations that we must comply with, along with having all of our passengers read and sign the rules & guidelines of the Pre-Trip briefing outlining what is not allowed in the Molokini Marine Conservation. We also have to submit, on a monthly basis, for each vessel, a count by day as to how many of our passengers participate in scuba, snuba, snorkeling or just stay on the boat.

In my opinion, we, as boat operators, and our passengers are quite well regulated and informed and do not need to be charging our guests additional fees.

Times are tough economically and we can't keep nickel & diming the very tourists who support our island. Our company has over 25 employees and this proposed bill would definitely cause us to let go of several of them. The boating industry already pays the 4% General Excise Tax, plus a 3% Harbor Tax. If we have to pay a \$2 user fee on our morning trip guests, it amounts to an additional 2%, so the guest is now paying 9% in taxes & fees. Enough is enough!

Being good stewards of Molokini Crater is in our very best interests and we take this responsibility seriously. However, there is already enough regulation in place and no need to tax our guests even more.

This does not seem to be a very workable plan.

Sincerely,
Mary Jane Caldwell
Vice President

Maui Classic Charters, Inc.
1279 S. Kihei Rd, Suite 110
Kihei, HI 96753-5222

808 879-8177

www.mauicharters.com



Testimony to the Committee on Water Land Oceans
Monday, February 13; 9:15 a.m.
Conference Room 325

Speaking in Opposition HB 2367

RE: HB 2367 Relating to Marine Life

Chair Representative Chang, Vice Chair Representative Har and Members of the Water, Land, Oceans Committee:

My name is James E. Coon, President of the Ocean Tourism coalition speaking with **STRONG OPPOSITION to HB 2367!**

The Ocean Tourism Coalition is the only state-wide organization that represents the more than 300 small businesses that operate vessels out of the small boat harbors of the state. There are eleven Marine Life Conservation Districts in Hawaii. Of these several are accessed by boat. Most are accessible by land and sea. Ones like Molokini are only accessible by boat.

As a person dedicated to protecting and preserving our fragile ocean environment I would love to see more funding for resource protection, **However the bill is badly flawed:** The funding for this proposed bill should NOT come on the backs of just a few commercial operators who are easy targets it should be much broader based. The stewardship of our environment should be supported by a much larger base.

There are 41 of these small businesses that operate tours to Molokini Shoals Marine Life Conservation District under permits issued by DAR/DLNR. Each one of these business is **fighting for their very survival** in this very difficult economic climate. Tourists already are not spending as much to take tours like the ones offered to Molokini. In Maui County there are three MLCD's which account for eighty percent of the tourist destinations by the charter fleet on Maui.

The **passenger counts and revenues are still down** from the high year of 2007 in spite of the heavy discounting in the marketplace. The tourists are looking for the least expensive vacation possible. Every time we increase the cost to do our products, we lose business. The cost to do activities in Hawaii helps drive the decision whether or not to vacation in Hawaii. We believe that the net loss to the state will actually far outweigh whatever revenue would be garnered from this plan. Also it places significant added burdens on our companies to collect, report, and administrate this onerous fee/surcharge.

Commercial boaters represent less than 3% of the total boats using harbor facilities yet produce close to 50% of all revenues derived from boater fees.

Commercial boaters recently supported successful legislation to have their commercial use fees raised by 50% with the promise that this would provide enough extra revenue for DOBOR to upgrade our harbors. In 2010 DLNR started a 100% increase of harbor fees.

We do not want to see an additional draconian open ended fee system added on to our already strained resources to the point where it drives us out of business.

In fairness, if you want more money for another DLNR agency, then take part of our 3% of gross earnings from DOBOR and dedicate it to DAR. This is an internal DLNR issue and should not be added on the few companies fees.

Collection of fees also presents some serious difficulties:

This is an administration and collection night mare. As the bill is written, it appears that the tour operator will have the expectation to collect the MLCD surcharge from the non-resident tourist. This is problematic. There are many ways payment could be overlooked. Many of the tourists make reservations on line or through an activity desk. It may be that the activity desk neglected to collect the surcharge, yet the operator is liable for it. Or the booking on line somehow neglected to charge/collect the fee.

Most of the tour boat business comes to the operators from Wholesale accounts, Hotels, Local Travel Desks, Direct, and the Internet. It would be very difficult to determine who is and is not a resident. This upsets the price our various booking agents collect from the traveling public. It is frankly very difficult to track whether a person is a resident or not at the time of booking and will cause many problems. How does DAR track who was a resident and who was not? Who is liable for that information? What happens when we collect the MLCD entrance fee and then bad weather prevents access?

Land based MLCDs would necessitate an entry gate with a collection mechanism.

If you are determined to pass this bill, it might be wise to do a "Pilot Project" in a MLCD like Hanauma Bay where there is already gate and a collection mechanism. We believe there is enough potential revenue from this one source to meet the funding need.

The Ocean Tourism Industry plays a very important role in the Tourism Recovery. Please do not add this additional burden to an already very tenuous economic recovery. We humbly ask you to not pass HB 2367.

Sincerely,

James E. Coon, President
Ocean Tourism Coalition 808-870-9115
CaptCoon@gmail.com



Activities & Attractions Association of Hawaii
PO Box 598, Makawao, Hawaii 96768
(808)871-7947 Main (808)877-3104 Fax

**Testimony House Joint Committees on Water, Land and Ocean Resources &
Hawaiian Resource**

**Monday, February 13, 2012, 9:00 am
Conference Room 323**

RE: House Bill 2367 RELATING TO THE MARINE LIFE

Chairs Chang/Hanohano , Vice Chairs Har/Lee & members of the committees;

Mahalo for this opportunity to testify, my name is Toni Marie Davis. For the last 14 years it has been my honor to serve the activity & attraction industry of Hawaii through my position as the Executive Director of the Activities & Attractions Association of Hawaii. **A3H opposes HB2367.**

At first blush, this Bill appears well intended, but like with many great plans the devil is in the detail. More money doesn't fix dysfunction.

As written, this Bill would place an increased burden on commercial charter boats which visit MLCDs. They would need to collect an additional \$2 per passenger, but only, if they are NOT residents.

Commercial boat operators currently provide 3% of gross receipts to special boating fund in addition to the 4% state and for some, an additional .5% GET if operating on Oahu. These boating funds are according to HRS248-8, used for planning, development, management, operations or maintenance of small boat harbors. Have you seen our harbors? This \$12+ million dollars is going where?

A large portion of DLNR revenue is spent on enforcement. This same Department now wants a special fund & more money to do their job. Commercial boat operators represent in excess of 25% of the revenue to DOBOR presently and ~3% of use in harbors statewide. There is already a huge imbalance.

This Bill proposes additional accounting & logistic challenges for operators to establish residency & collect funds. This sends a message to our valuable visitor of, "you have to pay more because you don't live here" ~ what a distasteful message, lacks ho'okipa. There is also the sticker shock that currently happens on most all commercial boating excursions; this additional \$2 albeit small will have an impact.

Simply put, this Bill reminds me of my child asking for a raise in their allowance when the job they are currently doing is not up to par.

Mahalo for the opportunity to submit testimony.

