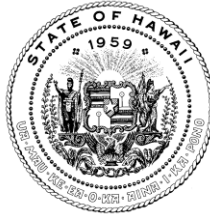


DAVID Y. IGE
GOVERNOR OF HAWAII



**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 Committee on
WATER AND LAND**

**Monday, March 11, 2019
1:15 PM
State Capitol, Conference Room 229**

**In consideration of
HOUSE BILL 1133, HOUSE DRAFT 2
RELATING TO MARINE LIFE CONSERVATION DISTRICTS**

House Bill 1133, House Draft 2 proposes to limit access to any marine life conservation district not accessible by land to 50 percent of commercial permit holders at any given time. **The Department of Land and Natural Resources (Department) strongly opposes this measure.**

This Bill does nothing to further its purported purpose to preserve and protect offshore MLCDs. Rather, this Bill is aimed at maintaining existing levels of commercial activity within the Molokini Shoal Marine Life Conservation District (MLCD) and precluding the Department from addressing over-crowding concerns through the administrative rulemaking process. There are currently forty Molokini MLCD use permits in operation. Under Chapter 13-31, Hawaii Administrative Rules, the Department may reissue existing permits, but does not allow the issuance of new permits. As permits are relinquished or revoked, the total number of Molokini permits is reduced. This regulated attrition was established to grandfather existing commercial operators while gradually reducing human impacts to Molokini's unique underwater ecosystem. Despite these limits on the number of commercial vessels permitted to moor at Molokini, the number of visitors continues to grow.

In 2010, a social carrying capacity study found that over 2/3 of all visitors felt crowded and that too many boats were in Molokini crater. At the time, visitor numbers were around 300,000 per year. Now, Molokini has over 360,000 visitors annually. A 2016 reef predator movement study found that fifty percent of omilu (a key nearshore reef predator) were displaced outside of the shallow crater into deeper water when the number of boats exceeded 12. The Department is currently working with permitted Molokini operators to explore how to best address this over-crowding concern while minimizing impacts to commercial tour operations.

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

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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

Molokini commercial use data show that the average number of boats in the crater at the same time during peak use periods is ten and that 12 boats is exceeded about 1/3 of the days. There are only about 5 days a year when the total number of boats in Molokini crater exceeds 20. The attached photo shows 12 boats moored in Molokini Crater. Based on existing numbers, a workable solution seems highly attainable. House Bill 1133, House Draft 2 would tie the Department's hands and effectively prevent it from managing the very resources the Legislature has entrusted to it.

The Department strongly believes that any management changes are best pursued through the chapter 91 administrative rulemaking process to allow for broader stakeholder engagement and public input. Other Maui ocean users, such as recreational boaters and cultural practitioners, have not had an opportunity to discuss the actions proposed in this Bill or to provide input. The passing of this Bill would be premature given the lack of stakeholder engagement.

Thank you for the opportunity to comment on this measure.



PO Box 723
Waimānalo, HI 96795
godscountrywaimanalo@gmail.com



Ho'oulu a me ho'ōla lāhui.
Propagate and perpetuate the race

Senate Committee on Water and Land

March 9, 2019

RE: Strong Opposition to HB1133 Relating to Marine Life Conservation Districts

To Whom it May Concern:

The Board of Directors of God's Country Waimānalo (GCW) is obligated to provide this letter in **STRONG OPPOSITION** to HB1133 Relating to Marine Life Conservation Districts (MLCD).

GCW is a nonprofit organization from Waimānalo, O'ahu and has no direct tie to this bill as it is written. However, what does effect GCW is the wide net that is cast in this bill. In the pursuit of self-determination, GCW believes this bill to be a far-reaching legislation with negative consequences, both seen and unseen.

HB1133 is a sweeping measure that overtly circumvents public comment, covertly circumvents the DLNR, and does not keep access available to cultural practitioners, save through the use of a commercial permit.

Public Comment. Though Molokini is the only MLCD affected by this bill, the fact that the people of the place are not at all asked about how this would effect their lives is troubling. For GCW, this is the biggest piece that legislators continue to miss: laws get passed without public input.

