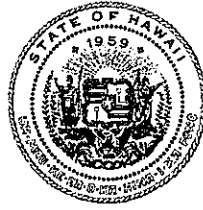
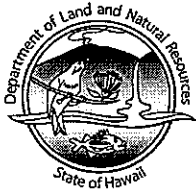


SB2664

Establishes a special fund for the marine life conservation program, and authorizes the collection of user fees for marine life conservation districts.

NEIL ABERCROMBIE
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 Senate Committee on
WATER, LAND AND HOUSING**

**Thursday, February 9, 2012
1:15 PM
State Capitol, Conference Room 225**

**In consideration of
SENATE BILL 2664
RELATING TO MARINE LIFE**

Senate Bill 2664 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
CONSERVATION AND COASTAL LANDS
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 SENATE COMMITTEE ON WATER, LAND, AND HOUSING
ON
SENATE BILL NO. 2664

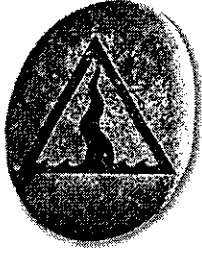
February 9, 2012

RELATING TO MARINE LIFE

Senate Bill No. 2664 authorizes the Department of Land and Natural Resources to establish rules to collect user fees for marine life conservation districts and creates a marine life conservation special fund to administer the program.

While the Department of Budget and Finance does not take any position on the policy of 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 Senate Bill No. 2664, it is difficult to determine whether the fund will 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.



Hanalei Watershed Hui

February 8, 2012

Testimony in Strong Support of SB 2664
Relating to Marine Life

Aloha Chair Dela Cruz and Ige, Vice Chairs Solomon and Kidani and Committee Members,
The Hanalei Watershed Hui implements a community authored Watershed Action Plan for the
four ahupua'a of the Hanalei Bay Watershed.

We are also the coordinator of the Hanalei Mauka Makai Watch Program.

**We strongly support SB2664 as it provides support for those places in Hawaii like ours that
are practicing community kuleana.**

Partnering with the State, Federal government, academia and other organizations we work hard
to take care of our resources. This legislation provides a vital source of funds for that work. User
fees are a positive and practical method to sustain community efforts to mālama 'āina.

Mahalo for this opportunity to provide testimony on this important legislation.

Me ka pono,

Executive Director

E malama kumu wai ~ Protect the source

5299C Kuhio Hwy, P. O. Box 1285, Hanalei, Kaua'i, HI 96714

Telephone/Facsimile (808) 826-1985 E-mail: hanaleiriver@hawaiian.net

www.hanaleiwatershedhui.org

The Hanalei Watershed Hui is an equal opportunity employer and provider.



Emailed Feb. 7, 8:15 am to WLH

Testimony for the Senate Committee on Water, Land & Housing
Hearing on SB2664
Feb. 9, 2012 1:15 pm Room 225

Dear Chair Delacruz, Vice Chair Solomon, and Members of the Committee:

Mālama Pūpūkea-Waimea **STRONGLY SUPPORTS SB2664** the "MOANA Act," which will give the Department of Land & Natural Resources the option to collect non-resident user fees for Marine Life Conservation Districts, dedicated towards monitoring and management of MLCDs, fisheries management areas, public fishing areas, and community-based subsistence fishing areas, as well as engage in research relating to coral reef mitigation and restoration. The potential revenue from a modest user fee for the most popular MLCDs could generate hundreds of thousands of dollars that would be dedicated towards these important management measures. *The Pūpūkea MLCD alone welcomes an estimated one million non-resident visitors a year.*

Mālama Pūpūkea-Waimea

Post Office Box 188
Hale'iwa, HI 96712

Board of Directors

Denise Antolini

John Cutting

Bob Leinau

Staff Members

Drew Wheeler

Jenny Yagodich

Mālama Pūpūkea-Waimea (MPW) is a North Shore community group whose mission is to "to replenish and sustain the natural and cultural resources of the Pūpūkea and Waimea Ahupua'a for present and future generations through active community stewardship, education, and partnerships."

For the past seven years, MPW has focused its successful volunteer outreach and community education programs on protecting the Marine Life Conservation District (MLCD) at Pūpūkea-Waimea, including Shark's Cove, Three Tables, and Waimea Bay.

The lack of resources (staffing and funds) to support the upkeep, monitoring, and health of our State's MLCDs is appalling. SB2664 is an innovative and smart approach to reversing the long downside in the condition of these precious coastal areas so that they continue to support our residents and the state's recreational, ecological, and economic goals. **Please support our State's MLCDs and SB2664.**

Federal 501(c)(3)
FEIN27-0855937
State of Hawaii Non-Profit
GET W90711385-01

Mahalo,

Denise Antolini, President
MPW Board of Directors



Ocean Tourism Coalition

The Voice for Hawaii's Ocean Tourism Industry

1188 Bishop St., Ste. 1003

Honolulu, HI 96813-3304

(808) 537-4308 Phone (808) 533-2739 Fax

timlyons@hawaiiantel.net

COMMITTEE ON WATER, LAND, AND HOUSING

Thursday, February 09, 2012

1:15 PM

State Capitol, Conference Room 225

In consideration of **SB 2664**

RELATING TO MARINE LIFE

James E. Coon, President

Ocean Tourism Coalition

Speaking in **Strong Opposition to SB 2664**

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

My name is James E. Coon, President of the Ocean Tourism coalition speaking with **STRONG OPPOSITION to SB 2664 !**

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.