If you have any questions, please contact me at (808)871-7947 ext. 112 or 1-800-398-9698 ext.112.

Toni Marie Davis

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



Protecting nature. Preserving life.™

The Nature Conservancy of Hawai'i
923 Nu'uuanu Avenue
Honolulu, Hawai'i 96817

Tel (808) 537-4608
Fax (808) 545-2019

nature.org/hawaii

Testimony of The Nature Conservancy of Hawai'i
Supporting H.B. 2367 Relating to Marine Life
Senate Committee on Water, Land and Ocean Resources
Monday, February 10, 2012, 9:00AM, Room 325

The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of Hawaii's native plants, animals, and ecosystems. The Conservancy has helped to protect nearly 200,000 acres of natural lands for native species in Hawai'i. Today, we actively manage more than 32,000 acres in 10 nature preserves on Maui, Hawai'i, Moloka'i, Lāna'i, and Kaua'i. We also work closely with government agencies, private parties and communities on cooperative land and marine management projects.

The Nature Conservancy supports H.B. 2367, and the proposal to allow the DLNR to collect non-resident user fees at State Marine Life Conservation Districts (MLCDs) to support the protection of these areas as well as appropriate marine and fisheries management, research, education, and enforcement programs.

Hawaii's coral reefs generate more than \$350 million of income annually in recreation, fishing, aquarium capture, research and other uses. They provide for our unique way of life in Hawai'i, and are a source of sustenance as well as recreation. Unfortunately, Hawaii's marine environment faces threats from anthropogenic sources of pollution, sedimentation, overharvesting, lack of community ownership, and an overall decrease in the competitive advantage of native species over non-natives. Scientists believe that reef fish stocks in the main Hawaiian islands have decreased by 75% in the past century.

We think that the funding generated by this measure can not only help to care for our special MLCD areas, but also help the State take other steps to care for near shore areas and restore depleted fish populations including efforts to:

- **Encourage responsible fishing** – Take what you need not what you can.
- **Support community-based marine management** – Communities statewide are managing marine resources, working to ensure compliance with laws, and monitoring human use and biological.
- **Create replenishment areas for fish** – Based on the best available science and credible local knowledge, involving fishers, local communities, scientists, and government.
- **Strengthen enforcement capacity** – Hawaii's conservation enforcement capacity is underfunded and understaffed.
- **Manage statewide threats** - Invasive species and land-based sources of pollution are killing our reefs and must be reduced through statewide action and policy.

Thank you for the opportunity to testify in support of this bill.

BOARD OF TRUSTEES

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har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 12, 2012 4:18 PM
To: WLOtestimony
Cc: lahdiver@maui.net
Subject: Testimony for HB2367 on 2/13/2012 9:00:00 AM

Testimony for WLO 2/13/2012 9:00:00 AM HB2367

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Greg Howeth
Organization: Lahaina Divers Inc.
E-mail: lahdiver@maui.net
Submitted on: 2/12/2012

Comments:

Lahaina Divers Inc. currently employees 23 people. If HB2367 were to pass we would most likely have to lay off 3 people. With tourists watching every penny, we can not pass on any more expense. Please think about the negative consequences to our working families who are struggling in these tough economic times and kill this bill. Thank you, Greg Howeth

TESTIMONY STRONGLY OPPOSING HB2667

My name is Phillip Kasper. I am the president of Frogman Charters on Maui.

I would like to say that I strongly support the testimony of Jim Coon of the Ocean Tourism Coalition and that in addition to Jim's testimony I would like to say that protection of Hawaii's coral reefs is extremely important to the commercial boating community in Hawaii.

However, it is important to recognize that the coral reef system in Hawaiian Islands is not just important the commercial boat operators and tourists that visit Marine Conservation Districts, the Hawaiian coral reef system is important to the entire visitor industry. Only a small percentage of the visitors that experience Hawaiian reefs visit the MLCD's. Visitors snorkel, swim and dive in hundreds of locations throughout the Hawaiian islands and so it seems unfair to place the entire burden of supporting coral reef protection on the few ocean operators and tourists that visit the MLCD's.

Hotel operators, rental car companies, activities companies, vacation rental owners and all of the related tourist business and their vendors and associated companies all benefit from healthy Hawaiian coral reefs. It seems to me that a broader based vehicle for funding coral reef protection would be a much more equitable way to raise funds for this endeavor. Coral reef protection should be supported by all the beneficiaries of the healthy reef system, not just a small number of boating companies that take a relatively small number of visitors to the MLCD's. A broader based vehicle could produce the funds required for the purpose of protecting the reefs with a much small contribution coming from each stake holder. The current bill places and undue hardship on a few small boating companies while giving everyone else a free ride.

Thank you,
Phil Kasper
President, Frogman Charters

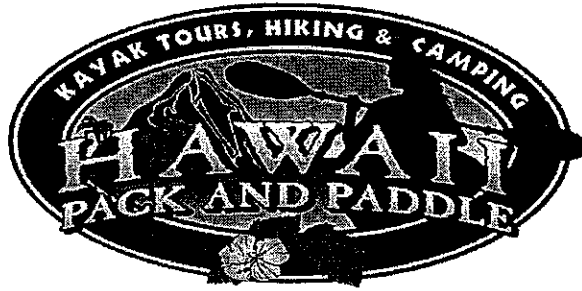
Sterling J. Kim
1888 Kalakaua Ave. #3002
Honolulu, HI 96815

Bill HB2367

My name is Sterling Kim and I am a partner in Friendly Charters. We operate a snorkel sail business that goes to Molokini daily. We firmly oppose Bill SB2664. We presently employ 10 people to operate the vessel. We also deal with 19 vendors who provide everything from food to gas and service the business.

Since the recession began several years ago, it has been a struggle to keep this business alive. We have often run this sail with a negative return. While the prices of food, gas, ads, telephone services, mechanic services and the like have risen, the rates we are able to charge have remained static. This is largely due to the shrinking spending dollar of the tourists who are still coming. Since we purchased this business six years ago, we have been unable to raise the price per person for this trip. In fact, due to dwindling numbers, we have discounted the original price since the end of 2010.

While we acknowledge the need to balance the State's budget, given this information, the fee that accompanies this bill would further erode our ability to stay viable. This fee will definitely hurt the dwindling number of tourists who still patronize these businesses. The backlash of a failure in any of these businesses in lost tax dollars will more than outweigh the gain from these proposed fees. Think carefully on this and refrain from crippling an already struggling industry.



P.O. Box 390352 Keauhou, HI 96739 808-328-8911
barihawaiiipackandpaddle@yahoo.com www.hawaiiipackandpaddle.com

Feb. 10, 2012
House Committee on Ocean Resources
Representative Jerry Chang, Chairperson

RE: Testimony Against HB 2367: Relating to Marine Life/MLCD Fund

Dear Chairperson Chang and Committee Members:

It is very true that our precious MLCD's need and deserve maximum protection and mitigation against all kinds of harm, both natural and anthropogenic. Of course I am all for everything that can be done to protect and preserve our precious MLCD's. However, now is not the time for this bill requiring a user fee for MLCD use.