As an example, this bill (HB1133) has passed three House committees: Water, Land, and Hawaiian Affairs; Judiciary; and Finance. After looking through the submitted testimony, GCW found that the resounding support for this bill came from the tour boat lobby. This is NOT public input. Rather, this is support from ONE very specific sector.

DLNR. The DLNR is the agency with the responsibility via Chapter 91 to create and enforce rules regarding MLCDs. To pass this bill into legislation cuts the legs off the department with the authority to regulate the MLCDs.

As presently written, §190-4.5 explicitly gives authority to the DLNR for the management of the MLCDs. Yet, the proposed legislation states, "b) For any marine life

Board of Directors

H. Ilima Ho-Lastimosa, Bob Lastimosa, Kenneth Ho, Jr.

conservation district not accessible by land, access shall be limited to fifty per cent of commercial permit holders at any time.” No part of the written proposal mentions the DLNR. Thus, this bill will negate DLNR’s management authority over MLCs.

Cultural Practice. While most of the cultural practitioners with whom GCW is familiar do not have commercial permits to enter MLCs, we do recognize that some practitioners may possess said permits. Notwithstanding the previous assertion, GCW is concerned that those practitioners without said permits will also be without self-determined methods of travel to and from Molokini (or any future MLC accessible only via watercraft) for purposes of cultural practice.

GCW’s mission statement is “Ho‘oulu a me ho‘ōla lāhui.” The enactment of SB1133 dodges public input, strips authority from DLNR, brings unwanted consequences to self-determination, and directly opposes our mission. Therefore, it is our position to STRONGLY OPPOSE the legislation and its enactment.

Please contact us via any of the contact information above with any questions and/or comments.

Na mākou nō.



Kenneth K. L. Ho, Jr.
Secretary

Testimony of The Nature Conservancy of Hawai'i
Opposing HB 1133 HD2 Relating to Marine Life Conservation Districts
Senate Committee on Water and Land
Monday, March 11, 2019, 1:15 PM, Room 229

LATE

The Nature Conservancy of Hawai'i is a non-profit conservation organization dedicated to the preservation of the lands and waters upon which all life depends. The Conservancy has helped protect more than 200,000 acres of natural lands in Hawai'i and Palmyra Atoll. We manage 40,000 acres in 13 preserves and work in over 30 coastal communities to help protect the near-shore reefs, waters and fisheries of the main Hawaiian Islands. We forge partnership with government, private parties and communities to protect forests and coral reefs for their ecological values and the many benefits they provide to people.

The Nature Conservancy opposes HB 1133 HD2.

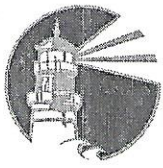
We don't wish to harm the businesses of tour operators who are responsible, caring and who want to see Molokini's resources thrive not just for the health of their businesses, but also their ecological values and other benefits they provide to all people. We also appreciate the amendments to the bill from the HD1 version to the present HD2 version.

However, we encourage you to defer this measure to ensure that a more comprehensive process informed by user, community, cultural, and scientific engagement is undertaken to address this important issue.

With all respect to the Legislature's authority to establish overarching policy and law, detailed natural resource management strategies and related use requirements and restrictions should be addressed by the State's comprehensive Chapter 91 rulemaking and stakeholder engagement processes. That is clearly the intent of HRS §190-4.5, which this bill seeks to modify with an exemption for a single location.

Levels of use at Molokini by commercial operators should be set after careful consideration of impacts to resources and to all interested parties.

Thank you.



COMMITTEE ON WATER AND LAND

Senator Kaiali'i Kahele, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

DATE: Monday, March 11, 2019
TIME: 1:15 P.M.
PLACE: Conference Room 229

**TESTIMONY OF THE OCEAN TOURISM COALITION IN STRONG SUPPORT OF
HB 1133 HD2 RELATING TO MARINE CONSERVATION DISTRICTS**

Chair Kahele, Vice Chair Keith-Agaran and Members of Committee on WTL:

My name is James E. Coon, President of the Ocean Tourism Coalition (OTC),
**speaking in Strong Support of HB 1133 HD2 Relating to Marine Life Conservation
Districts.**

The OTC represents over 300 small ocean tourism businesses state wide. All of
them operate from State Boating Facilities managed by DLNR/DOBOR/DAR.