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. As a person dedicated to protecting and preserving our fragile ocean environment I would love to support this bill,

However:

All our **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.

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?

Land based MLCDs would necessitate an entry gate with a collection mechanism. Much of the revenue collected from this type of operation would go to salaries and not to resource protection. MLCDs that have both land and vessel access could be a challenge. If you 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.

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 and dedicate it to DAR.

It is true that tourism is the first and strongest sector of our marketplace to start recovering after our massive slow down in the Great Recession. 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 SB 2664. This bill might be appropriate in a few years from now when we have recovered, but not now.

Sincerely,

James E. Coon, President

Ocean Tourism Coalition 808-870-9115 CaptCoon@gmail.com



February 7, 2012

My name is David Weiss, Executive Vice President of Kaanapali Kai Charters, Inc., operating on Maui as Teralani Sailing Adventures ("Teralani") submitting written testimony in **STRONG OPPOSITION** to SB 2664 !

Teralani Sailing Adventures has been in operation on Maui for 17 years and operates 2 65' custom built sailing catamarans from Kaanapali Beach daily. Our designated snorkel spot on our snorkeling trips is Honolua Bay. Teralani, and a select few other boats departing from Kaanapali Beach are the only commercial charter boats frequenting Honolua Bay (the "Bay").

Our highly experienced captains, have been mooring in the Bay for years. They are acutely aware of the fragile eco system and respect it like it is their very own. We feel strongly that our passengers are not the cause of the strain on the eco system. We have the ability to educate our passengers prior to entering into the water to snorkel on the fragile nature of the eco system, the fish and the surrounding coral. We also have crew that accompanies our passengers while snorkeling to insure the eco system is protected.

However, the Bay is accessible by both boat and land. We believe the real issue and focus should be on the hundreds of unguided snorkelers that enter the Bay from the land daily. These snorkelers have little understanding for the fragile eco system of the Bay. This can lead to abuse of the eco system and should be the State's focus and the focus of S.B. 2664

We are 100% in favor of protecting the eco system of Honolua Bay in the way that we do; day in and day out. However, there are other equally important and compelling reasons a bill like this would not only fail to address the real problem. S.B. 2664 would also be devastating financially for Teralani and the other operators utilizing Honolua Bay.

All our **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.

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

Voted Hawaii's Top Rated
Family Attraction!
ZAGAT Survey
U.S. Family Travel Guide



February 9, 2012

Honorable Donovan M. Dela Cruz, Chair
Senate Committee on Water, Land and Housing
Hawaii State Capitol
Honolulu, HI 96813

Re: **SB 2664 – Relating to Marine Life**

Aloha Chair Dela Cruz, Vice Chair Solomon and members of the committee:

Thank you for the opportunity to offer testimony on this bill.

As the General Manager of the Maui Ocean Center (MOC), I am committed to the preservation of reef ecosystems and efforts to protect Hawai'i's magnificent ocean life.

The MOC supports this bill to establish a special fund for the marine life conservation program, and to authorize the collection of user fees for marine life conservation districts, which helps to preserve and protect our magnificent marine life.

The MOC is dedicated to fostering the understanding, wonder and respect for Hawai'i's marine life. Our three-acre park, the largest tropical reef aquarium in the Western Hemisphere, was previously named the top attraction in Hawai'i by Zagat Survey U.S. Family Travel Guide.

At the MOC, visitors explore Hawai'i's unique underwater world traveling from the rocky surge zone to the vast open ocean. Our state-of-the-art exhibits and presentations by Ocean Naturalists give residents and visitors an understanding and appreciation of Hawai'i's marine environment while perpetuating our island's host culture.


For these reasons, we urge the committee's support of this bill.

In closing, we appreciate the opportunity to offer comments and thank you for your continued support of the Maui Ocean Center and ocean education.

Sincerely,
/s/
Kate Zolezzi
General Manager

*Our Mission:
To foster understanding,
wonder and respect for
Hawaii's marine life.*




From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 08, 2012 8:49 AM
To: WLH Testimony
Cc: thomas.k.ogawa@hawaii.gov
Subject: Testimony for SB2664 on 2/9/2012 1:15:00 PM

Testimony for WLH 2/9/2012 1:15:00 PM SB2664

Conference room: 225
Testifier position: Support
Testifier will be present: No
Submitted by: Tom Ogawa
Organization: DLNR - Division of Aquatic Resources
E-mail: thomas.k.ogawa@hawaii.gov
Submitted on: 2/8/2012

Comments:

I currently manage the Hawaii Marine Recreational Fishing Survey project which collects non-commercial fishing data for the State of Hawaii. I strongly support SB2664. The bill addresses the dire need to protect and manage our coral reef ecosystems in order to sustain our cultural practices as well as our eco-tourism based economy. By utilizing out-of-state funds (ie. user fees), the residents of Hawaii are not further "taxed"; and the proper attention our reefs need would be addressed.


From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 08, 2012 10:29 AM
To: WLH Testimony
Cc: orgillv@polynesia.com
Subject: Testimony for SB2664 on 2/9/2012 1:15:00 PM

Testimony for WLH 2/9/2012 1:15:00 PM SB2664

Conference room: 225
Testifier position: Oppose
Testifier will be present: No
Submitted by: Von Orgill
Organization: Polynesian Cultural Center
E-mail: orgillv@polynesia.com
Submitted on: 2/8/2012

Comments:

This may be a well meaning bill, but it would create an undue burden on businesses of all sizes, including those who already have such plans in place. Please oppose this bill.




