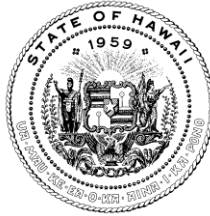


SB 2908

DAVID Y. IGE
GOVERNOR OF
HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Testimony of
SUZANNE D. CASE
Chairperson

Before the Senate Committees on
WATER, LAND, AND AGRICULTURE
and
COMMERCE, CONSUMER PROTECTION, AND HEALTH

Friday, February 5, 2016
2:45 P.M.
State Capitol, Conference Room 224

In consideration of
SENATE BILL 2908
RELATING TO COMMERCIAL USE OF STATE OCEAN WATERS.

Senate Bill 2908 proposes to authorize the Department of Land and Natural Resources (Department) to limit commercial use of state ocean waters where it is reasonable for environmental or user safety considerations to do so. **The Department strongly supports this Administration measure.**

Under Chapter 200, Hawaii Revised Statutes, the Department is mandated to manage ocean recreation in the State ocean waters and to promote user safety as well as maintain the integrity of the natural resources. Commercial ocean recreation activities in certain areas are reaching a level that could pose a threat to either the public or the natural resources. In response to this increasing demand, the Department may have to engage in rulemaking to limit the number of commercial permittees allowed to operate or conduct ocean recreation activities in certain areas within state waters.

Currently, the Department is required to issue a commercial use permit as long as the applicant meets certain requirements regardless of the number of commercial operators currently using the area. This measure would allow the Department to limit commercial operations in high use areas as well as give the Department a mechanism for issuing such permits where it is reasonable for environmental or user safety considerations.



COMMITTEE ON WATER, LAND, AND AGRICULTURE

Senator Mike Gabbard, Chair
Senator Clarence K. Nishihara, Vice Chair

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND
HEALTH

Senator Rosalyn H. Baker, Chair
Senator Michelle N. Kidani, Vice Chair

DATE: Friday, February 05, 2016
TIME: 2:45 p.m.
PLACE: Conference Room 224

**TESTIMONY OF THE OCEAN TOURISM COALITION IN THE
STRONGEST OPPOSITION TO SB 2908**

Chair Senator Gabbard, Chair Senator Baker, Vice Chairs Senators Nishihara and Kidani and Senators of the WLA/CPH Committees:

My name is James E. Coon, President of the Ocean Tourism Coalition (OTC), speaking in the STRONGEST OPPOSITION TO SB 2908. In our opinion this bill presents one of the strongest potential threats to our member's business survival ever to appear in the legislature.

The OTC represents over 300 small ocean tourism businesses state wide. Most of these are family businesses which are locally owned and operated. Many of them have been in business for several decades, are multi generation companies, and are an important and valued part of their respective communities. It is important to point out that there is already an established limit on the number of these Ocean Tourism Companies that can operate out of State Small Boat Harbors. These limits were established in the early 1980's so, except for a few exceptions, this is not a situation where more companies are entering the market place each year.

Most of these Ocean Tourism companies, especially the snorkel dive companies, have a very few destinations geographically available to them where they can safely anchor without damaging coral and have protection from prevailing wind and waves. They have built their respective businesses on promoting and being stewards of these few specific destinations. Some of these destinations such as Molokini Crater and Honolua Bay are world renowned snorkel/dive destinations. (They are also Marine Life Conservation Districts).

Furthermore these destinations are only accessible in certain wind and sea conditions. Most are available in normal wind and sea conditions. When small craft advisories are in effect vessels are forced to find an alternate but not as good destination. This often results in passengers either canceling their trip or wanting a refund.

It appears that SB 2908 establishes a very broad framework for restricting long standing access and then offering that same access to a limited number of vendors on a highest bid Auction basis. Those companies that have the financial means to bid for the destination may survive depending on how much they bid, the other companies very likely may not. Again, there are only a limited few destinations where a vessel can access a calm area with day use moorings and have live coral gardens to take guests snorkeling. The companies that are unable to gain this access likely will not survive in the marketplace.