Molokini Shoals MLCD is a very unique place. It is located at the edge of the
Alenuihaha Channel. It is the most popular snorkel dive destination in Maui
County and possibly the State. The coral is healthy the ecosystem robust the
visitor experience safe and excellent. However the trade winds blow into the
Crater almost every day often starting between 10:00-11:00 am making all boats
leave the area giving about a three hour window of Crater access. The time from
8:00-10:00 is the most valued time in the Crater and the time almost everyone
would prefer to be there to conduct snorkel/dive tours.

Because there are 40 Commercial Permits for the Crater and only 24 moorings,
each company has had to modify their schedule so that they share time on a
specific mooring. It takes a minimum of 1.5 hours to conduct a quality
snorkel/dive tour at Molokini.

Typically each mooring accommodates up to two vessels per day. Currently
there are, on occasion, unpermitted vessels that "drift" inside the crater with
their guests swimming in the Crater. If this persists it will lead to overcrowding in

the Crater in the future. This legislation proactively assures that a workable limit of 20 Permitted Commercial Vessels that can be in the Crater at any one time. It will also prohibit non permitted commercial vessels from entering the Crater.

There are only 24 Commercial Moorings in Molokini Crater so it cannot be overcrowded if non permitted commercial vessels are prohibited from accessing the crater. The cap of 20 vessels at any given time leaves four unused moorings available when wind and sea conditions may render certain moorings in the Crater unsafe to use.

The Molokini Operators have managed to work together for over four decades. There is currently not a problem in Molokini but this legislation will ensure that Molokini Shoals MLCD remains pristine and accessible in the future. It also ensures that the 40 Molokini Permit holders will have adequate time in the Crater to conduct their tours and deliver the world class experience our guests deserve.

We humbly ask you to please pass HB1133 HD2.

Sincerely,

A handwritten signature in black ink that reads "James E. Coon". The signature is written in a cursive style and is positioned to the right of the word "Sincerely,".

James E. Coon, President

Ocean Tourism Coalition

Testimony of Denver Saxton Coon on behalf of Trilogy Corporation, in Strong Support of HB 1133 HD2, Relating to Marine Life Conservation Districts.

COMMITTEE ON WATER AND LAND

Senator Kaiali'i Kahele, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

NOTICE OF HEARING

DATE: Monday, March 11, 2019
TIME: 1:15 P.M.
PLACE: Conference Room 229
State Capitol
415 South Beretania Street

Chair Dela Cruz, Vice Chair Keith-Agaran:

Aloha. My name is Denver Saxton Coon. I am general counsel for Trilogy Corporation dba Trilogy Excursions on the island of Maui. Trilogy Excursions currently conducts permitted commercial tours at the Molokini Shoal Marine Life Conservation District ("Molokini MLCD") and is testifying in **strong support** of HB 1133 HD2 (the "Bill").

There are currently 40 commercial vessels authorized by permit to moor at the Molokini MLCD. The permits are issued by the Department of Land and Natural Resources' Division of Aquatic Resources ("DLNR-DAR"). However, unpermitted vessels are currently conducting commercial operations in the Molokini MLCD due to a loophole in the wording of the rules. This loophole states that vessels must be permitted in order to moor but fails to address unpermitted commercial operators. This has resulted in unpermitted vessels conducting "drift dive" tours within the crater without the use of a mooring. This not only has led to the overcrowding of the resources but numerous safety concerns. Accordingly, one of the intents of the Bill is to close this loophole for the welfare of the resources and the commercial and recreational visitors to the Molokini MLCD.

In addition, the Bill would limit the number of vessels that may be inside the Molokini MLCD to half the permitted vessels at any one time. As it currently stands, there are no limitations on the number of permitted and unpermitted vessels that may use the area at any one time. The intent of Bill is to limit commercial use but not restrict access by recreational users.

Please pass HB 1133 HD2 with an allowance for half the permitted vessels at any one time.