From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 08, 2012 11:58 AM
To: WLH Testimony
Cc: dolphindiscoveries@aloha.net
Subject: Testimony for SB2664 on 2/9/2012 1:15:00 PM

Testimony for WLH 2/9/2012 1:15:00 PM SB2664

Conference room: 225
Testifier position: Oppose
Testifier will be present: No
Submitted by: Claudia Merrill
Organization: Merrill Inc. / Dolphin Discoveries
E-mail: dolphindiscoveries@aloha.net
Submitted on: 2/8/2012

Comments:



From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 08, 2012 12:04 PM
To: WLH Testimony
Cc: Benjhall@maui.net
Subject: Testimony for SB2664 on 2/9/2012 1:15:00 PM

Testimony for WLH 2/9/2012 1:15:00 PM SB2664

Conference room: 225
Testifier position: Oppose
Testifier will be present: No
Submitted by: Ben J Hall
Organization: Haleakala Bike Co.,.
E-mail: Benjhall@maui.net
Submitted on: 2/8/2012

Comments:
We have federal programs that already do this job.

~~XXXXXXXXXX~~

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 08, 2012 1:16 PM
To: WLH Testimony
Cc: lahdiver@maui.net
Subject: Testimony for SB2664 on 2/9/2012 1:15:00 PM

Testimony for WLH 2/9/2012 1:15:00 PM SB2664

Conference room: 225
Testifier position: Oppose
Testifier will be present: No
Submitted by: Greg Howeth
Organization: Lahaina Divers Inc.
E-mail: lahdiver@maui.net
Submitted on: 2/8/2012

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 08, 2012 11:09 AM
To: WLH Testimony
Cc: sailingmaui@yahoo.com
Subject: Testimony for SB2664 on 2/9/2012 1:15:00 PM

Testimony for WLH 2/9/2012 1:15:00 PM SB2664

Conference room: 225
Testifier position: Oppose
Testifier will be present: No
Submitted by: Inca Robbin
Organization: Kapalua Kai Sailing Inc.
E-mail: sailingmaui@yahoo.com
Submitted on: 2/8/2012

Comments:
Aloha,

We own and operate a beach loading catamaran in Kaanapali, Maui. We pay our 3% gross harbor fee on time every month, in addition to our \$200 monthly mooring fee. We have no facilities to speak of at Kaanapali Beach, no dock, no fuel, no electricity, no water, no storage area, no check in area, or parking for employees or guests. We access Lahaina Harbor very infrequently for fuel, other than that we have made ourselves as self sufficient as possible at a very high cost with water makers, generators (which run up daily fuel costs), we pay for a land based storage for tenders to get out to our moored boat. When we have big storms we have to pay employees to take our boat and anchor in the lee of the weather as our moorings are not safe in inclement conditions. We pay 3% of our gross for harbors we are not able to use as the infrastructure is already overburdened. The operating costs for Kaanapali vessels are higher than the harbor boats, but we pay the same fees. Does this seem fair?

We do access the Honolulu Bay Marine Sanctuary during the Spring and Summer months, but quite often during the rest of the year north swells, wind and rain will churn up the water clarity preventing us from going to this snorkeling site. We oppose any further fees, especially when we can not utilize this area year round. Thank you for hearing our testimony.

Inca Robbin

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 08, 2012 10:36 AM
To: WLH Testimony
Cc: jjennet@hawaiiceansports.com
Subject: Testimony for SB2664 on 2/9/2012 1:15:00 PM

Testimony for WLH 2/9/2012 1:15:00 PM SB2664

Conference room: 225
Testifier position: Oppose
Testifier will be present: No
Submitted by: Judith Jennet
Organization: Nanea Kai Inc.
E-mail: jjennet@hawaiiceansports.com
Submitted on: 2/8/2012

Comments:
No more regulations

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 08, 2012 10:33 AM
To: WLH Testimony
Cc: Ines@mauisnorkeling.com
Subject: Testimony for SB2664 on 2/9/2012 1:15:00 PM

Testimony for WLH 2/9/2012 1:15:00 PM SB2664

Conference room: 225
Testifier position: Oppose
Testifier will be present: No
Submitted by: Ines Gardner
Organization: Individual
E-mail: Ines@mauisnorkeling.com
Submitted on: 2/8/2012

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 08, 2012 12:41 PM
To: WLH Testimony
Cc: wshipp@hawaii.rr.com
Subject: Testimony for SB2664 on 2/9/2012 1:15:00 PM

Testimony for WLH 2/9/2012 1:15:00 PM SB2664

Conference room: 225
Testifier position: Oppose
Testifier will be present: No
Submitted by: wanda shipp
Organization: Individual
E-mail: wshipp@hawaii.rr.com
Submitted on: 2/8/2012

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 08, 2012 11:49 AM
To: WLH Testimony
Cc: Lisa@WARRENandANNABELLES.com
Subject: Testimony for SB2664 on 2/9/2012 1:15:00 PM

Testimony for WLH 2/9/2012 1:15:00 PM SB2664

Conference room: 225
Testifier position: Oppose
Testifier will be present: No
Submitted by: Lisa Gibson
Organization:
E-mail: Lisa@WARRENandANNABELLES.com
Submitted on: 2/8/2012

Comments:

The constant bombardment of fees to our local businesses and our visitors - who support our state - is just ridiculous. The more you tax and add fees to businesses and to visitors, the less desirable it will be to do business in the state, and to invited tourists to our beautiful islands. OPPOSE this bill strongly!