This legislation has been abruptly foisted on our industry with absolutely no stakeholder input. This will impact Ocean Tourism Companies state wide.

In Molokini there are 42 permits and 22 moorings on a first come first served basis so the Molokini operators already have to share this limited resource. They have done this for decades with good success. Furthermore the trade winds typically blow into Molokini by 11:00 am which forces all vessels to leave. Vessels then go to a site on the Wailea Coast before returning to Maalaea Harbor.

If North Trades are blowing Molokini is not accessible so Olowalu is the best option for the entire fleet, Kaanapali, Lahaina, and Maalaea.

Kaanapali operators have Honolua Bay if the swell is not too big. Again there are 10 companies that go to Honolua but only 3 moorings in the Bay and one other in the adjacent cove. Vessels already have to strictly limit time on a mooring and share with other vessels. To lose this access would be a huge financial hardship and very well could put companies out of business.

These Kaanapali companies are all already paying 3% of gross revenue to DLNR/DOBOR for the privilege of accessing the ocean. They have no harbor slips, no infrastructure, only the permission to load and unload passengers at Kaanapali Beach. To contemplate auctioning off the destination permits to a select few is not the best way to either protect the resource or the industry. This is an issue that is needs to be vetted out with the stake holders, not legislated with little or no input from the impacted parties.

Hawaii's Ocean Tourism Industry has the highest safety, quality and environmental stewardship in the world. It would be very irresponsible in our opinion to pass SB 2908 as written. We humbly ask you to consider options that will not adversely impact the lives of so many hard working people.

Sincerely,

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



Kahikolu Ltd., d/b/a Quicksilver
150 Lahainaluna Rd
Lahaina, HI 96761
(808) 667-0990 Office
(808) 667-6707 Fax

COMMITTEE ON WATER, LAND, AND AGRICULTURE

Senator Mike Gabbard, Chair
Senator Clarence K. Nishihara, Vice Chair

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Senator Rosalyn H. Baker, Chair
Senator Michelle N. Kidani, Vice Chair

Date/Time of Hearing: February 5, 2016, 2:45 AM
Measure No. and Title: SB2908 (HB2379)

STRONG OPPOSITION TESTIMONY

Chair Senator Gabbard, Chair Senator Baker, Vice Chairs Senators Nishihara and Kidani and Senators of the WLA/CPH Committees:

Quicksilver Charters and its affiliates (the “Company”) employ close to 100 people in Hawaii’s boating and tourism industries. We strongly oppose this bill. At its core, SB2908 allows an agency to reestablish the number of commercial use permits in certain areas, and to auction those permits on a yearly basis.

SB2908 Will Destroy Businesses and Eliminate Steady Jobs

We recognize the importance of safety and environmental concerns. This bill, however, destroy a family-owned business that as operated in Maui for 30 years. 100 jobs would be lost, and 30 years of time and investment in Maui’s local economy would be wasted. Under a reasonable interpretation of SB2908, the department could decide to auction off our use permit that we have operated from for 30 years, and our company would be unable to operate.

SB2908 Eliminates Incentive for Companies to Invest and Reinvest in Their Businesses

If permits were auctioned on a yearly basic, or even every 5 years, SB2908 would create an unpredictable system that would discourage companies from investing in their employees, their brand and most importantly, their local communities. 1 year increments do to provide enough time for structuring and operating a successful business. Business owners would have no predictability.

Currently, charter boat operators have permits to operate at certain locations. The right to use these locations would be in jeopardy on a yearly basis, similar to a real property lease with a 1 year term. Except that if the charter boat permit is auctioned to the highest bidder after 1 year, that company can’t just move its employees to the building next door—the charter boat companies will have no were else to go. In Maui, there are very few snorkel destinations to

visit where they can safely anchor in local weather conditions and without damaging coral. Entire companies have built their businesses on these specific destinations.

