

# HCR 170

## HCR170 HD1

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Measure Title: URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ADOPT RULES TO MANAGE MANTA RAY DIVE SITES.

Report Title: Manta Rays; Department of Land and Natural Resources; Rules

Description:

Companion: [HR129](#)

Package: None

Current Referral: WTL

Introducer(s): LOWEN, NISHIMOTO

<a href="#">Sort by Date</a>		Status Text
4/4/2014	S	Received from House (Hse. Com. No. 482).
4/8/2014	S	Referred to WTL.
4/11/2014	S	The committee(s) on WTL has scheduled a public hearing on 04-15-14 8:30AM in conference room 224.

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 AND LAND**

**Tuesday, April 15, 2014  
8:30 A.M.  
State Capitol, Conference Room 224**

**In consideration of  
HOUSE CONCURRENT RESOLUTION 170, HOUSE DRAFT 1  
URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ADOPT  
RULES TO MANAGE MANTA RAY DIVE SITES**

House Concurrent Resolution 170, House Draft 1 urges the Department of Land and Natural Resources (Department) adopt rules to better manage specific manta ray dive sites to ensure that safety and order are maintained. **The Department supports this resolution.**

The Department has created Ocean Recreation Management Areas across the State for the purpose of reducing user conflicts. We are aware of the increasing popularity of the night dives with manta rays. The Department's Division of Boating and Ocean Recreation and Division of Aquatic Resources will work with the SCUBA dive industry as well as other user groups to formulate rules to address the issues.

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

**JESSE K. SOUKI**  
FIRST DEPUTY

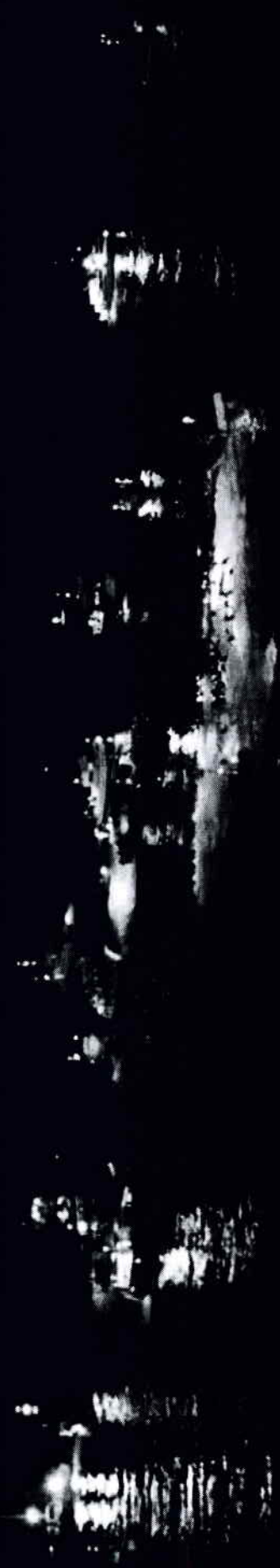
**WILLIAM M. TAM**  
DEPUTY DIRECTOR - WATER

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Martina Wing	Ocean Wings Hawaii, Inc.	Strong Support	No

My name is Martina Wing, and I am the owner of Ocean Wings Hawaii, Inc., the premier production company that services the Manta Ray Experience and community with underwater imagery since 1991. As pioneers of this incredible ocean encounter we have seen the industry grow and grow and grow. The number of boats at the two sites and people in the water has greatly increased over the last few years. In our opinion, the sites are over-capacity almost every night and the safety of animals, environment/coral reef and humans is being adversely impacted. If the growth goes unchecked, we don't see a bright future for the activity. Thus, we support HR129 and HCR 170. Attached we are sending a picture of one of the two Manta Rays Dive Site from December 30, 2013 to help visualize the amount of boats and people that occur on a nightly basis today. It is not safe and not sustainable.

Sincerely  
Martina Wing



Facts:

- 23 boats, 2 Kayak companies, approx. 330 humans, 3 Manta Rays
- 4 moorings available and used by 8 boats
  - = 10+ anchors on the reef and live boats maneuvering around groups
- (not visible: big swells rolling in)

*A few weeks ago (Dec. 25, 2013) we had a phase of no plankton and no manta sightings at the Northern dive site (airport location). As this was the busy Christmas season, every possible boat owner was running a Manta Charter and almost everyone ended up at the Sheraton location. An additional challenge during winter months were big swells so several nights we had 20+ boats and approx. 400 (!) people in the water to see 3 Manta Rays. The record night was on January 2, 2014 with 27 (!) boats.*

*We took the following picture from the Sheraton balcony on December 30, 2013. The normal on-looker might think*

**From:** [Jeff Leicher](#)  
**To:** [WTLTestimony](#)  
**Subject:** H.R. NO. 129  
**Date:** Monday, April 14, 2014 10:24:27 PM

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Hello. I am an owner of a dive shop in Kailua-Kona, and started what is now the Manta Ray Night Dive in 1984. I favor asking the DLNR to manage this resource for maximum enjoyment and benefit of the visitors, operators, residents, the state, and the environment (including the rays). To eliminate the activity would be disastrous financially for many businesses, as well as for the state, who makes 7% on all reported income from the activity. To me, the best way to limit the numbers of participants would be to cap the number of permits at the current level, and allow the number to decrease through attrition. Thank you. sincerely, Jeff Leicher, owner, Jack's Diving Locker, Kailua-Kona.