We at Hawaii Pack and Paddle run highly regulated DLNR-permitted guided kayak tours under strict guidelines within Kealakekua Bay MLCD. For years DLNR has talked of an MLCD user fee. For years there has also been DLNR talk, committees, and plans for better managing and regulating Kealakekua Bay and the activities that impinge on it. For example, 2005, 20 action items for Kealakekua Bay were agreed on by the BLNR to manage Kealakekua Bay, but since then only a few have been enacted.

To continue, in 2009, the DLNR enacted a regulation to allow landings by permit only at Kealakekua Bay State Historical Park, in a thoughtful effort to prevent damage to the coral and to the cultural sites. This was an excellent regulation, but to this day, not one person has been cited for illegal landings, yet there are at least 50 kayaks per day landing on the rocks with no permit. Likewise, on the other side of the bay, at Napo`opo`o Pier, the DLNR DOBOR facility that is the gateway to Kealakekua Bay MLCD for hundreds of visitors per day, there is a free-for-all of illegal commercial activity with kayak rentals and tours, the largest of which is run by a retired Hawaii police officer. All this has continued daily

under the eyes of the DLNR DOCARE officers for at least ten years. These outlaw commercial users of the Kealakekua Bay MLCD pay no permit fees, few if any taxes, obey no regulations, and greatly impact the problems of this MLCD.

If the DLNR cannot enforce its basic regulations already in effect, who is to say that any moneys collected under this proposed HB 2367 will go to protection of the MLCD for which it is collected, or whether these funds instead will end up in the general DLNR pot. The DLNR is chronically short of money, I understand that, and turns to the commercial boaters frequently for more funds.

Until I see that the DLNR can enforce its present rules and show a strong management role in the MLCD I know so well, Kealakekua Bay MLCD, that we are against paying more. Thank you.

Sincerely,

Betsy Morrigan
Marketing Consultant
Hawaii Pack and Paddle

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 11, 2012 6:50 AM
To: WLOtestimony
Cc: orgillv@polynesia.com
Subject: Testimony for HB2367 on 2/13/2012 9:00:00 AM

Testimony for WLO 2/13/2012 9:00:00 AM HB2367

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Von Orgill
Organization: Polynesian Cultural Center
E-mail: orgillv@polynesia.com
Submitted on: 2/11/2012

Comments:

We believe this to be well-intend, but unwise legislation that would create more problems than it would solve. Please oppose this bill. Thank you!

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 12, 2012 7:51 AM
To: WLOtestimony
Cc: wctanaka@gmail.com
Subject: Testimony for HB2367 on 2/13/2012 9:00:00 AM

Testimony for WLO 2/13/2012 9:00:00 AM HB2367

Conference room: 325
Testifier position: Support
Testifier will be present: Yes
Submitted by: Wayne Tanaka
Organization: Fish and Coral Think Tank
E-mail: wctanaka@gmail.com
Submitted on: 2/12/2012

Comments:

o the Honorable Chair Chang, Vice Chair Har, and Members of the House Committee on Water, Land, and Ocean Resources,

The Fish and Coral Think Tank strongly supports passage of HB2367, or what we call the Managing Our Aquatic Natural Assets ("MOANA") Bill. This bill does not ask for any appropriation from the state general fund. Rather, by giving the Department of Land and Natural Resources the option to collect non-resident user fees for Marine Life Conservation Districts ("MLCDs"), this bill will clear the way for the state to generate upwards of \$1,000,000 in currently untapped revenue annually from a very modest fee of \$1 - \$2 per visitor, from just one of our several most popular MLCDs:

The state has an affirmative responsibility to conserve and protect its public trust resources, on behalf of all the people of Hawai'i; given the growing needs and threats to these resources, the dedicated user fees collected under the authority of this bill will allow the state to finally take a huge step forward in carrying out its fiduciary duties. Currently, there is no dedicated program for the monitoring and management of our many MLCDs, Fisheries Management Areas, Public Fishing Areas, and Community-Based Subsistence Fishing Areas. In addition to providing the financial resources needed to fill this critical gap in management, and address the needs of a broad range of our ocean's stakeholders, this bill may further provide the necessary funding vehicle for coral reef impact mitigation and restoration - giving Hawai'i the financial resources and job opportunities it needs to be a leader in coral reef science and restoration.

Mahalo nui loa for this opportunity to testify.

Wayne Tanaka, Esq.
Consultant and Recreational Fisher
Fish and Coral Think Tank



Testimony to the House Committee on
Water, Land & Ocean Resources
Thursday, February 13, 2012, 9:00am
Conference Room 325

RE: House Bill 2367 Marine Life Conservation Program Special Fund; Marine Life Conservation District User Fees

Chair Jerry Chang, Vice Chair Sharon Har, and members of the committee;

Mahalo for this opportunity to testify, my name is Jim Walsh, I am the General Manager for Atlantis Adventures - Maui. I am writing this testimony on behalf of Atlantis Adventures Hawaii. As a member of the Ocean Tourism Industry, Atlantis Adventures **opposes HB2367**.

I urge you to kill this Bill in committee. I think that this bill is putting the cart before the horse. There are many unknown issues regarding this bill that need to be discussed with the user groups before the state moves to assessing fees to use MLCD's. Money will not solve many of the problems we see within DLNR. In addition, I don't think a bill should be passed without knowing what the fee will be. This bill leaves that open to the legislator's discretion. I am oppose to that.

While I can understand the need for revenues to the state to do all the things that state needs and or wants to do, however this bill needs to be put on hold until a more comprehensive debate takes place. The visitor is always the one to get stuck with the fee increases. One concern of mine as I read over many of the proposed bills this year is that the state legislators want more fee increases to many different areas. These bills come up one by one, and if they all get approved we will have taxed our way right out business. Hawaii must be able to be competitive in the visitor market world wide, so we need to be careful how taxation burdens our businesses and the visitor industry. All taxes get passed along to the consumer whether it is targeted at the business community, or in this case specific to the non-resident.

How will this fee be accounted for? How will an operator charge a guest to enter a MLCD that they might not enter into? Not every day is Molokini accessible. A guest will be charged a MLCD fee, but the captain of the vessel deems the MLCD unsafe to travel to. Do we give refunds? How will they be accounted for? How do we target the visitor and exclude the Kama'aina? How will the state handle walk-in visitors to Honolua Bay for example, verses visitors that come by commercial boats? What about surfers in a MLCD like Honolua Bay. Who will assess who is Kama'aina or visitor, and charge accordingly?

The commercial boating industry already pays 3% of its gross revenue to DLNR. Now another fee on top of that is excessive.

Atlantis[®]

ADVENTURES

I really feel that this bill is not ready to move forward and is in need of more work. I think it prudent that the first step is to present a workable management MLCD comprehensive plan. This plan should also involve the user groups involved to make sure that these bills can be supported throughout the legislative process.

Please kill HB2367.