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 06, 2012 8:25 PM
To: WLH Testimony
Cc: sparksk001@hawaii.rr.com
Subject: Testimony for SB2664 on 2/9/2012 1:15:00 PM

Testimony for WLH 2/9/2012 1:15:00 PM SB2664

Conference room: 225
Testifier position: Support
Testifier will be present: No
Submitted by: Russell Sparks
Organization: Individual
E-mail: sparksk001@hawaii.rr.com
Submitted on: 2/6/2012

Comments:

The DLNR is grossly underfunded and as a result, unable to adequately protect and manage our unique and extremely valuable natural resources. This act would set up a means for the DLNR to collect badly needed funds which could help a great deal with managing and protecting the state's coral reef ecosystems. As an example, approximately 300,000 visitors go to Molokini Shoals MLCB every year, and there are 41 permitted commercial operators. Each one of those operators pays a 50 dollar permit fee every 2 years. That means, that currently, the DLNR gets \$1,025 dollars per year to manage this extremely important marine reserve. In this case, a nominal two dollar visitor fee would generate \$600,000/ year. This would equal two to three times the entire annual budget for the Maui District Division of Aquatic Resources office (responsible for managing the marine resources on Maui, Molokai, and Lanai). Please consider this act carefully. The DLNR is in great need of dedicated funding sources. Thanks for your time and consideration,
Russell Sparks

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 07, 2012 5:11 PM
To: WLH Testimony
Cc: mendy@fair-wind.com
Subject: Testimony for SB2664 on 2/9/2012 1:15:00 PM

Testimony for WLH 2/9/2012 1:15:00 PM SB2664

Conference room: 225
Testifier position: Oppose
Testifier will be present: No
Submitted by: Melynda Dant
Organization: Individual
E-mail: mendy@fair-wind.com
Submitted on: 2/7/2012

Comments:

The legislature has previously charged the Marine Industry three percent of our gross income in addition to the state GE tax that all other businesses pay the state. The management of those dollars should be reconciled and evaluated as to the effectiveness that they are spent. We as an industry are continually ransacked every time the state goes looking for money. The legislature needs to know that activities and attractions are what our visitors impressions and memories are made up from. They come back to Hawaii to add to their experiences and memories. If you continue to tax them they will choose many of the other vacation spots in the world.

This bill also puts a huge burden on our accounting work. To separate every group of friends or families into who has a Hawaii ID and who doesn't, then record that in a way that can be organized for a monthly audit is beyond reasonable.

The legislature is spending valuable time looking for ways to increase the tax and fees on an industry that already pays it's fair share. Attack the spending and poor management of these millions of dollars before you go harming and placing more financial constraints on businesses that are struggling in this weak economy.

The millions that are spent on payroll for state workers that are NOT even working any longer for the state is a crime. A crime committed by the state on all of us, the tax payers and now you want more money from us. Learn to hold your state tax money spenders accountable as we have to in the private sector. The state needs to prove to us that you are fiscally responsible before we pay another penny to the state.

Sincerely,
Melynda Dant
Kona Hawaii

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

Bill SB2664

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.

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.

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

February 8, 2012

Re: SB2664

Testimony AGAINST SB2664

Dear Sirs,

We are writing to give testimony AGAINST SB2664. Paragon Sailing Charters has been operating to Molokini Crater for 18 years and to Lana'i since 1997. Our testimony AGAINST SB2664 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 Senate 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 SB2664 through the State website.

Thank you,

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

COMMITTEE ON WATER, LAND, AND HOUSING

Thursday, February 09, 2012

1:15 PM

State Capitol, Conference Room 225

in consideration of **SB 2664**

RELATING TO MARINE LIFE

Mary Jane Caldwell

Maui Classic Charters

Speaking in **Strong Opposition to SB 2664**

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 SB 2664.**

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 Senate Bill 2664, after only last year a bill which proposed user fees for Molokini was soundly defeated.

It is my understanding that under the proposed SB 2664, 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.

The proposed bill mentions that these funds are to be used for marine life conservation district monitoring, research, regulatory measures, enforcement actions, educational activities and measures to conserve, supplement and enhance the resources. Is the legislature really meaning to direct these funds to Kahoolawe Island Reserve, where our "**non-residents**" are not even allowed?

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 afternoon trip guests, it amounts to an additional 4.8% on our gross revenue. Enough is enough!

Being good stewards of Molokini Crater is in our 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

Dane Wicker

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 08, 2012 2:39 PM
To: WLH Testimony
Cc: admin@hhsurf.com
Subject: Testimony for SB2664 on 2/9/2012 1:15:00 PM

Testimony for WLH 2/9/2012 1:15:00 PM SB2664

Conference room: 225
Testifier position: Support
Testifier will be present: No
Submitted by: Victoria Cruz
Organization: Hans Hedemann Surf Inc
E-mail: admin@hhsurf.com
Submitted on: 2/8/2012

Comments:
I support the above bill.