**From:** [Teri at Jack's](#)  
**To:** [WTLTestimony](#)  
**Subject:** \*\*\*\*\*SPAM\*\*\*\*\* Manta Resolution HCR 170  
**Date:** Monday, April 14, 2014 10:33:26 PM

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To: The Senate Water and Land Committee:

Aloha,

My name is Teri Leicher. I am the managing partner of Jacks Diving Locker, an award winning business operating for over 32 years in Kailua-Kona. I am speaking on behalf of my family, as well as Jack's Diving Locker's 46 employees and many other folks, visitor and Kama'aina alike, who are currently visiting our beautiful Manta Rays in Kona Hawaii.

We are in support of HCR 170, urging the DLNR to adopt rules to manage manta ray dive sites.

We have been diving the manta night dive sites since 1982 and have seen many changes over the years.

The manta dive sites bring in millions of dollars to Hawaii Island and the State of Hawaii every year. Our Manta night dive experience, is currently recognized internationally as one of the world's top destinations for snorkeling and Scuba diving.

Therefore, we feel this warrants better management practices from our Department of Land and Natural Resources. The number of divers and snorkelers over the years has greatly increased, to the point where there is a need for better management practices to occur as opposed to the current situation of no management.

We as a community have developed guidelines to safely view the manta rays, but with the numbers increasing dramatically over the last few years, we need DLNR to be involved as a stronger presence. I personally ... over the last 32 years have seen the manta dive sight go from one boat with 6 guests, to over 25 boats with over 150 guests. At this time DLNR gives out commercial permits to anyone with a boat.

There is no training on how or where to operate a commercial business and no education on environmental practices. Lately there are commercial kayakers, standup paddlers and various other watercraft operating without proper safety equipment, lighting or training.

As commercial operators, we have done everything possible to develop safety and educational guidelines ... but we cannot control the numbers or whether or not the guidelines are followed.

Please help us protect this amazing experience ... considered one of the top 10 in the world. Support HCR 170.

Mahalo, Teri Leicher



**From:** [Keller Laros](#)  
**To:** [WTLTestimony](#)  
**Subject:** Support HCR170 and HR129  
**Date:** Monday, April 14, 2014 12:11:53 PM

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Aloha,

My name is Keller Laros. I am a registered and active voter in Kona Hawaii. I am writing to express my strong support of HCR170 and HR129.

I have been scuba diving with the mantas in Kona since 1985. To date I have 10,658 logged scuba dives, the majority of them with manta rays in Kona. I am the founder of the Manta Pacific Research Foundation, a 501(c)3 non-profit organization incorporated in Hawaii. I have spoken locally and nationally about manta rays and I have been featured on many Internet and broadcast news outlets regarding manta rays and marine ecology.

In 1993 local divers and charter operators gathered and created the guidelines for manta ray encounters. The guidelines were designed to create a safe and fun environment for divers, snorkelers and mantas rays. As a result the experience has gotten better and better. The industry has grown. Kona is regarded as one of the world's premier locations to encounter manta rays.

In 1993 there were approximately 8 tour charter operators taking passengers to see manta rays. As of 2014 there are over 30 tour operators that now offer manta ray encounters.

Manta Pacific Research Foundation research indicates that at least 30,000, and perhaps as many as 50,000 people per year snorkel and scuba with mantas on the Kona Coast.

A recent University of Hawaii Manoa participant satisfaction study indicates that many people that have completed a manta ray encounter view the activity in a less than completely positive manner. This may be because of the crowding at the sites, the lack of education included with the activity or possibly other reasons.

While most commercial operators have worked cooperatively to increase the safety for passengers, manta rays and the environment, some of the newer businesses lack the experience to competently conduct manta ray tours. To this end local charter operators were called together in November 2012 and asked by U.S. Coast Guard Lt Commander Bill Taylor and DLNR director Nancy Murphy to create a set of tour operator standards. After many meetings and hours of labor the final document includes all the generally agreed upon methods and techniques to safely run a manta ray tour. However when the final document was given to Nancy Murphy her response was that it failed to address the largest problem at the sites, which she believes to be the number of boats.

Tourism is Hawaii's largest industry. The manta ray night dive is unique to Hawaii. Nowhere else on earth offers people an opportunity to swim, snorkel and scuba with manta rays like they can in Kona. We

need to be proactive and manage this rare and beautiful activity to insure that our children and our grand children can experience the thrill and joy of swimming with these graceful and beautiful manta rays.

Please pass HCR170 and HR129. Mandate that DLNR take action and work to manage the manta encounter sites in Hawaii.

Sincerely,

Keller Laros