Respectfully,

James Walsh
General Manager
Atlantis Adventures Hawaii
658 Front Street, #175
Lahaina, HI. 96761
Tel (808) 667-6604
Fax (808) 661-1210
jwalsh@atlantisadventures.com

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 11, 2012 5:24 PM
To: WLOtestimony
Cc: meleoli@yahoo.com
Subject: Testimony for HB2367 on 2/13/2012 9:00:00 AM
Attachments: MFS Exec Sum Jan 12 doc.pdf

Testimony for WLO 2/13/2012 9:00:00 AM HB2367

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: Carol Wilcox
Organization: Malama Maunalua
E-mail: meleoli@yahoo.com
Submitted on: 2/11/2012

Comments:

Aloha e to the chair and members of WLO,

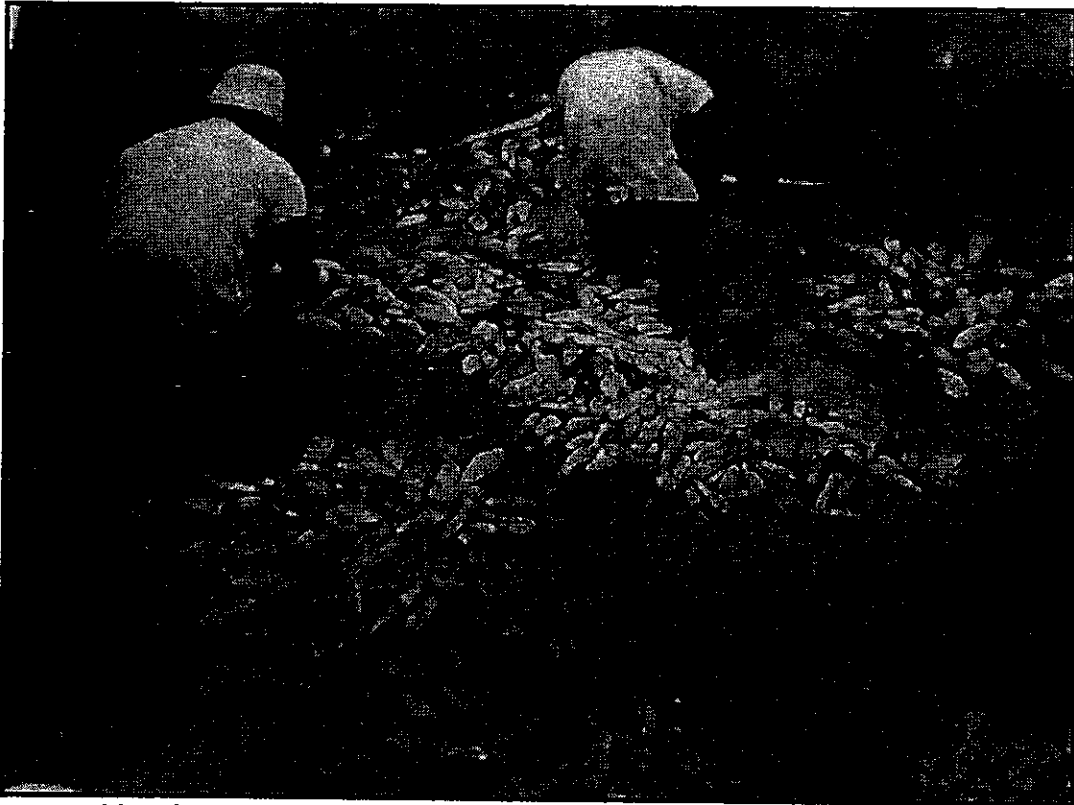
Thank you for the opportunity to testify. I am testifying on behalf of Malama Maunalua, a community based organization whose mission is to conserve and restore a healthy and productive Maunalua Bay through community kuleana. Maunalua Bay extends from Black Point to Koko Head. About 60,000 people live in this area, and many more come here for recreation.

Malama Maunalua conducted a survey of experienced local fishermen last year. A summary of that survey is attached. The findings show that fishermen of this area share a deep concern over the declining fish resources in this bay as well as strong support of effective enforcement and management. We do not have effective enforcement and management today because we don't have the funding. This bill provides a funding source. Without such funding, it will not be possible to halt the decline of nearshore marine resources in Hawaii. Effective management and enforcement will benefit everyone, the community, the fishermen, and the tour companies dependent on good marine resources.

This is an excellent bill and, on behalf of concerned fishermen and community members of Maunalua, we strongly urge your support.

Mahalo,
Carol Wilcox
www.malamamaunalua.org

MAUNALUA BAY FISHING COMMUNITY ASSESSMENT



Maunalua Bay fishermen and their catch, circa 1930s. Photo credit: A. Winter Family

Prepared for:

Malama Maunalua

By

Kainalu Consulting LLC
367-C Kapaloala Place
Honolulu, HI 96813

December 2011.

About this Report

The following pages describe the results of a research assessment on the Maunalua Bay fishing community, conducted by a survey team comprised of Makai Watch volunteers and Malama Maunalua community members. The project, entitled "Maunalua Bay Fishing Community Assessment," was initiated in fall 2010 and was completed in July 2011. Research activities were conducted by Kainalu Consulting LLC for Malama Maunalua under an agreement between Tri-Isle Resource Conservation and Development Council, Inc. and Kainalu Consulting LLC, dated 7 February 2011. The research findings presented herein may be used to support Malama Maunalua's goals to conserve and restore a healthy and productive Maunalua Bay through collective community kuleana.

Our research involved extensive social science research and analysis, including a review of existing research and an intensive field research component that consisted of interviews with community members, key respondents and expert fishers in the Maunalua area and nearby communities. Pursuant to the scope of work for this project, data analysis activities included:

- 1) Compiling interview data and providing a quality assessment prior to analysis; 2) Performing a standard set of descriptive statistical analyses on the quantitative interview data; and
- 3) Reviewing qualitative responses and including an overview or summary of these responses in the final report. These research activities and analyses generated a significant amount of data and information, and the methods for data collection and analysis and results of the research are summarized in this report.

Suggested citation:

Kittinger JN, and DS Kittinger (2011). Maunalua Bay Fishing Community Assessment. A report prepared for Malama Maunalua. Kainalu Consulting LLC, Honolulu.

For further information direct inquiries to:

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Stanford University
Center for Ocean Solutions
Woods Institute for the Environment
99 Pacific Street, Suite 155A
Monterey, CA 93940 USA

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Email: jkittinger@gmail.com

Acknowledgments

We thank the key respondents and community members involved in the fishing survey effort, who shared their insights and deep knowledge of fishing and Maunalua Bay with us. We also thank the Malama Maunalua community and Makai Watch volunteers for their help in executing this research. This research was supported by a grant from Malama Maunalua, and we thank Alike Winter, Carol Wilcox and Jennifer Taylor for their support. Any errors or omissions belong to the authors alone. Our team also thanks the National Oceanic and Atmospheric Administration (NOAA) for funding support.