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

Testimony Senate Committees on Water, Land and Housing
Thursday, February 9, 2012, 1:15pm
Conference Room 225

RE: Senate Bill 2664 RELATING TO THE MARINE LIFE

Chairs Dela Cruz , Vice Chairs Solomon & members of the committee;

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 SB2664.**

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 MLCs. 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



Sailing Shipp's Ltd, dba Gemini Sailing Charters
Post Office Box 10846 · Lahaina, Maui · HI 96761

Aloha,

My name is Amy Hampton, General Manager of Gemini Charters in Ka'anapali, Maui.
Please accept this written testimony in STRONG OPPOSITION to SB 2664!

Gemini Charters has been in operation on Maui for nearly 30 years and operates a 64' Catamaran which sails daily from Ka'anapali Beach. We offer year round snorkeling adventures, seasonal Whale Watches and Sunset Sails. Our primary snorkeling destination is West Maui's Marine Preserve, Honolua Bay.

Gemini's reputation of excellence comes in great part from her captains and crew, who run each trip with passion for the environment and dedication to the guest experience. We've been mooring in the Bay for years and our expert team are acutely aware of the fragile eco system. Prior to entering the water to snorkel, guests are given specific instructions on how to treat the reef and wildlife with the utmost respect. We feel strongly that our passengers are not the cause of the strain on the eco system.

However, the Bay is accessible by both boat and land. We believe the real issue and focus should be on the hundreds of unguided snorkelers that enter the Bay from the land daily. These snorkelers have little understanding for the fragile eco system of the Bay. This can lead to abuse of the eco system and should be the State's focus and the focus of S.B. 2664

We are 100% in favor of protecting the eco system of Honolua Bay. However, there are other equally important and compelling reasons a bill like this would not only fail to address the real problem. S.B. 2664 would also be devastating financially for Gemini Charters and the other operators utilizing Honolua Bay.

It is true that tourism is the first and strongest sector of our marketplace to start recovering after our massive slow down in the Great Recession. 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 SB 2664. This bill might be appropriate in a few years from now when we have recovered, but not now.

Yours Very Truly,
Amy Hampton
Gemini Charters, General Manager
808-669-0508
amy@geminicharters.com



**Testimony to the Senate Committee on
Water, Land & Housing
Thursday, February 9, 2012, 1:15pm
Conference Room 225**

RE: Senate Bill 2664 Collection of funds from Non-Residents visiting MLCD's

Chair Donovan Dela Cruz, Vice Chair Malama Soloman, 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 SB2664**.

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.

While I can understand the need for revenues to the state to do all the things that state 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 many 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. All taxes get passed along to the consumer whether it be 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?

This bill only seems to target the commercial boating industry, which already pays 3% of its gross revenue to DLNR. Now another fee on top of that is excessive.

Atlantis®

A D V E N T U R E S

I really feel that this bill is not ready to move forward and is in need of, much more work. I think it prudent that the first step is to present a workable management MLCD 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 SB2664.

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



CONSERVATION COUNCIL FOR HAWAI'I

Testimony Submitted to the Senate Committee on Water, Land, and Housing

Hearing: Thursday, February 9, 2012 1:15 p.m.
Conference Room 225

Support for SB 2664 Relating to Marine Life

Aloha. The Conservation Council for Hawai'i supports SB 2664, which gives the Hawai'i Department of Land and Natural Resources the option to collect non-resident user fees at Marine Life Conservation Districts, which will then be dedicated to monitoring and managing marine life conservation districts, fisheries management areas, public fishing areas, and community-based subsistence fishing areas, as well as engage in groundbreaking research relating to coral reef mitigation and restoration.

The potential revenue from even a modest user fee for the most popular MLCDs could generate hundreds of thousands of dollars that would be dedicated towards these important management measures. This makes a lot of sense and will go far towards protecting our valuable marine resources and habitats. We attach a list of additional reasons why we support this bill.

Mahalo nui loa for the opportunity to testify. Please support SB 2664.

Sincerely,
Marjorie Ziegler



Hawai'i's Voice for Wildlife – *Ko Leo Hawai'i no na holoholona lohiu*

Telephone/Fax 808.593.0255 • email: info@conservehi.org • web: www@conservehi.org

P.O. Box 2923 • Honolulu, HI 96802 • Office: 250 Ward Ave., Suite 220 • Honolulu, HI 96814

President: Hannah Springer * Vice-President: Julie Leialoha * Treasurer: Rick Barboza * Secretary: Maka'ala Ka'aumoana