SB2908 Discourages Long-Term Employment and Would Drive Down Wages

Hawaii's maritime trade is essential to its economy. If each year charter boats didn't know if they would be operating with a commercial use permit, the employees of the charter boat would have no predictability. Employee turnover would be rampant. Also, long-term, stable employment is essential to a happy workforce. Employees would be rushing to apply on the charter boat that was successful at the auction. The increased supply of employees would drive down wages, and SB2908 would discourage generations of Hawaii residents from participating in the maritime trade, including those employees that have the best experience and safety record.

SB2908 Cites "User Safety" as a Justification, but Annual Renewals to the Highest Bidder Create a Large Safety Concern

The United State Coast Guard maintains ongoing relationships with the charter boat companies on Maui. Many of these relationships would be difficult to maintain if operators changed on a yearly basis. Also, new crew would have to be trained if permits change ownership on a yearly basis. Additionally, the department would have to continually familiarize themselves with ownership and companies methods of operations. This continuous turnover is a tremendous safety concern.

Finally, boat companies that weren't awarded permits to certain destinations may be desperate to keep their businesses alive, and they would attempt to access other snorkel locations in dangerous wind and sea conditions.

Additionally, SB2908 overlooks that many areas are already environmentally protected.

Suggested Amendment to Bill

If this bill must be passed, we recommend the following revision:

- (1) Section 1(d), add the following to the end of the sentence "**...unless such state ocean areas have meaningful environmental protections and user limitations; for example, Molokini Shoal**"
- (2) Section 1(e), add that "**prior to any auction, the department must first offer permits to users with consistent use over a significant period of time.**"

Conclusion

This bill could be devastating if passed, and would completely disrupt a stable and productive sector of Hawaii's tourism industry. We respectfully request that you consider the real problems that are created by this bill and avoid passing this bill.

Sincerely,

Zachary LaPrade

**Testimony of Denver Saxton Coon, esq., *in strong opposition* to S.B. 2908, Relating to
Commercial Use of State Ocean Waters**

**Senate Committees on Water, Land, and Agriculture and on Commerce, Consumer
Protection, and Health**

Friday, February 05, 2016

*Chair Gabbard, Vice-Chair Nishihara, and members of the Committee on Water, Land, and
Agriculture:*

*Chair Baker, Vice-Chair Kidani, and members of the Committee on Commerce, Consumer
Protection, and Health:*

Aloha. My name is Denver Saxton Coon. I am general counsel for Trilogy Corporation dba Trilogy Excursions on the island of Maui. My testimony is based on a life spent working for a family business in the ocean tourism industry and a legal education provided by the University of Hawai‘i’s William S. Richardson School of Law.

S.B. 2908 may be well intentioned, however if enacted as it is currently written it will provide the means to wipe out an entire industry. S.B. 2908 states that, “the department may limit commercial use of state ocean waters where it is reasonable for environmental or user safety considerations to do so.” But, what is “reasonable”? Will this be decided by the department, by a jury, by popular vote? Such broad language will inevitably lead to the department and commercial operators around the state disagreeing over its meaning, with many operators being forced to shutdown unless they file suit. But why? Our company like many others in the ocean tourism industry prides itself on educating every guest about Hawai‘i’s environment and culture while ensuring that they enjoy our island resources safely. We are on the frontline and in the best position to educate the public on the environmental and safety concerns related to our oceans. Yet this rule will pave the road for a complete ban on all commercial activity in our oceans with little recourse short of litigation. S.B. 2908 is a nuclear bomb where a diplomatic solution would achieve far greater results.

Those in support may argue that S.B. 2908 is not a complete ban, as it allows the department to issue permits for a given location at public auction, “...the department may issue commercial use permits by public auction...Each commercial use permit issued by the department shall be valid for one year from the date of issuance....” The problem is that the

department “may” issue a permit but is not required by the rule to do so and therefore a complete moratorium on commercial activity is a real possibility. Furthermore, even if the department issues a permit and you are lucky enough to have the means to be the highest bidder, it is only valid for one year without any guarantee for additional time. This will make impossible for companies to sell their product with any guarantee of delivery and no business in any industry can survive in such an unstable setting.