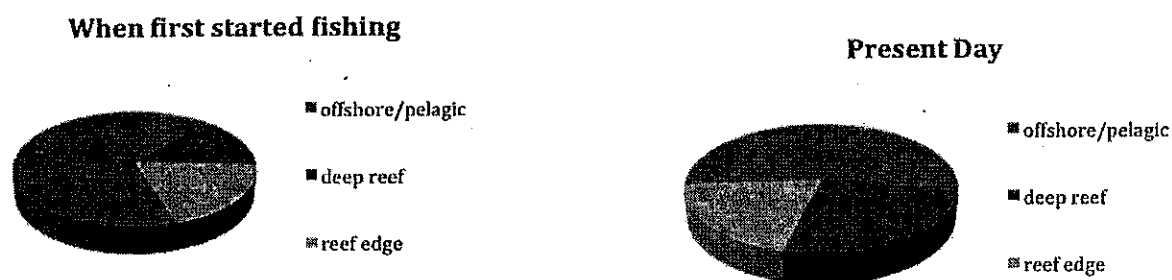
EXECUTIVE SUMMARY

This report describes the results of a community-led survey of Maunalua Bay fishers to quantify their collective knowledge, perceptions and opinions about the condition of the bay and its fisheries. The overarching goal of the research was to assess fishing community perceptions of the health of the bay and its fisheries, characterize the fishing community and their activities in the bay, and solicit information from them about recommended actions for the future of the bay, in order to ensure that the fishing community has a voice in future planning or management processes.

A set of commonly employed social science methodologies were utilized to systematically gather social and ecological information about the fishing community in Maunalua Bay and nearby areas. Fishers were identified through a chain referral (or “snowballing”) sampling method, and in-depth, face-to-face interviews were conducted with fishers for the study. The primary planning for this research was initiated in 2010, and field research was conducted from January – July 2011.

Fifty-eight fishers from Maunalua and surrounding communities were interviewed in the course of this research. The average number of years of experience fishing in Maunalua Bay among respondents was 34.61 years, and many fishers had more than 40+ years fishing in the bay. Five fishers (8.7% of the total interview sample) had 55+ years of fishing experience in the bay. Together this indicates that the respondent pool was primarily comprised of long-time fishers that were experienced and knowledgeable about Maunalua Bay and its fisheries resources.

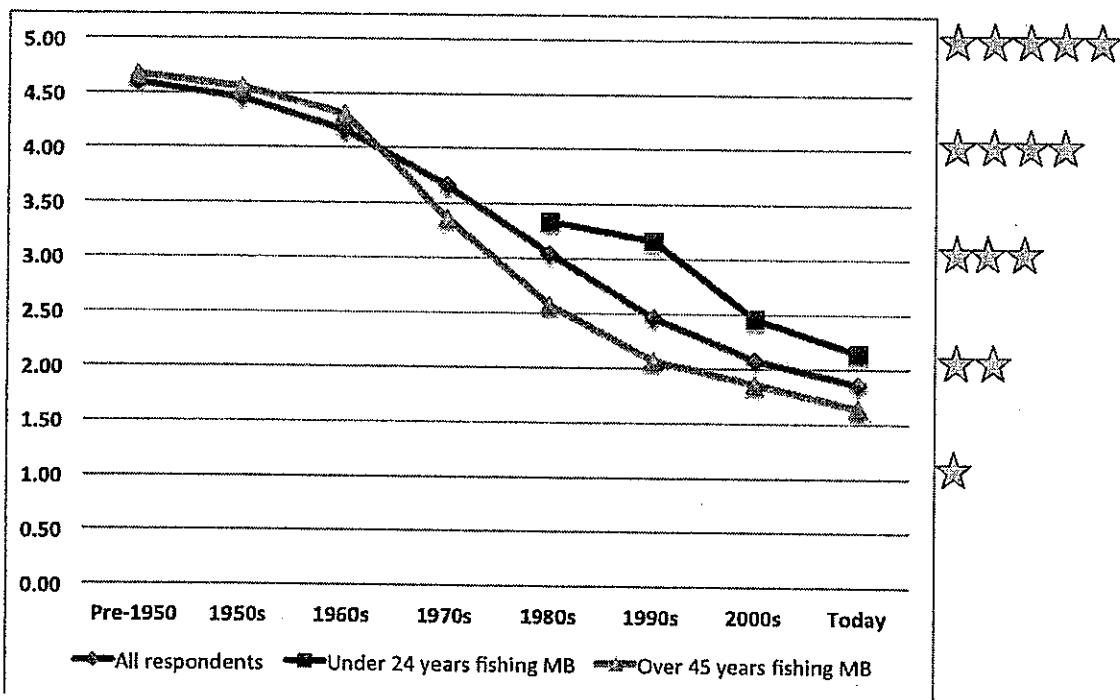
The fishing community of Maunalua Bay comprises a diverse set of ocean users that access the entire bay and exploit all fisheries habitats from the intertidal to the deep sea. Fishers reported that previously they spent more time fishing the intertidal and inside reef zones that are closer to shore – 55% previously compared with 26% in the present day. (See Figure 4 from report, below, modified to reflect totals for intertidal and inside reef zones.)



Recreational fishing activities are the most common fishing in Maunalua Bay. A diverse set of gears are used in the bay to exploit intertidal, coral reef, coastal pelagic and pelagic species. While a variety of gear types are used, 75% of respondents reported

using spears. Fisheries catch is primarily utilized for home consumption, but catch is also given away, released and sold. Among respondents, 'part-time' commercial activities comprise a minor aspect of the overall fishery. Among those reporting a portion of the catch sold, selling was a minor part of both the total catch and comprised a minor percentage of their income (<10%). Most seafood that is caught is kept for personal consumption (47.7%) Among all fishers, 29.3% reported holding a commercial license, but just 11.5% of fisheries catch was reported sold.

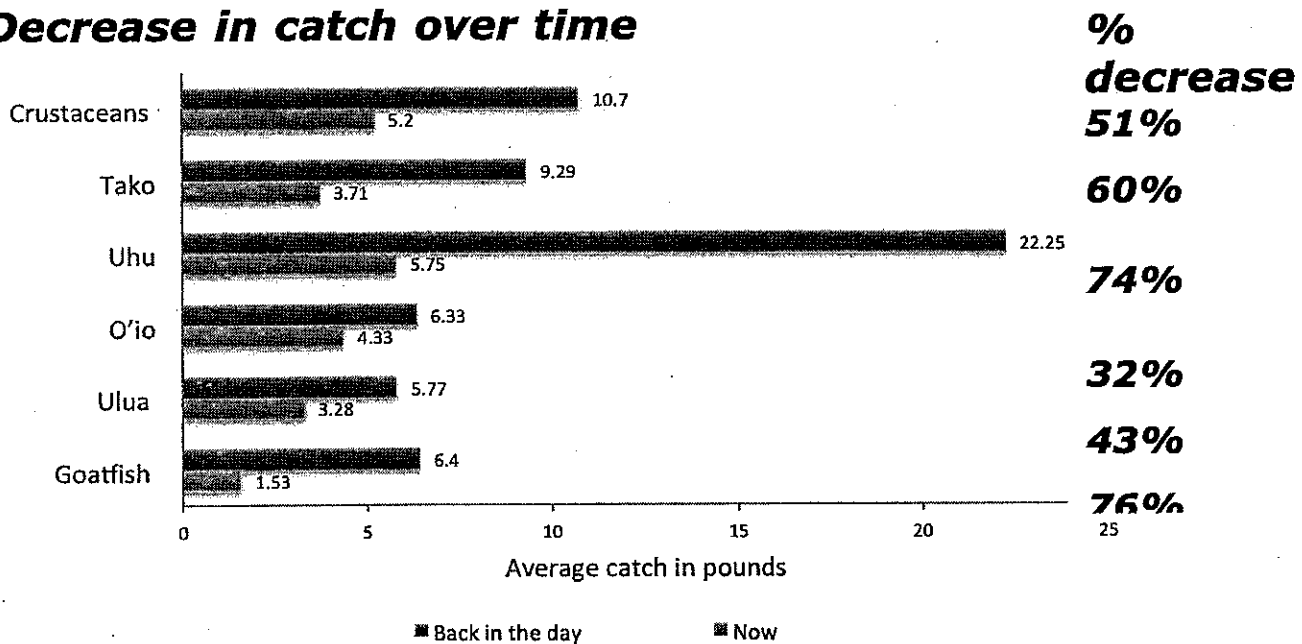
Among experienced and knowledgeable fishers, there is broad and widespread agreement that fisheries resources and habitats in the bay have declined in terms of abundance and quality (see Figure 11 from report, below).