Mahalo,

Denver Saxton Coon
Trilogy Corporation
General Counsel
denver.coon@sailtrilogy.com



COMMITTEE ON WATER AND LAND

Senator Kaiali‘i Kahele, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

DATE: Monday, March 11, 2019
TIME: 1:15 P.M.
PLACE: Conference Room 229
State Capitol
415 South Beretania Street

TESTIMONY BY MALOLO IN STRONG SUPPORT OF HB1133 RELATING TO OFFSHORE MLCDs:

Chair Kahele, Vice Chair Keith-Agaran and Members of the WTL Committee:

Malolo Charters and its affiliates employ close to 100 people in Hawaii’s tourism industry. We have been operating in an offshore MLCD for more than 30 years.

Molokini, an offshore MLCD, is a perfect example of a successful Marine Life Conservation District (“MLCD”). The reef and biomass population is healthy, and the permitted operators play by the rules. In Molokini, there are 40 permit holders and only 26 moorings. Despite this gap, the Molokini operators have managed to work together for over three decades without significant user conflict and minimal impact on the resource. In fact, reports cited by the Division of Aquatic Resources (“DAR”) concluded the “coral reefs at Molokini are considered to be relatively healthy in spite of substantial marine recreation use and impacts associated with these activities are mitigated by the site’s isolation and depth.”

Molokini Existing Limitations and Regulations

Molokini’s use is already extremely limited by mother-nature, and there are more than 20 different rules that operators must abide by.¹ Our operation visits Molokini about 1.5 hours a day for about 280 days a year or less. The natural wind limitations of Molokini force all operators out by 10:00a.m., if not earlier. Molokini is often totally inaccessible due to weather conditions. In short, Molokini is already a heavily regulated resource with limited access and extensive rules and prohibitions. The resource is not experiencing any problems and mother-nature limits use. The purpose of this bill is to maintain the status quo and to provide additional protections to keep Molokini pristine.

¹ Existing regulations, to name a few: No new permits are issued for Molokini (H.A.R. 13-31-5); DAR No Longer Authorizes Temporary Mooring Permits Pursuant to H.A.S. 13-257-52(c); Restrictions on Changing Vessel Size, Height, and/or Weight (Molo Permit, ¶20); Permits are Non-Transferable (H.A.R. 13-231-5); Pre-Trip Passenger Consent Forms Required from All Crew and Passengers (Molo Permit, ¶13); Cannot increase passenger requirement; Zone Area Restrictions; Existing zone restrictions aren’t enforced; Captain experience requirement to pilot Molokini (Molo Permit, ¶17); GPS required for all vessels in Molokini (Molo Permit, ¶6); SCUBA and SNUBA limitations (Molo Permit, ¶10); Monthly Reporting Requirements (Molo Permit, ¶14); Cleaning Snorkel Gear Prohibited (Molo Permit, ¶11); BBQ Prohibited (Molo Permit, ¶11); Speed Restrictions (H.A.R. 13-357-55); Damage to reef prohibited (H.A.R. 13-231-3); 2.5 time limitation (H.A.R. 13-257-3); Vessel Repairs Prohibited (Molo Permit, ¶9); No Fishing or Spearfishing (H.A.R. 13-231-3); No Fish feeding (H.A.R. 13-231-4); No overnight mooring (H.A.R. 13-257-3(b)); and No anchoring (H.A.R. 13-357-55, H.A.R. 13-231-6).

Benefits of Bill

Unfortunately, based on poor rule drafting, *unpermitted* commercial vessels may access Molokini and “drift” dive, as long as they don’t moor inside the crater. This bill would limit commercial use of Molokini to only *permitted* vessels. Additionally, permitted vessels are regulated by the permit and agree to certain rules and regulations. Those rules and regulations help preserve and protect Molokini. On the contrary, non-permitted vessels avoid the permit restrictions. This bill will further reduce the number of vessels in the crater and make certain the vessels are subject to the permit restrictions.

Furthermore, based on the current rules, there is no limitation on the number of permit holders that may enter the crater at any one time. In theory, all 40 boats could enter the crater at any time. This bill would limit entry to 20 permit holders at any one time (50% of existing permit holders).

Department of Aquatics (DAR) Reports are Inconclusive

DAR is considering reducing the number of vessels allowed in Molokini to 12. Any further reduction in access to Molokini to *below* 20 vessels is unnecessary and unreasonable. It takes a minimum of 20 moorings to service the 40 permitted tour boats, and each charter need at least 90 minutes to conduct a quality tour. If not, companies will go out of business. DAR cites two reports for its justification to overhaul Molokini.