Accordingly, it is the legislature’s responsibility to ensure that such broad and sweeping legislation with the potential to leave hundreds if not thousands of residents out of work not be passed. The department would achieve better results by first trying to work with the companies who are in the best position to educate the public on environmental problems and ensure their safety in our ocean environment. Before giving the power to decide what is reasonable, let us first be given a chance to reason.

Mahalo.

Denver Saxton Coon
Trilogy Corporation
General Counsel
denver.coon@sailtrilogy.com
(808) 283-2169



COMMITTEE ON WATER, LAND, AND AGRICULTURE

Senator Mike Gabbard, Chair

Senator Clarence K. Nishihara, Vice Chair

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Senator Rosalyn H. Baker, Chair

Senator Michelle N. Kidani, Vice Chair

DATE: Friday, February 05, 2016

TIME: 2:45 p.m.

PLACE: Conference Room 224

TESTIMONY OF LAHAINA DIVERS, INC. IN STRONG OPPOSITON TO SB 2908

My name is Gregory Howeth, owner of Lahaina Divers, Inc., speaking in the STRONGEST OPPOSITION TO SB 2908. ***In my opinion this bill presents one of the strongest potential threats to our industry's survival ever to appear in the legislature.*** Like mine, there are many other family businesses which are locally owned and operated in the State of Hawaii. Many of us have been in business for several decades and are an important and valued part of our respective communities. My business, in particular, has been in operation since 1978. We employ over 25 local staff, providing year round income and benefits for themselves and their families. Most of these businesses, including mine, operate from State Boating Facilities.

Tourism companies, like mine, have very few destinations geographically available. I have built my business on promoting these few specific destinations. Furthermore these destinations are only accessible in certain wind and sea conditions. Some available in normal wind and sea conditions serve as an alternate but not a good destination when small craft advisories are in effect.

SB 2908 establishes a very broad framework for restricting long standing access and then offering that same access to a limited number of vendors on a highest bid Auction basis. Those companies that have the financial means to bid for the destination may survive depending on how much they bid; other companies very likely may not. Again, there are only a limited few destinations where a vessel can access a calm area with day use moorings and have live coral gardens to take guests snorkeling. The companies that are unable to gain this access will not survive in our marketplace.

This legislation has been abruptly imposed on our industry with absolutely **no** stakeholder input. This will impact tourism companies like mine state wide. For example, Lahaina operators, like myself, primarily have Olowalu Reef and parts of Lana'i and Molokini. In Molokini there are 42 permits and 24 moorings so this limited resource is shared already. Furthermore the trade winds typically blow into Molokini by 11:00 am which forces all vessels to leave. If North Trades are blowing Molokini is not accessible so Olowalu is the best option for the entire fleet; Kaanapali, Lahaina, and Maalaea. Kaanapali and Lahaina operators have Honolua Bay if the swell is not too big. Again there are 10 companies that go to Honolua but only 3 moorings in the Bay plus one next door. Vessels already have to strictly limit time on a mooring and share with other vessels. To lose this access would be a huge financial hardship and very well could put my company out of business. Companies are all already paying 3% of gross revenue to DLNR/DOBOR just for the privilege of accessing the ocean. To contemplate auctioning off the destination permits to a select few cannot be the best way to either protect the resource or the industry. This is an issue that needs to be vetted out with the stakeholders, not legislated with little or no input from the impacted parties.

In my opinion, it would be very irresponsible to pass SB 2908 as written.

Sincerely,

Greg Howeth, President Lahaina Divers, Inc.