Health of the bay over time: 4 stars = Healthy, Abundant, Diverse;

These striking declines, estimated by memory recall for both particular species and particular gears, show that most Maunalua fishers describe healthier and more abundant fishery conditions when they first started fishing as opposed to current conditions. Fishers described major declines in marine resources, habitat quality and increases in human threats to the bay through time. Among experienced fishermen who began fishing the bay prior to the 1970s, the perceptions of decline were more pronounced than fishers whose first association with the bay was recent by comparison. Current fisheries catches for preferred and commonly sought species have declined 32-76% from catches when fishers first started fishing in the bay. (See Figure 7 from report, below.)

Decrease in catch over time

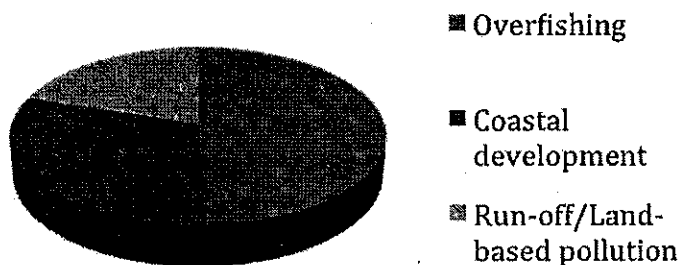


Correspondingly, catch by the most common gear types used in the bay has also declined substantially (13-62%, depending on gear type).

Fishers reported widespread observations about the reduction in diversity, abundance, and size of fish. Fishers described the following resources as declining: schooling coastal pelagics (e.g. akule, halalu, 'opelu), reef fish, limu, and reef-building corals.

Fishers identified the primary drivers of these changes as including: 1) Overfishing; 2) Coastal development; and, 3) Run-off/Land-based pollution. Analyses of qualitative data show that out of 92 descriptions shared by respondents, 40% are attributed to overfishing, 25% discussed coastal development, and 16% identified run-off/land-based pollution. Fishers also described common threats to resources in Maunalua Bay as including: 1) Overfishing; 2) Run-off/Land-based pollution; and, 3) Invasive species. Out of 130 descriptions

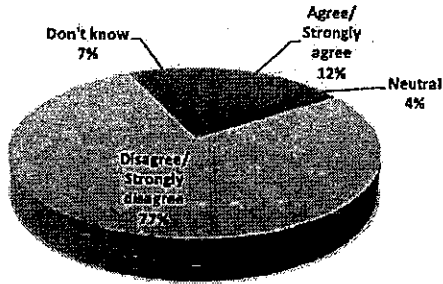
Drivers of change in Maunalua Bay



shared by respondents, 31% are attributed to overfishing, 30% discussed run-off/land-based pollution or channelization of streams; 11% discussed invasive species, and 6% mentioned coastal development.

Fishers exhibited a general consensus that enforcement is currently lacking in Maunalua Bay – 77% felt enforcement was insufficient.

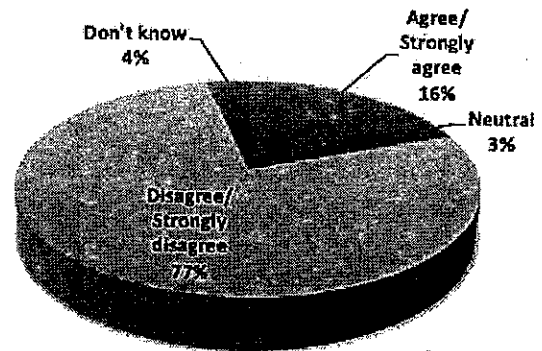
The current rules and regulations are sufficiently enforced in MB:



Interview data show that few fishers have witnessed enforcement personnel or actions in the bay, and many fishers have engaged directly in informal (non-state) enforcement measures, including documenting illegal activities or confronting violators.

Although almost all fishers (97%) supported effective enforcement of current regulations, fishers were split on whether or not enforcing current rules/regulations would protect marine resources. Fishers did generally agree, however, that without some kind of change, their grandchildren would not experience an abundant and diverse environment in Maunalua Bay (see section of Figure 12 from report, below).

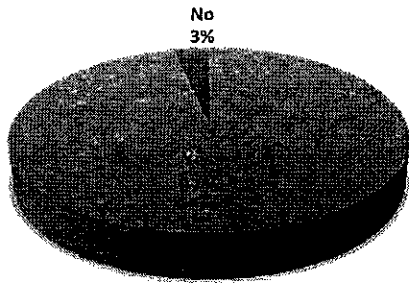
If management of the bay were to continue as it is currently, my grandchildren will enjoy and abundant and diverse environment.



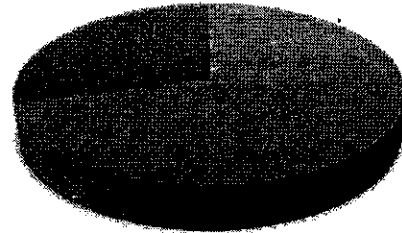
The capacity of the fishing community to engage in stewardship is estimated to be high, based on levels of participation in local organizations, events and meetings on fishing topics and stated willingness to engage in community-based management program (84%).

The fishing community voiced support for various management strategies, including more effective enforcement and better management of diverse ocean user activities.

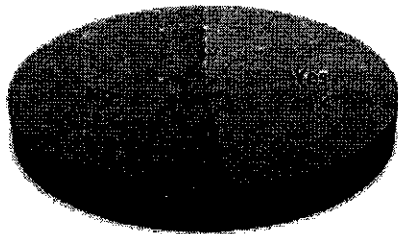
Support effective enforcement of current regulations



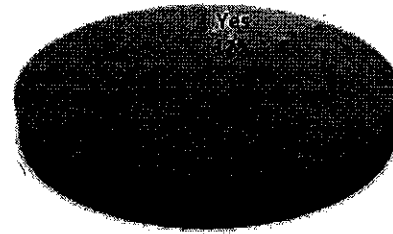
Would support a protected area in MB, for conservation/education purposes



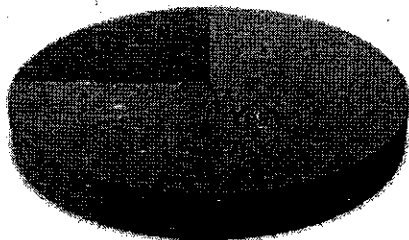
Would support closing MB for 3-5 years, restocking with native species, and reopening with effective regulation/enforcement.