Directors: Lida Pigott Burney * Koalani Kaulukukui * Robin Kaye

Executive Director: Marjorie Ziegler

Why SB 2664 Is Important

1. **This bill is a significant step towards saving our coral reefs.** Hawai'i's coral reefs, both extremely valuable as well as fragile, are subject to ever-growing threats from rising levels of use, land- and water-based pollution, climate change, and a variety of other human-based activities. A special fund for non-resident user fees will provide a huge boost in funding dedicated towards addressing these threats, and ensure that our coral reef resources are protected to the best of our abilities.
2. **People will pay—and pay big -- to protect our coral reefs.** Hawai'i is one of the only two U.S. states that can boast tropical coral reefs, and our tourists know it. Social surveys conducted both in Hawai'i and in other jurisdictions show that tourists and visitors show a strong willingness to pay for the ability to enjoy areas of pristine ecological quality – but only if assured that such funds will be dedicated towards habitat conservation and protection. A very modest user fee of just \$2 per person could generate over one million dollars in revenue annually from just one of the several most popular sites – nearly half of the Division of Aquatic Resources' annual allocation from the state general fund. SB 2664 would provide a mechanism to take advantage of this substantial and currently untapped revenue source -- providing local jobs for researchers, students, managers, and others to enhance our state's capacity to conserve and protect our coral reef resources.
3. **These funds will benefit all stakeholders in our ocean resources.** Although the state has established numerous marine managed areas catering to a variety of stakeholder interests --including marine life conservation districts, fisheries management areas, public fishing areas, and community-based subsistence fishing areas -- the lack of dedicated funding to support these important sites has become very clear. Due to funding limitations, there are no positions dedicated to maintaining these special areas, whether through monitoring, outreach, data collection, enforcement, or other important management efforts. By providing a mechanism to collect substantial revenue from a variety of currently untapped sources, SB 2664 will assure that the DLNR has the resources it needs to properly manage these sites, and ensure their continued value for the next generation of swimmers, divers, fishers, scientists, ecotourism operators, and all others with a passion for and stake in our unique marine resources.
4. **Hawai'i can become a leader in coral reef science, management, and restoration.** In addition to providing consistent revenue for the management of specific sites, SB 2664 may allow the state to explore any number of innovative approaches to expand its capacity in protecting, managing, and restoring tropical coral reefs. For example, dedicated funding could allow the DLNR to develop and utilize facilities for coral reef restoration projects, research new approaches to coral reef protection, restoration, and propagation, and actively engage in projects to directly enhance our existing coral reefs. If it passes, the innovative opportunities provided by SB 2664 may very well make Hawai'i a leader in coral reef science, management, and restoration – adding a significant boost to both Hawai'i's environment and reputation.

Dane Wicker

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 08, 2012 10:27 PM
To: WLH Testimony
Cc: wctanaka@gmail.com
Subject: Testimony for SB2664 on 2/9/2012 1:15:00 PM

Testimony for WLH 2/9/2012 1:15:00 PM SB2664

Conference room: 225
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: 2/8/2012

Comments:

To the Honorable Chair Dela Cruz, Vice Chair Solomon, and Members of the Senate Committee on Water, Land, and Housing,

The Fish & Coral Think Tank strongly supports passage of SB2664, 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 & 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

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 M_lama Maunalua. Kainalu Consulting LLC, Honolulu.

For further information direct inquiries to:

John N. (Jack) Kittinger, PhD
Stanford University
Center for Ocean Solutions
Woods Institute for the Environment
99 Pacific Street, Suite 155A
Monterey, CA 93940 USA

Phone: +1 808-397-9077
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.

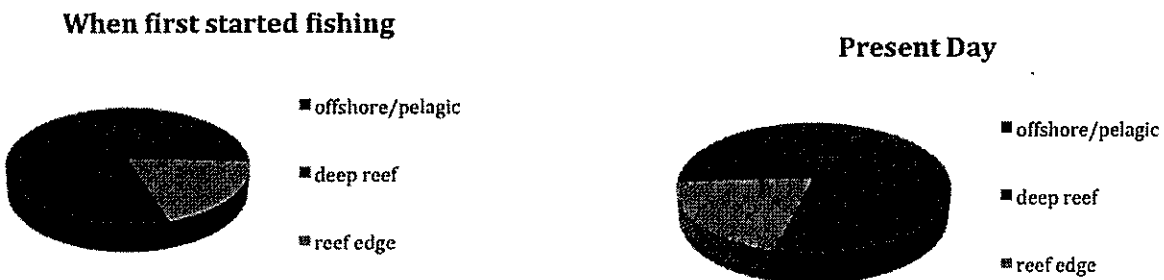
EXECUTIVE SUMMARY

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.

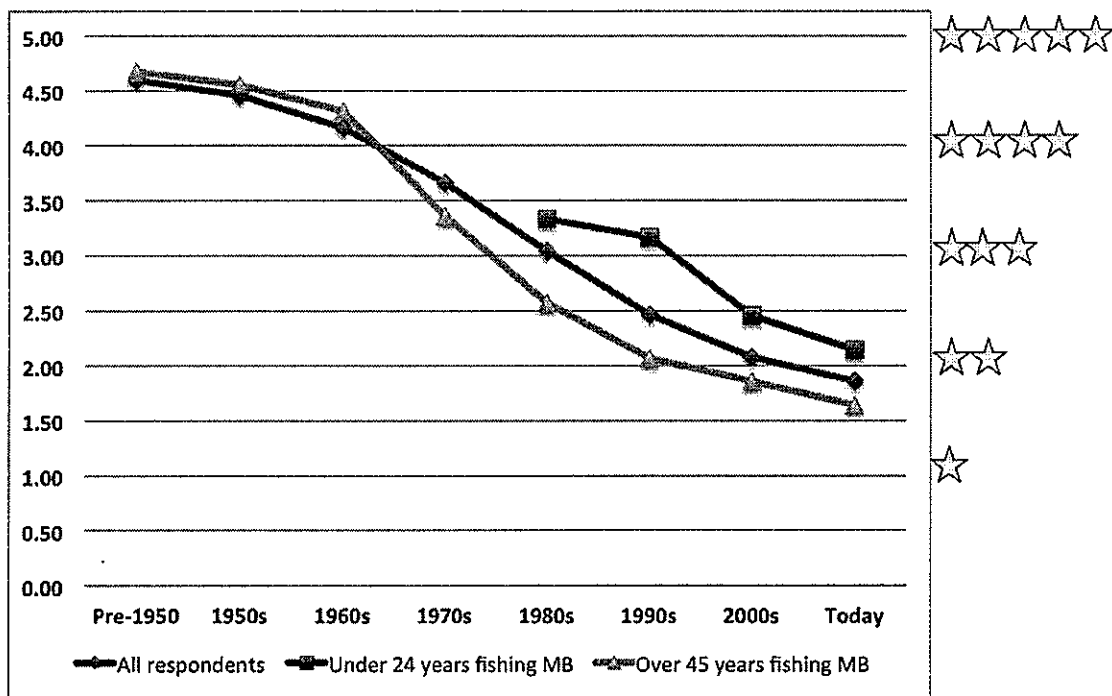
The fishing community of Maunalua Bay comprises a diverse set of ocean users that access the entire bay and exploit all fisheries habitats from the intertidal to the deep sea. Fishers reported that previously they spent more time fishing the intertidal and inside reef zones that are closer to shore – 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.