Bryan Y.Y. Ho

Attorney At Law, A Law Corporation
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Honolulu, Hawaii 96813

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bryanho@admiraltyattys.com

February 4, 2016

HONORABLE MICHAEL GABBARD
Chair - Committee on Water Land & Agriculture

HONORABLE ROSALYN N. BAKER
Chair - Commerce, Consumer Protection, & Health

HONORABLE JILL N. TOKUDA
Chair - Committee on Ways & Means

Re: Testimony In Opposition to SB 2908

Dear Senators:

I submit the following testimony in opposition to SB 2908 on behalf of SeaBreeze Jetlev LLC.

By way of background, I have been licensed to practice law in the State of Hawaii since 1985. During that 31 year period, I have focused on admiralty & maritime matters and helped more than fifty commercial water sports companies resolve a variety of issues governed by Chapter 200, Hawaii Revised Statutes, and administrative rules promulgated by the Division of Boating & Ocean Recreation (“DOBOR”), Department of Land & Natural Resources, State of Hawaii. I also monitor and actively participate in the legislative and administrative rule making process by submitting written and verbal testimony regarding proposed changes. Through these experiences, I am intimately familiar with the provisions of these statutes, rules, the intended goals of the various provisions, and their underlying history.

DOBOR is responsible for managing and policing all commercial marine activities conducted within the zone extending from the high water mark on shore to three miles out to sea (“State Ocean Waters”). That responsibility includes issuance of commercial use permits for State Waters and enforcement of all statutes and rules governing these activities. Presently, there are only four water sports activities that are limited in total number of operators, physical location and days/hours of operation under Hawaii law. They are commercial: 1) parasail; 2) jet ski/thrillcraft; 3) water sledding; and 4) high speed boating. In 1988, ***after conducting extensive scientific studies***, the State established Ocean Recreation Management Areas (“ORMA”), which set standards that were designed to, among other considerations, reduce user conflicts, ensure

public safety and ensure the environmental health and welfare of State Ocean Waters, by limiting the total number of permits issued, areas vendors were allowed to operate, and the days/hours operations of these activities could occur. The level of activity allowed (i.e. number of permits authorized for each activity) in each designated ORMA around the State was expressly based on the findings and recommendations set forth in the scientific environmental studies performed.

My clients oppose SB 2908 because it opens the door for DOBOR to have unfettered discretion to regulate any and all commercial marine activities conducted within the 3 mile boundary of State Ocean Waters without any safeguards or standards that DOBOR must satisfy to prove there are actual/valid "environmental" or "user safety" concerns that warrant the strict regulation and/or limitation of an activity. As noted above, the statutes/rules governing the only activities with special operating limits under State law, comparable to the regulatory powers proposed to be given to DOBOR under SB 2908, were only implemented after careful and extensive environmental impact studies that analyzed the material data and guided the establishment of each ORMA and the operating capacity each ORMA could safely sustain. DOBOR is not required to adhere to similarly reliable principles under the current bill.

SB 2908 is defective and should not be passed because it is vague, ambiguous and overly broad. The bill does not provide a definition or guidance on what constitutes "reasonable" environmental or user safety concerns that properly warrants imposing limits operating limits on any commercial activity.

The bill is also flawed because it does not delineate the nature and scope of DOBOR's authority to address concerns identified. It is not clear if it includes terminating existing permits and restricting the number of operators in any activity, or banning an activity in its entirety. Specific parameters on DOBOR's regulatory powers must be articulated to prevent confusion and abuse.

Right now, the public is able to apply for and obtain commercial use permits for State Ocean Waters to engage in any non ORMA regulated activity *free of charge*. This bill, by authorizing DOBOR, to make the issuance of future permits only being issued to the highest bidder at a DOBOR conducted auction, unfairly/unnecessarily restricts competition, potentially creates a false, mini monopolies by creating limited entry programs, which will result in higher prices charged to tourists and Kama'aina.