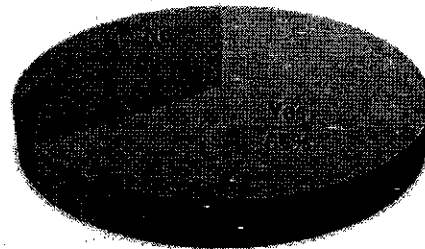
Would support closing MB to fishing totally



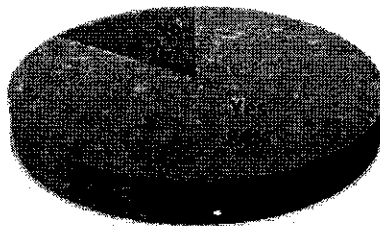
Support a ban of certain types of fishing gear



Support a harvest ban on certain species



Would participate in a community-based management program for MB



More than two thirds – 71% - of fishers support the implementation of a kapu zone/no-take marine protected area in the Maunalua region. Fishers also indicated support for other conservation measures, including harvest bans for some species (65.5%) and bans on certain types of fishing gear (75.9%). A majority of fisherman interviewed would not support total closure of the bay (88%).

The fishing community possesses deep ecological knowledge about their community and the environments and resources of the Maunalua Bay area. The knowledge base and capacity of Maunalua Bay fishers represents a significant resource to the community, and it is recommended that fishers be engaged as much as possible in processes focusing on proposed management actions or stewardship programs.

The data presented herein equate to a social and environmental baseline regarding fishing activities, environmental and fishery resource conditions, levels of support for various management strategies and fishing community capacity in Maunalua Bay. This baseline may be useful for developing community-based conservation or stewardship programs, or for fishing groups, individuals or other organizations seeking to understand more deeply the peopled seascape of Maunalua Bay.

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 12, 2012 9:29 AM
To: WLOtestimony
Cc: mendy@fair-wind.com
Subject: Testimony for HB2367 on 2/13/2012 9:00:00 AM

Testimony for WLO 2/13/2012 9:00:00 AM HB2367

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Melynda Dant
Organization: Individual
E-mail: mendy@fair-wind.com
Submitted on: 2/12/2012

Comments:

The problems with this bill are many. First , most of the users of the MLCD Kealakekua Bay on the Kona Coast are not working under any MLCD permit. So, there is no way to know who to charge these monies. Secondly, there are hundreds of kayaks that come in daily and drag the plastic kayaks onto the lava shores, walk all over the coral and litter and go to the bathroom out in the trees and bushes, so again there is no way to collect monies from these unguided users. Then there is a variety of fishing charter vessels that drop off their clients to go for a swim every so often, they too could not be held accountable. There is no DLNR authority on sight or even near any of these MLCD's, nor is there a permit system in place to charge users, no process in place to enforce this bill. Thirdly, the bookkeeping nightmare to keep straight of residents from visitors would be very difficult for the companies to verify and therefore impossible for the state to verify.

The DLNR has no way of enforcing many of the rules that are on the books, so expecting this bill to bring in monies is not going to happen in a fair manner on the Kona Coast. Those of us that are going there under permit will not pay when the other users are not paying. This could end up in a court battle.

Sincerely,
Melynda Dant

HB2367

WLO 325 2/13/2012 9:00:00 AM

http://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=HB&billnumber=2367

With regards to Bill HB2367

I oppose this bill,

The changes mentioned in this bill 190-4 (b)

Attempts to establish a non-resident fee for use of conservation areas. A fee that is aimed exclusively at tourists is discriminatory and offensive.

The fees proposed in this bill are clearly a Tourist tax, trying to gouge more money from tourists simply because they do not live here.

A true "user fee" would apply equally to everyone using the conservation areas, residents and non-resident alike, Residents presumably would get more of the ongoing benefit from protecting the state's conservation areas anyway.

Our economy owes much to the income from tourism, and we should appreciate that our economic situation would be rather bleak without it.

Introducing this Tourist Fee, has the potential to alienate tourists, and tarnish the good will and aloha that Hawaii prides itself on.

Why penalize this group when they are already contributing so much to us already?

I have worked in the tourism industry on Maui for over 16 years and I have also travelled to many other tourist destinations around the world,

And I have observed that most of these other destinations are far more appreciative of tourism and cater to tourist's needs a lot better than Hawaii currently does.

I feel that this bill would send a negative message to tourists, as every passenger on a cruise or whale watch tour would be singled out and charged the non-resident "Tourist Fee".

Tourism is based on the individual's discretionary spending. Visitors can decide to spend their vacation and money here in Hawaii, or they can go spend their money somewhere else. This attitude of gouging tourists is disrespectful, dishonorable, and discriminatory. This bill as written sends an anti-tourism message. HB2367 is not acceptable as written and will damage Hawaii's reputation and image.

Thank you for the opportunity to present my testimony.

David Dorn

Owner Operator

Action Sports Maui

(808) 871-5857

Makena Coast Charters Inc.
PO Box 967 Puunene Hawaii 96784
Phone 808 874-1273
Email MauiUnderwater@Hawaii.rr.com

Feb. 10, 2012
House Committee on Ocean Resources
Representative Jerry Chang, Chairperson

RE: Testimony Against HB 2367: Relating to Marine Life/MLCD Fund

Dear Chairperson Chang and Committee Members:

It is true that MLCD's protection, however the under current protection of the DNLR at Molokini and with the self governing of the charter operators the population of fish and corals has not decreased in my 30 years of observing the marine life there. In fact I see more coral growth than 30 years ago. Now is not the time for this bill requiring a user fee for MLCD use.

To implement more accounting and office tasks for myself and my staff and increasing the overhead of all companies is not in the best interest of the marine life that this bill is suppose to protect

It appears moneys collected under this proposed HB 2367 will go in the general DLNR fund. I believe the DLNR needs to address the funding going in directions that do not benefit the resources the department was created to protect. I think a partnership between the commercial operators and the DNLR with open forum committees and voting from both entities could make great advancements for our state resources. I also feel that no changes should be made with out science and facts involved. A lot of well meaning people say things without knowing facts about what impacts the environment.

Until I see that funds are directly benefiting the MLCD that is generated from we are against this bill. Thank you.

Sincerely,

Captain Steve Hogan
CEO
Makena Coast Charters Inc.

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 10, 2012 3:22 PM
To: WLOtestimony
Cc: lynse@earthlink.net
Subject: Testimony for HB2367 on 2/13/2012 9:00:00 AM

Testimony for WLO 2/13/2012 9:00:00 AM HB2367

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Lynse Frank
Organization: Individual
E-mail: lynse@earthlink.net
Submitted on: 2/10/2012

Comments:

Thank you for the opportunity to present testimony. I oppose HB2367 as it does not make any sense to further tax our visitor industry. Times are economically difficult right now, and many of the tourists that we do have here visiting Hawaii are on very tight budgets. Rather than signing up for tours & activities and dining out, many are just staying on the beach and cooking in their condos. All of us whose jobs depend on the tourism industry, and that includes our doctors, dentists, landlords, school teachers, mechanics, truck drivers, and pretty much everyone on these islands, need to be aware of how pricing affects our tourists and their decision as to where to spend their next vacation. There certainly are less expensive places than Hawaii for them to visit.