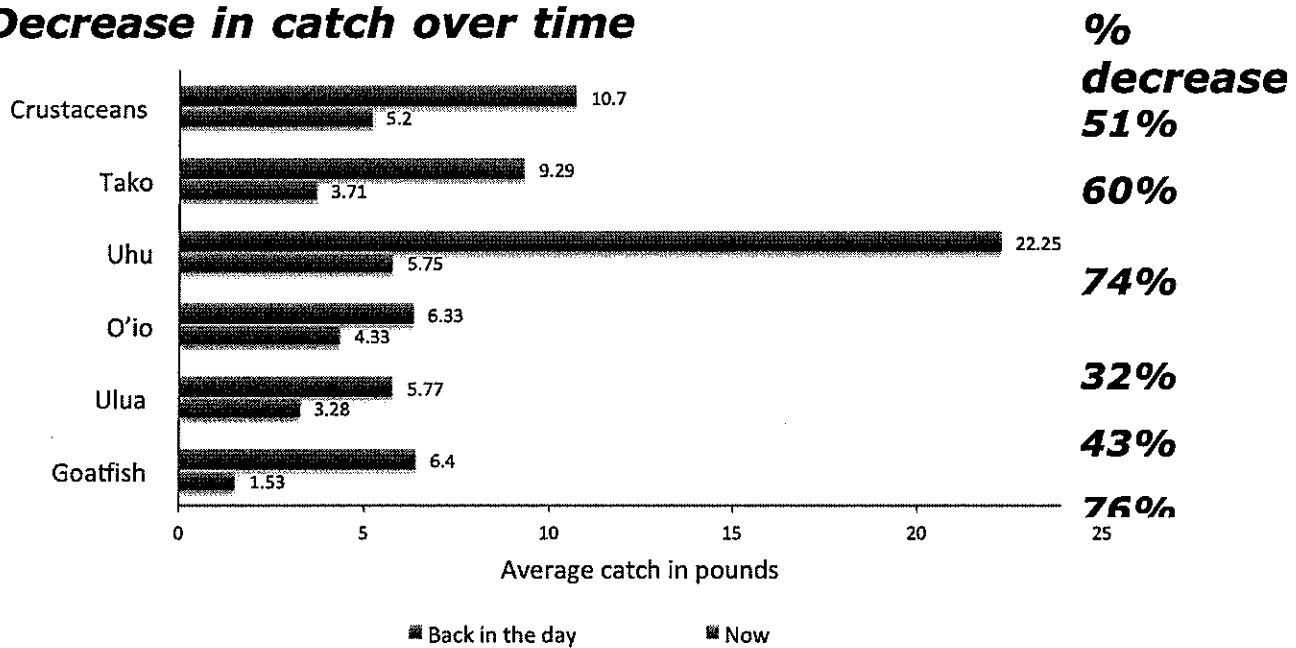
Among experienced and knowledgeable fishers, there is broad and widespread agreement that fisheries resources and habitats in the bay have declined in terms of abundance and quality (see Figure 11 from report, below).



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

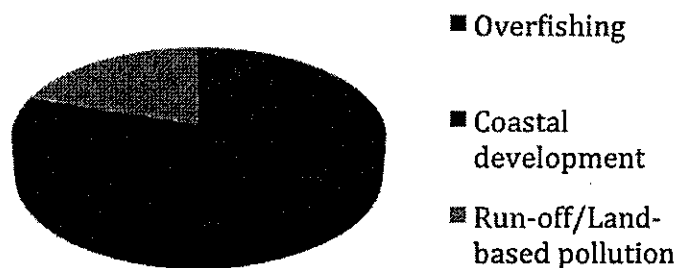


Correspondingly, catch by the most common gear types used in the bay has also declined substantially (13-62%, depending on gear type).

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

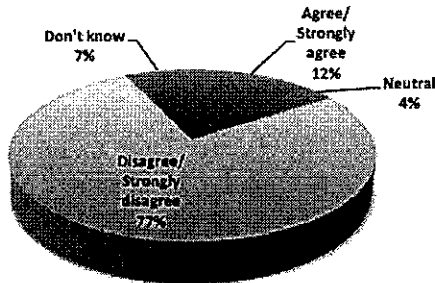
Drivers of change in Maunalua Bay



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.