My clients have been advised this measure is sought to address concerns identified with a specific commercial activity and not environmental or user safety concerns arising out of the commercial use of State Oceans Waters generally. That activity is the commercial Manta Ray operators off the Kona coast. Based on my knowledge of and experience with the provisions of Chapter 200, HRS, and DOBOR's administrative rules governing commercial use permits, there is already an established framework in place that authorizes DOBOR to manage and resolve all user concerns that may exist in connection with the Kona Manta Ray commercial operators. Creating another layer of bureaucracy and government regulation is counterproductive.

If you have any questions, or require additional information, please do not hesitate to contact me.

Sincerely,

/s/ Bryan Y.Y. Ho

Thank you for allowing us to add input on SB2908, relating to Commercial Use of State Ocean Waters.

Our company, Maui Classic Charters, Inc., has some concerns regarding this bill and would like to share them with you.

We have been in business for over 30 years, operating snorkel boat charters from Maalaea Small Boat Harbor to Molokini and Coral Gardens, off the coast of Maui. It has always been our mission to protect Hawaii's unique and fragile reefs and waters and to introduce our amazing underwater world to our guests and local families alike.

We certainly understand the need for conservation and protection of our marine resources, and abide by all the rules and regulations. We have Molokini Shoal MLCD Use Permits for both of our boats and provide monthly statistics as required.

What concerns us is the wording:

(d) The department may limit commercial use of state ocean waters where it is reasonable for environmental or user safety considerations to do so.

(e) When commercial use is limited under subsection (d), the department may issue commercial use permits by public auction.

(f) Each commercial use permit issued by the department shall be valid for one year from the date of issuance and may be renewed by the department for additional one-year periods; provided that the permit holder shall be in compliance with the applicable rules of the department.

Why would these commercial permits be issued by public auction? Shouldn't the entities that have abided by all the rules and have visited these sites regularly for years, be given the permits?

Is this measure a ruse for generating more money, rather than rewarding long time commercial companies that shown good stewardship for many years?

Are these permits to be auctioned off YEARLY? How does a company come up with any business plan not knowing whether their permits would be renewed?

Shouldn't the commercial operators that have been doing business in these waters for many years, be grandfathered in? Or, is it, whom ever has the deepest pockets, wins?

Again, thank you for letting us voice our concerns.

Sincerely,

Lynse Frank

Corporate Secretary

Maui Classic Charters

Senate Committee on Water, Land, and Agriculture:

Dear Senators:

I am submitting testimony **opposing** SB2905, RELATING TO COMMERCIAL USE OF STATE OCEAN WATERS. Although I am a currently Professor at Kapiolani Community College and the Department Chair of its Culinary Arts Department, I am also a former owner of an Ocean Activity company in Hawaii and my family is still heavily involved in the industry.

I oppose this bill for a myriad of reasons including:

- It would be detrimental to the business climate of the State of Hawaii
 - This bill gives DOBOR the authority to potentially limit by regulation all ocean activities. Why is that necessary? In 2015, for the second time in three years, Hawaii ranked as the worst place to do business in the United States. According to a recent article in CNBC, "As for the regulatory climate, which even *Hawaii Business* conceded is "onerous," the Mercatus Center at George Mason University, in its annual [report](#) "Freedom in the 50 States" goes even further, calling Hawaii "interventionist..." Since 1975, I have owned and operated restaurants and small businesses in both Hawaii and California and have utilized my experiences, both good and bad, to teach my students the business-side of our industry. I teach them that governmental regulations are necessary to protect the public, but should not be there just to impede commerce or be implemented if there is no bona fide, documented need.
- It opens up the potential for the abuse of power
 - This bill provides the DLNR DOBOR unfettered discretion to regulate any and all commercial marine watersport activities conducted within the 3 mile boundary of state waters based on "environmental" or "user safety" reasons warrant it, while there are no provisions that set standards DOBOR must satisfy to prove there are actual/valid "environmental" or "user safety" concerns that warrant regulation of an activity. Will the Director of the DLNR DOBOR now become the Ocean Czar who will have to ability to ban ocean activities because of a misinformed perception or a personal worldview? Can anyone say TMT, GMO, Sugar Cane Burning?
- Ocean activities are already highly regulated.
 - The activities currently regulated by State law right now are parasail, jetski, watersled and high speed boating. They are regulated through the formation of ORMA's. ORMA's were established after extensive environmental studies that analyzed user conflicts, as well as, how much capacity each site could handle. DOBOR is not required to adhere to similarly reliable principles under the current bill.

