

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 04, 2016 10:16 PM
To: WLA Testimony
Cc: blawaiianlvr@icloud.com
Subject: Submitted testimony for SB2908 on Feb 5, 2016 14:45PM

LATE

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
De MONT R. D. CONNER	Ho'omana Pono, LLC.	Support	Yes

Comments: We FULLY SUPPORT this common sense bill, as it will greatly aide the DLNR to improve on their ability to enforce the abusers of the privilege to operate water vessels in our waters & streams. As it stands right now with Ko`olina, DLNR only had a "Gentleman's Agreement" with the Harbor Master @ Ko`olina that regulates their ocean going commercial activities. However, I have personally video taped one of their commercial boats flying through the waters crossing the Ahupua`a O Nanakuli. When Representative Andria Tupola questioned the Ko`olina Harbor Master about this incident, he denied that it was one of their boats. Until Rep. Tupola shown him my video, then he admitted that it was one of their commercial boats & that he was "sorry"! Had that boat run over a diver, while racing through our waters, there would be a whole different type of discussion going on. One of the liability of the State of Hawaii & DLNR, & your so-called "Gentlemens Agreement" would be worthless. Please do NOT wait until someone gets seriously injured or killed BEFORE taking action to prevent these commercial boats from terrorizing our Ahupua`a O Nanakuli waters. DLNR has the power right now to impose an emergency rule, for the next 120, while we work together on a more solid solutions to this imminent threat to our waters. A minimum of 1/2 a mile off shore should be imposed on all commercial boats crossing the Ahupua`a O Nanakuli, with stiff penalties for violations! Mahalo.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 05, 2016 7:34 AM
To: WLA Testimony
Cc: jim@h2osportshawaii.com
Subject: *Submitted testimony for SB2908 on Feb 5, 2016 14:45PM*

SB2908

Submitted on: 2/5/2016

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

Submitted By	Organization	Testifier Position	Present at Hearing
James Montenero	Individual	Oppose	Yes

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 05, 2016 8:16 AM
To: WLA Testimony
Cc: nick@h2osportshawaii.com
Subject: *Submitted testimony for SB2908 on Feb 5, 2016 14:45PM*

SB2908

Submitted on: 2/5/2016

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

Submitted By	Organization	Testifier Position	Present at Hearing
Nick Yuzawa	Individual	Oppose	Yes

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Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 05, 2016 8:56 AM
To: WLA Testimony
Cc: pingvp@gmail.com
Subject: *Submitted testimony for SB2908 on Feb 5, 2016 14:45PM*

SB2908

Submitted on: 2/5/2016

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

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

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 05, 2016 9:55 AM
To: WLA Testimony
Cc: chandra@holoholocharters.com
Subject: *Submitted testimony for SB2908 on Feb 5, 2016 14:45PM*

SB2908

Submitted on: 2/5/2016

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

Submitted By	Organization	Testifier Position	Present at Hearing
Chandra Bertsch	Holo Holo Charters	Oppose	No

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Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 05, 2016 11:03 AM
To: WLA Testimony
Cc: hawaiiifishingfanatic@gmail.com
Subject: Submitted testimony for SB2908 on Feb 5, 2016 14:45PM

SB2908

Submitted on: 2/5/2016

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

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Submitted By	Organization	Testifier Position	Present at Hearing
Don Aweau	Individual	Support	No

Comments: In full support to hold accountable commercial activity permittees and spells out restrictions for commercial ocean recreation activities. Mahalo.

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LATE

February 5, 2015

To whom it may concern,

I am submitting testimony on bill SB 2908 due to the lack of clarity, transparency, and fairness of the bill towards existing permitted commercial operators.

ORMA's were established after extensive environmental studies that analyzed user conflicts and a sites capacity. Under this new bill DOBOR is not required to perform the same reliable principles. Why?

This bill, if passed with no language changes would essentially eliminate all commercial operators in State waters with in a year. To think that the DLNR would have the discretion or power to auction off commercial use permits annually to the highest bidder sickens me. Our businesses have been operating for over 16 years in Maunalua Bay and have five-year leases with the shopping centers that we rent our office space from. If, the DLNR could pull our permit for any reason, we would still be responsible for hundreds of thousands of dollars owed to the shopping centers for rent. We are our oceans' keeper and steward. On a daily basis, we clean trash from the ocean, and save people's lives that drift out to sea on paddleboards, kayaks, and boats etc.

If you really want to limit commercial operators in the future, perhaps not issuing any new permits might be a smarter, more reasonable solution. Taking away permits that businesses have been using to operate for years is not only disheartening it is just wrong and unjust.

This bill would essentially put my companies out of business and take the livelihood away from my family, friends, and over 25 workers. The economic impact on tourism, the shopping centers, businesses and the State of Hawaii would greatly decline, therefore having a huge impact on not only the Hawaii Kai community, but also the island of Oahu.

The DLNR would not only be taking away jobs from the local and Hawaiian people that work for me, they would be taking away our way of life, which incudes enjoying the waters of Maunalua Bay. We pride ourselves on spreading aloha and the knowledge we have about the ocean to all of our clients we come in contact with. Thinking we may have to stop our eco-based company saddens me deeply.

I am asking you to please alter the language in these bills to leave the permits as they exist today, with no additional change. Please perform extensive environmental and economic studies before crippling the entire water sports industry.

Thank you very much for your time and consideration.

Sam Montgomery
Commercial Operator and Business Owner
Resident of the Hawaii Kai Marina

1. This bill opens the door for DLNR DOBOR to have 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;

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. The only activities regulated by State law right now are parasail, jet ski, watersled and high speed boating. They are regulated through the formation of ORMAs. ORMAs 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.

3. The bill does not say if DOBOR's authority includes terminating existing permits and restricting the number of operators in any activity deemed troublesome.

4. Right now, the public is free to obtain a commercial use permit for state waters and engage in any non-regulated activity. This bill gives DOBOR the authority to potentially limit by regulation all ocean activities. First, they'll start with Manta Rays, next the dolphins off Waianae, then scuba diving in general, snorkeling and so on. All new permits issued for regulated activities will only be issued by public auction. Why is that necessary?