

STAND. COM. REP. NO.

1909

Honolulu, Hawaii

APR 05 2019

RE: H.B. No. 1133  
H.D. 2  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committees on Commerce, Consumer Protection, and Health and Ways and Means, to which was referred H.B. No. 1133, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MARINE LIFE CONSERVATION DISTRICTS,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit the issuance of more than forty access permits for any marine life conservation district not accessible by land; and
- (2) Limit access to any marine life conservation district not accessible by land to no more than fifty percent of permit holders.

Your Committees received testimony in support of this measure from the Ocean Tourism Coalition; Trilogy Corporation; PacWhale Eco Adventures; Boss Frog's Dive and Surf; Lahaina Divers, Inc.; Calypso Charters; Maui Classic Charters; Alii Nui Charters; Kai Kanani Sailing; Malolo Charters; and nineteen individuals. Your Committees received testimony in opposition to this measure from God's Country Waimanalo and eight individuals. Your Committees



received comments on this measure from the Department of Land and Natural Resources.

Your Committees find that Molokini Shoal is one of the most popular snorkel and dive destinations in the State and is a designated Marine Life Conservation District. According to testimony received by your Committees, weather conditions effectively limit boat accessibility to Molokini to only three hours per day, two hundred eighty days per year. There are presently forty commercial use permits in operation for Molokini, and only twenty-four moorings that can each accommodate up to two vessels per day. However, based on the wording of existing rules, unpermitted commercial vessels can also access the Molokini crater so long as they do not moor inside the crater. Vessels and their guests "drift dive" inside the crater, which has resulted in overcrowding and has raised safety concerns. Furthermore, based on existing rules, there is no limitation on the number of permit holders that may enter the crater at any one time. This measure will close the loophole in the existing rules and will limit the number of vessels that may be inside the crater at any one time to one-half of the permitted vessels.

Your Committees further find that, in 2010, a social carrying capacity study found that over two-thirds of all visitors felt crowded and that there were too many boats in the crater. A 2016 reef predator study also found that fifty per cent of omilu, a key nearshore reef predator, were displaced outside of the shallow crater into deeper water when more than twelve boats were in the Molokini crater at a time. Amendments to this measure are therefore necessary to ensure that the Department of Land and Natural Resources immediately initiates rulemaking for management changes to quickly address these concerns.

Accordingly, your Committees have amended this measure by:

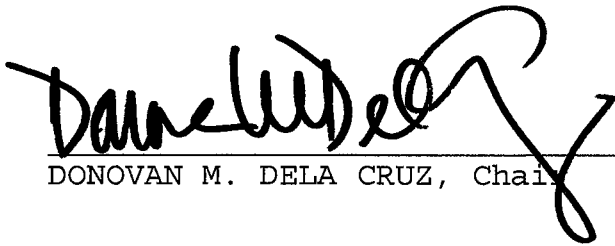
- (1) Clarifying that this measure applies to limits on the number of marine life conservation district commercial use permits and commercial use permittees, as the Department of Land and Natural Resources does not issue permits granting general access to marine life conservation districts;



- (2) Requiring the Department of Land and Natural Resources to immediately initiate rulemaking for management changes to address overcrowding and fish disruption concerns at Molokini Shoal Marine Life Conservation District and submit a report to the Legislature on its rulemaking progress no later than twenty days prior to the convening of the Regular Session of 2020;
- (3) Changing the effective date to upon approval; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1133, H.D. 2, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 1133, H.D. 2, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committees on Commerce,  
Consumer Protection, and Health  
and Ways and Means,



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DONOVAN M. DELA CRUZ, Chair



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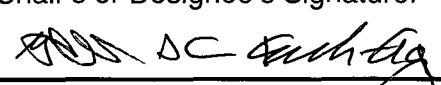
ROSALYN H. BAKER, Chair





The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1133, HD 2, SD 1	WTL, CPH / WAM	4/2/19		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
ENGLISH, J. Kalani	X			
HARIMOTO, Breene				X
INOUYE, Lorraine R.	X			
KAHELE, Kaiali'i				X
KANUHA, Dru Mamo				X
KIDANI, Michelle N.	X			
MORIWAKI, Sharon Y.	X			
RIVIERE, Gil	X			
SHIMABUKURO, Maile S.L.	X			
TANIGUCHI, Brian T.	X			
FEVELLA, Kurt	X			
<b>TOTAL</b>	10			3
Recommendation:				
<input checked="" type="checkbox"/> Adopted <span style="margin-left: 200px;"><input type="checkbox"/> Not Adopted</span>				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

\*Only one measure per Record of Votes