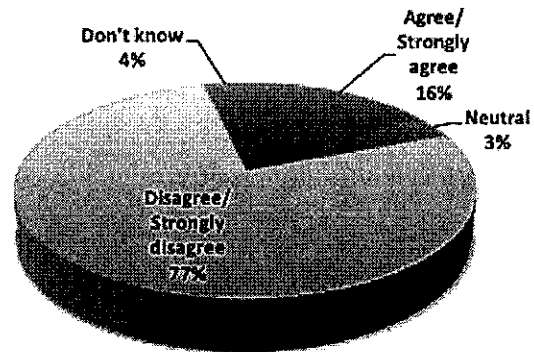
The current rules and regulations are sufficiently enforced in MB:



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.

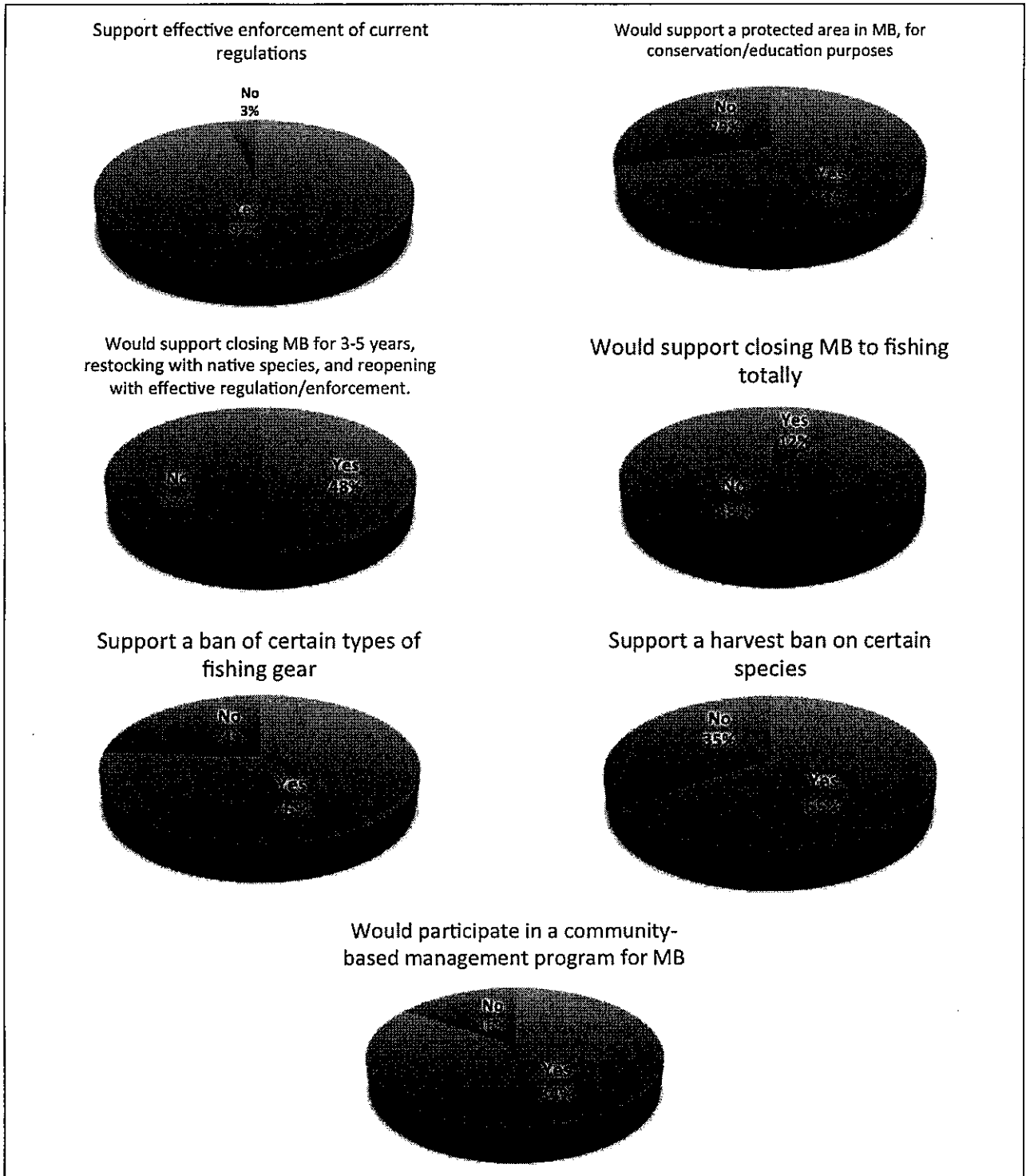
Although almost all fishers (97%) supported effective enforcement of current regulations, fishers were split on whether or not enforcing current rules/regulations would protect marine resources. Fishers did generally agree, however, that without some kind of change, their grandchildren would not experience 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.



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.

Dane Wicker

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 08, 2012 3:09 PM
To: WLH Testimony
Cc: lynse@earthlink.net
Subject: Testimony for SB2664 on 2/9/2012 1:15:00 PM

Testimony for WLH 2/9/2012 1:15:00 PM SB2664

Conference room: 225
Testifier position: Oppose
Testifier will be present: No
Submitted by: Lynse Frank
Organization: Individual
E-mail: lynse@earthlink.net
Submitted on: 2/8/2012

Comments:

We can't keep adding taxes and fees on our visitor industry. We are pricing Hawaii as a vacation destination right out of the market, which will affect all of us who live here. Thank you for allowing this testimony, Lynse Frank