I sincerely thank the committee for this opportunity to voice my opinion. I wholeheartedly agree that we must protect the kai and the aina, but more regulations where **none is required** is not the way to obtain this goal. Working collaboratively with all stakeholders is what is needed, not more regulations.

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for SB2908 on Feb 5, 2016 14:45PM*
Date: Thursday, February 04, 2016 10:47:34 AM

SB2908

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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Cc: jeff@mauidiveshop.com
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Date: Wednesday, February 03, 2016 11:39:59 AM

SB2908

Submitted on: 2/3/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Jeff Strahn	Maui Dive Shop	Oppose	No

Comments:

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SB2908

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Zachary LaPrade	Malolo Charters	Oppose	No

Comments:

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Date: Thursday, February 04, 2016 10:15:14 AM

SB2908

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Starsong	Individual	Oppose	No

Comments:

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Date: Thursday, February 04, 2016 10:49:46 AM

SB2908

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Fred	Individual	Oppose	No

Comments:

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Cc: brad@bbscuba.com
Subject: *Submitted testimony for SB2908 on Feb 5, 2016 14:45PM*
Date: Thursday, February 04, 2016 7:28:24 AM

SB2908

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Brad Varney	Individual	Oppose	No

Comments:

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Date: Thursday, February 04, 2016 2:43:13 PM

SB2908

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Jackie Moore-Andresen, PHR	Fair Wind Cruises	Oppose	No

Comments:

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Date: Thursday, February 04, 2016 10:29:30 AM

SB2908

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Christopher Blunt	Individual	Oppose	No

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Date: Thursday, February 04, 2016 3:13:40 PM

SB2908

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Chrystie	Individual	Oppose	No

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SB2908

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Cindy Kauanui	Holo Holo Charters, Inc.	Oppose	No

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Date: Thursday, February 04, 2016 12:37:58 PM

SB2908

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Noelani Ahia	Individual	Support	No

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Date: Thursday, February 04, 2016 10:50:02 AM

SB2908

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
JOHN WALTERS	Individual	Oppose	No

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Subject: *Submitted testimony for SB2908 on Feb 5, 2016 14:45PM*
Date: Wednesday, February 03, 2016 8:14:22 PM

SB2908

Submitted on: 2/3/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kelly LaPrade	Individual	Oppose	No

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Date: Wednesday, February 03, 2016 5:52:07 PM

SB2908

Submitted on: 2/3/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Marcy Koltun-Crilly	Individual	Support	No

Comments:

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SB2908

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Melanie Eccard	Individual	Oppose	No

Comments:

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SB2908

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Michael G Neagle	Fun Charters, Inc.	Oppose	No

Comments:

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SB2908

Submitted on: 2/3/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Webb	Individual	Oppose	No

Comments:

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SB2908

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Monroe Bryce	Individual	Oppose	No

Comments:

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Date: Thursday, February 04, 2016 3:18:55 PM

SB2908

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Nathan	Individual	Oppose	No

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SB2908

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Penn Henderson	Individual	Oppose	No

Comments:

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Date: Wednesday, February 03, 2016 4:03:02 PM

SB2908

Submitted on: 2/3/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Kersten	Individual	Oppose	No

Comments:

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Date: Thursday, February 04, 2016 12:32:54 PM

SB2908

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Scott Ng	Individual	Oppose	No

Comments:

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Date: Thursday, February 04, 2016 12:46:59 PM