If additional funds are needed for research and monitoring, I suggest that it is us, the residents, who should be paying for this. We can't keep taxing our visitors, because they just won't keep coming.

Sincerely,
Lynse Frank

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 10, 2012 4:43 PM
To: WLOtestimony
Cc: Jacobjames53@yahoo.com
Subject: Testimony for HB2367 on 2/13/2012 9:00:00 AM

Testimony for WLO 2/13/2012 9:00:00 AM HB2367

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Jacob james
Organization: Individual
E-mail: Jacobjames53@yahoo.com
Submitted on: 2/10/2012

Comments:

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 12, 2012 1:28 PM
To: WLOtestimony
Cc: slip17charters@yahoo.com
Subject: Testimony for HB2367 on 2/13/2012 9:00:00 AM

Testimony for WLO 2/13/2012 9:00:00 AM HB2367

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Lee James
Organization: Individual
E-mail: slip17charters@yahoo.com
Submitted on: 2/12/2012

Comments:

This Bill is good natured, but creating hurdles for tour operators to generate monies is not. There are other ways to generate revenue for awareness and preservation for our marine ecosystems.

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 11, 2012 12:55 PM
To: WLOtestimony
Cc: jjennet@hawaiiceansports.com
Subject: Testimony for HB2367 on 2/13/2012 9:00:00 AM

Testimony for WLO 2/13/2012 9:00:00 AM HB2367

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Judith Jennet
Organization: Individual
E-mail: jjennet@hawaiiceansports.com
Submitted on: 2/11/2012

Comments:

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 10, 2012 4:40 PM
To: WLOtestimony
Cc: Mkelley@bamhawaii.com
Subject: Testimony for HB2367 on 2/13/2012 9:00:00 AM

Testimony for WLO 2/13/2012 9:00:00 AM HB2367

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Mike Kelley
Organization: Individual
E-mail: Mkelley@bamhawaii.com
Submitted on: 2/10/2012

Comments:

I am very against this bill and believe it places the entire save the planet emphasis not only on a small group of boating operators but also penalizes our very, very valued and fragile tourists clientel

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 10, 2012 3:17 PM
To: WLOtestimony
Cc: iiibkl@yahoo.com
Subject: Testimony for HB2367 on 2/13/2012 9:00:00 AM

Testimony for WLO 2/13/2012 9:00:00 AM HB2367

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Bob Lindsey
Organization: Individual
E-mail: iiibkl@yahoo.com
Submitted on: 2/10/2012

Comments:

The government does not have sense to make laws in the best interest of businesses or our country for that matter.

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 10, 2012 2:48 PM
To: WLOtestimony
Cc: blake7.8@gmail.com
Subject: Testimony for HB2367 on 2/13/2012 9:00:00 AM

Testimony for WLO 2/13/2012 9:00:00 AM HB2367

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Blake Moore
Organization: Individual
E-mail: blake7.8@gmail.com
Submitted on: 2/10/2012

Comments:

I agree with Mr. Davis' testimony copied below. How much more can government put on business and the visitors to our islands? How much better can it be said than Mr. Davis' comments below!? Commercial operators and the guests to our islands deserve more from our state legislature. I am against and will vehemently oppose this legislation.

Mahalo for listening to those whom this will most impact. Aloha.

Blake Moore

Testimony House Joint Committees on Water, Land and Ocean Resources & Hawaiian Resource
Monday, February 13, 2012, 9:00 am Conference Room 323

RE: House Bill 2367 RELATING TO THE MARINE LIFE

Aloha Chairs Chang/Hanohano , Vice Chairs Har/Lee & members of the committees;

Mahalo for this opportunity to testify, my name is Toni Marie Davis. For the last 14 years it has been my honor to serve the activity & attraction industry of Hawaii through my position as the Executive Director of the Activities & Attractions Association of Hawaii. A3H opposes HB2367.

At first blush, this Bill appears well intended, but like with many great plans the devil is in the detail. More money doesn't fix dysfunction.

As written, this Bill would place an increased burden on commercial charter boats which visit MLCDs. They would need to collect an additional \$2 per passenger, but only, if they are NOT residents.

Commercial boat operators currently provide 3% or gross receipts to special boating fund in addition to the 4% state and for some, an additional .5% GET if operating on Oahu. These boating funds are according to HRS248-8, used for planning, development, management, operations or maintenance of small boat harbors. Have you seen our harbors? This \$12+ million dollars is going where?

A large portion of DLNR revenue is spent on enforcement. This same Department now wants a special fund & more money to do their job. Commercial boat operators represent in excess

of 25% of the revenue to DOBOR presently and ~3% of use in harbors statewide. There is already a huge imbalance.

This Bill proposes additional accounting & logistic challenges for operators to establish residency & collect funds. This sends a message to our valuable visitor of, "you have to pay more because you don't live here" ~ what a distasteful message, lacks ho'okipa. There is also the sticker shock that currently happens on most all commercial boating excursions; this additional \$2 albeit small will have an impact.

Simply put, this Bill reminds me of my child asking for a raise in their allowance when the job they are currently doing is not up to par.

Mahalo for the opportunity to submit testimony.

If you have any questions, please contact me at (808)871-7947 ext. 112 or 1-800-398-9698 ext.112.

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

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 10, 2012 2:33 PM
To: WLOtestimony
Cc: walterm Maui@hotmail.com
Subject: Testimony for HB2367 on 2/13/2012 9:00:00 AM

Testimony for WLO 2/13/2012 9:00:00 AM HB2367

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Walter T. Murphy
Organization: Individual
E-mail: walterm Maui@hotmail.com
Submitted on: 2/10/2012

Comments:

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 12, 2012 1:03 PM
To: WLOtestimony
Cc: rezentesc@aol.com
Subject: Testimony for HB2367 on 2/13/2012 9:00:00 AM

Testimony for WLO 2/13/2012 9:00:00 AM HB2367

Conference room: 325
Testifier position: Support
Testifier will be present: Yes
Submitted by: Cynthia K.L. Rezendes
Organization: Individual
E-mail: rezentesc@aol.com
Submitted on: 2/12/2012

Comments:

I support this bill which provides for funding that will be utilized to help maintain and keep Hawaii's coral reefs intact.

As we continue to understand the pressures of terrestrial affects on our near shore waters, the impacts of our increasing population visiting those limited resources, and the importance of those reefs to our shoreline beaches and resources it is imperative that we protect and preserve these resources.

By collecting modest user fees for access to these resources will go a long way to providing needed funding the DLNR's Aquatic Resources division to help manage these resource now and in the future.

Thank you for the opportunity to provide testimony in support of this bill.

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 11, 2012 12:42 PM
To: WLOtestimony
Cc: sunlightonwater@gmail.com
Subject: Testimony for HB2367 on 2/13/2012 9:00:00 AM

Testimony for WLO 2/13/2012 9:00:00 AM HB2367

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: M Yee
Organization:
E-mail: sunlightonwater@gmail.com
Submitted on: 2/11/2012

Comments: