

NEIL ABERCROMBIE
GOVERNOR
STATE OF HAWAII



ALBERT "ALAPAKI" NAHALE-A
CHAIRMAN
HAWAIIAN HOMES COMMISSION

MICHELLE K. KAUHANE
DEPUTY TO THE CHAIRMAN

M. WAIALEALE SARSONA
EXECUTIVE ASSISTANT

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879
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TESTIMONY OF ALAPAKI NAHALE-A, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE HOUSE COMMITTEE ON WATER, LAND & OCEAN RESOURCES
IN SUPPORT OF

HB 2812, RELATING TO TOURISM

February 3, 2012

Aloha Chair Chang, Vice-Chair Har and Members of the Committee:

The Department of Hawaiian Home Lands (DHHL) supports this legislation that establishes an ecotourism permitting program in the Department of Land and Natural Resources. This bill allocates a portion of the revenue generated from the permits to DHHL.

Our department is responsible for the management of over 200,000 acres for the purpose of fulfilling the mission of the Hawaiian Homes Commission Act. In consideration of the conclusion of the Act 14 settlement payments and the obligation of the state to sufficiently fund Hawaiian Home Lands, we appreciate the intent of the introducers of this measure to provide a supplemental source of funding to sustain our programs.

Mahalo for the opportunity to testify on this measure.

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. 2812

February 3, 2012

RELATING TO TOURISM

House Bill No. 2812 establishes an ecotourism permit program that requires ecotourism operators to meet guidelines established by the Department of Land and Natural Resources prior to obtaining a business license and creates the environmental activities special fund to administer the program.

While the Department of Budget and Finance does not take any position on the policy of establishing an ecotourism permit program and defers to the Department of Land and Natural Resources on the viability and merits of such a program, as a matter of general policy, the Department of Budget and Finance 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. 2812, it is difficult to determine whether the fund will be self-sustaining.



February 2, 2012

Testimony to the House Committee on Water, Land & Ocean Resources

Friday, February 3rd, 2012

9:00 a.m.

Conference Room 325

COMMENTS ONLY

RE: HOUSE BILLS 2812 RELATING TO TOURISM

To: Chair Chang, Vice Chair Har and Members of the Committee:

I would like to provide my comments on HB 2812, and add to those submitted by Chris Colvin, president of the Hawai'i Ecotourism Association (HEA). I am on HEA's Board of Directors and serve as the Chair of the Certification Committee. My main employment is with the Coral Reef Alliance (CORAL) where I serve as the Hawai'i Field Manager.

I can neither support nor oppose this legislation at this time, having only just heard about it, but would like the opportunity to provide additional context about sustainable marine tourism in Hawai'i, and the organizations I represent would certainly appreciate the chance to collaborate further with the Board of Land and Natural Resources on this issue.

In 2008, CORAL began a process to facilitate the development of the West Hawai'i Voluntary Standards for Marine Tourism, by working directly with a diverse set of West Hawai'i stakeholders. This effort was supported by the Department of Land and Natural Resources and the Division of Aquatic Resources, and its outcome represents the State's first comprehensive set of truly consensus-based voluntary standards for SCUBA Diving and Snorkeling, General Boating (including kayaking and surf schools), Wildlife Interactions (including dolphins, whales, monk seals, turtles, manta rays, sharks, and invertebrates), and Shoreline Activities. These standards were developed through an inclusive multi-stakeholder process in accordance with the Standards Engineering Society's own standards for standards development. For reference, more information can be found here: http://www.coral.org/west-Hawai'i_standards

Our work in West Hawai'i has also incorporated an assessment component, and we have developed methods such as client exit surveys, an Environmental Walk-Through, and third-party anonymous assessment protocols to work with the marine tour operators to evaluate the standards for their overall effectiveness, attainability, and affordability. In addition to the assessment, CORAL is actively assisting with standards implementation through the development and dissemination of educational tools and materials, along with specialized training in sustainable marine recreation to help companies communicate key messages to their clients and enforce the standards.

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We are continuing to refine these methods, and are in the process of piloting the standards' expansion beyond Hawai'i Island. We at CORAL look forward to working further with the Board of Land and Natural Resources to explore methods of evaluating tourism activities where it pertains to marine recreation activities.

Sincerely,

Liz Foote
Hawai'i Field Manager, Coral Reef Alliance

Wailuku, Maui
(808) 669-9062
Lfoote@coral.org

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 01, 2012 2:02 PM
To: WLOtestimony
Cc: cindykondo@msn.com
Subject: Testimony for HB2812 on 2/3/2012 9:00:00 AM

Testimony for WLO 2/3/2012 9:00:00 AM HB2812

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: Cynthia Inoue
Organization: Wainaku-Kaiwiki Community Association
E-mail: cindykondo@msn.com
Submitted on: 2/1/2012

Comments:

Our Wainaku-Kaiwiki Community Association is in full support of HR 2812. This bill was introduced by our district 1 representative, Mark Nakashima. He is acutely aware of our neighborhood plight last year with a tour company operating a zipline business alongside the Honoli'i river which parallels a number of our properties. Through the diligent efforts of several neighbors they uncovered information about their business' operations and brought this information to the attention of the County and State DLNR. As a result this company was fined by the County and found to be in violation of State DLNR laws. Unfortunately, the HB zipline safety measure bill that was introduced last year was deferred. In the meanwhile a horrific accident occurred around Sept. 2011, with one fatality & one serious injury. We want this bill to be approved to: 1)ensure all ecotourism operators must be preapproved by the State to operate a business and be held to State standards, and 2) zipline safety measures are established and enforced to avoid/minimize future unnecessary fatalities and injuries by operators, contractors and riders. Thank you for your time. Cynthia Inoue, President, Wainaku-Kaiwiki Community Association

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 01, 2012 7:44 PM
To: WLOtestimony
Cc: glcarva60@yahoo.com
Subject: Testimony for HB2812 on 2/3/2012 9:00:00 AM

Testimony for WLO 2/3/2012 9:00:00 AM HB2812

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: Glenn Carvalho
Organization: Individual
E-mail: glcarva60@yahoo.com
Submitted on: 2/1/2012

Comments:

While the bill looks good,I have some questions/concerns. The bill provides that,
"Any operator of an ecotourism operation that was in existence in this State prior to
the effective date of this Act shall obtain an ecotourism permit no later than December 31,
2017."

Why 5 years from now? If they don't get the permit, there is nothing to prevent them from
just leaving the zip lines in place and leaving. There should be something that provides the
operator will restore the area to its original condition (remove all equipment etc.)
effective the date the bill becomes law if the operator stops their operations.

Zip lines do NOT belong on Ag/conservation zoned land

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 02, 2012 3:40 PM
To: WLOtestimony
Cc: mendy@fair-wind.com
Subject: Testimony for HB2812 on 2/3/2012 9:00:00 AM

Testimony for WLO 2/3/2012 9:00:00 AM HB2812

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: 2/2/2012

Comments:

We do not need more unenforceable laws on the books for understaffed DLNR. This is not a problem.

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 02, 2012 9:41 AM
To: WLOtestimony
Cc: toni@a3h.org
Subject: Testimony for HB2812 on 2/3/2012 9:00:00 AM

Testimony for WLO 2/3/2012 9:00:00 AM HB2812

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Antoinette M Davis
Organization: Individual
E-mail: toni@a3h.org
Submitted on: 2/2/2012

Comments:

This Bill is bad legislation - no input from the HTA, Hawaii EcoTourism Association or Activities & Attractions Association; I also spoke with a BLNR board member, they shared, conservation lands are broken up into three sections: restricted resource, protected and general. There IS already a permitting process in place.

This Bill is far reaching and very vague. Although the association supports a recognized certification process for being officially "Eco Tourism" - this Bill is not business friendly, inconsistent with current laws and too far reaching. HB2060 addresses the Zipline industry's safety and insurance requirements under the DLIR.

Mahalo for the opportunity to submit testimony!
Toni Marie Davis/Executive Director
A3H

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 02, 2012 12:36 AM
To: WLOtestimony
Cc: HangOnRider@msn.com
Subject: Testimony for HB2812 on 2/3/2012 9:00:00 AM

Testimony for WLO 2/3/2012 9:00:00 AM HB2812

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: Anthony Ferreira
Organization: Individual
E-mail: HangOnRider@msn.com
Submitted on: 2/2/2012

Comments:

On September 24, 2011 one man was critically injured and another fell to his death while working on a zipline in Paukaa on the Big Island. If strict rules and regulations were in place for ecotourism, especially these ziplines that are popping up all over, maybe no one had to have died or had a near death experience.

Anthony Ferreira

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 02, 2012 2:41 PM
To: WLOtestimony
Cc: jguest@hawaii.rr.com
Subject: Testimony for HB2812 on 2/3/2012 9:00:00 AM

Testimony for WLO 2/3/2012 9:00:00 AM HB2812

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Jeff Guest
Organization: Individual
E-mail: jguest@hawaii.rr.com
Submitted on: 2/2/2012

Comments:

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 02, 2012 2:40 PM
To: WLOtestimony
Cc: karin@princevill ranch.com
Subject: Testimony for HB2812 on 2/3/2012 9:00:00 AM

Testimony for WLO 2/3/2012 9:00:00 AM HB2812

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Karin Guest
Organization: Individual
E-mail: karin@princevill ranch.com
Submitted on: 2/2/2012

Comments:

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 02, 2012 2:34 AM
To: WLOtestimony
Cc: kathyh@kathyhancock.com
Subject: Testimony for HB2812 on 2/3/2012 9:00:00 AM

Testimony for WLO 2/3/2012 9:00:00 AM HB2812

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: Kathleen Hancock
Organization: Individual
E-mail: kathyh@kathyhancock.com
Submitted on: 2/2/2012

Comments:

I support the regulation imposed by this measure, which will lead to a safer recreational experience for our visitors and residents, who deserve to know that these operations are adhering to safety guidelines. I also think there should be limits to how many ziplines proliferate in a given area of the island.

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 02, 2012 7:29 AM
To: WLOtestimony
Cc: malissathompson@verizon.net
Subject: Testimony for HB2812 on 2/3/2012 9:00:00 AM

Testimony for WLO 2/3/2012 9:00:00 AM HB2812

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: Malissa Thompson
Organization: Individual
E-mail: malissathompson@verizon.net
Submitted on: 2/2/2012

Comments:

I strongly urge that we do EVERYTHING we possibly can to create laws/guidelines/rules/restrictions with regard to ecotourism, especially companies that come to Hawaii and dismiss and ignore all rules/laws pertaining to the preservation of our land and of peoples' lives as the owners of Kapoho Kine Adventures and Teresa Perkaski have done on the Hamakua Coast. Good commerce is one thing, complete greed and disregard for the environmental impact is another. We need DLNR to have as much influence as possible so we can preserve and protect Hawaii from companies such as Kapoho Kine Adventures and unlawful landlords such as TERSA Preskaski. Sincerely, Malissa Thompson