SB2908

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Jeffrey Krantz	Individual	Oppose	Yes

Comments: Aloha, I have several concerns regarding the bill in its current form. I am not sure who would determine what is reasonable under the environmental or user safety / conflicts. I believe we need to have an EIS or at the least an EA before the department can remove, revoke, or auction a permit. There is also concern as to the term of the permit itself, most companies spend a lot of money and need financing that could be effected by only a 1 year permit. 1. discretion to regulate any and all commercial marine watersport activities conducted within the 3 mile boundary of state waters based on "environmental" or "user safety" would also include permits that have already been issued. 2. There are no provisions that set standards DOBOR must satisfy to prove there are actual/valid "environmental" or "user safety" concerns that warrant regulation of an activity. 3. DOBOR's authority includes terminating existing permits. honestly I can't think of any alternate language that would resolve these concerns. Jeff Krantz

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Subject: Submitted testimony for SB2908 on Feb 5, 2016 14:45PM
Date: Thursday, February 04, 2016 1:30:05 PM
Attachments: [SB2908.doc](#)

SB2908

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Melynda Dant	Individual	Oppose	No

Comments: Oppose this bill SB2908 because it does not value the reputable, long time businesses. We are a 45 year old family owned business, commercial permits should not go out to bid. Thank you for this opportunity Sincerely, Melynda Dant

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Date: Thursday, February 04, 2016 2:24:02 PM

SB2908

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Alicia Starsong	Individual	Oppose	No

Comments: I am opposed to having use permits issued by AUCTION. This is an unreasonable requirement for small business. Do I understand that this is purposed to be an annual event? This would undermine businesses investing in their boats and equipment and keeping them in top, safe condition. Who would want to make capital investments if they could loose them in a year?

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Date: Thursday, February 04, 2016 7:27:22 AM

SB2908

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Brad Varney	B&B SCUBA INC.	Comments Only	No

Comments: I run a small family business out of Kihei and have been doing so for the last 25 yrs. I cannot afford to bid on the use of my Molokini permit and at times when there is a big swell Molokini is the only place to take our customers. Not being able to afford to bid on my permit would put me out of business. I have had a permit since the beginning and have always followed the rules. My business supports not just my family but 4 others and with the already high costs of operating in Hawaii this would be a death blow to us. Thank-You! Brad L. Varney

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SB2908

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kathy Takahashi	Individual	Oppose	Yes

Comments: This bill has a number of areas where the language is not clear and this will lead to problems in intent and enforcement. What standards must be satisfied to justify user safety concerns - the number of phone calls made to DOBOR? This invites people with an agenda to unnecessarily use the resources of DL&NR's enforcement branch. This branch is already spread too thin without proper resources.

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SB2908

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Chris Kasper	Frogman Charters, Inc.	Oppose	No

Comments: This bill would completely destroy our business. It would be impossible to operate a charter boat business in Maui if we had to participate in an auction on a yearly basis. Why invest or reinvest in our company? We would never know what the future holds. We strongly oppose this bill.

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SB2908

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Maile Takahashi	Individual	Oppose	No

Comments: I understand this proposed legislation was created to address an overcrowding situation on the Big Island for the Manta Ray Dives. There are existing Hawaii Administrative Rules that give DL&NR the authority to deal with this situation. The way this legislation is written, DL&NR will require massive amounts of funding to their department (which is not necessarily a bad thing) to allow them to enforce this overly broad legislation - all state waters - 3 miles out...

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SB2908

Submitted on: 2/3/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Tamara Paltin	Individual	Support	No

Comments: I agree with this bill there are some areas where commercial activity should be limited to ensure the protection of the environment as well as people

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SB2908

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Almaraz	Individual	Oppose	No

Comments: I oppose this bill's revisions as written because they are too vague and the proposed concept of auctioning off commercial use permits as a form of limiting existing commercial operations within a specific area is a very bad idea to support.

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