Reef Predators

DAR cites a reef predator report as justification for reducing moorings to 12, which will put companies out of business. Out of the 5 species studies, only Omilu visited the crater during snorkeling hours.

In a 24 hour period, Omilu were temporally displaced for two hours during peak hours between 8:00am and 10:00am. They travel a short distance from Zone A to B (100 feet or less). The report, however, states the “the exact mechanism of displacement [of Omilu] (from A to B) is uncertain.” The report concluded that “further research is needed”, partially because the report was unable to determine the cause of the displacement.

There are so many unknowns in the report, it seems unreasonable to put companies out of business with 12 moorings. Most importantly, “*the consequences of the displacement of bluefin trevally from the shallow waters of Molokini crater during peak hours in human use are unknown.*” That is directly from the report cited by DAR. Also, the report is based on acoustic sound heard by the Omilu. However, DAR isn’t certain of the frequency that Omilu hear sound, and that “the physiological effect of intense anthropogenic noise on fishes is poorly understood.” The method of collecting data also contained important assumptions. For instance, “fluctuations in detection ranges in response to environmental noise are real constraints...and likely introduce a source of error in making conclusions about animal movements” in the report. This is too much error and uncertainty to put long-standing companies out of business.

Customer Satisfaction

DAR also cites a customer satisfaction survey as evidence for reducing moorings below 20. In the survey, **95% of the visitors that were polled about Molokini stated they were highly satisfied.** Amazingly, nobody was dissatisfied with the Molokini experience. Also over 80% charter boat passengers in Molokini learned that feeding fish and touching marine life is harmful. These are very encouraging and positive numbers.

Conclusion

Offshore MCLD trips offer education along with lifeguarded, supervised natural exploration. Tour boats take pictures and leave bubbles. Tour boats do not feed fish, do not catch fish, do not BBQ in the crater, are faithful stewards of this environment and are the most motivated to keep it pristine. There is currently not a problem in Molokini, but this legislation will ensure that offshore MCLDs remain pristine and usable in the future.

Phil Kasper, Malolo Charters



COMMITTEE ON WATER AND LAND

Senator Kaiali‘i Kahele, Chair

Senator Gilbert S.C. Keith-Agaran, Vice Chair

DATE: Monday, March 11, 2019
TIME: 1:15 P.M.
PLACE: Conference Room 229
State Capitol
415 South Beretania Street

TESTIMONY BY CALYPSO IN STRONG SUPPORT OF HB1133 RELATING TO OFFSHORE MLCDS:

Chair Kahele, Vice Chair Keith-Agaran and Members of the WTL Committee:

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Zachary LaPrade, Calypso Charters

HB-1133-HD-2

Submitted on: 3/8/2019 3:22:53 PM

Testimony for WTL on 3/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeff Strahn	Testifying for Alii Nui Charters	Support	No

Comments:

We strongly support is bill. I like that it now protects all MLCD to only 50% of total permit holders. Protect the enviroment.

Thanks,

Jeff Strahn



Testimony by Maria Taylor in *strong support* of HB1133 relating to Molokini:

Thank you for this opportunity to provide testimony regarding HB1133. I am the General Manager of Kai Kanani Sailing, a Native Hawaiian and family-owned company that has been operating snorkeling tours to Molokini for over 30 years. We train all of our crew as Marine Naturalists through the Hawaii Wildlife Fund and educate our guests about the fragile marine ecosystems and the harm that can be caused by toxic sunscreen, touching sea life, and feeding fish, among many other things. Guest education is critical to the health of our oceans and Molokini crater provides us with a venue to connect the guests to why they need to care about it.

I *strongly* support this bill for the following reasons:

-Molokini is a healthy ecosystem and we want to preserve it. Limiting the commercial operators to 20 boats strikes a fantastic balance that will ensure the continued health of the ecosystem while allowing tour operators to continue to operate and educate guests. Anything less than 20 permitted vessels would put an unnecessary burden on the boating industry.

-HB1133 would limit commercial use of Molokini to only permitted vessels who are vested in its sustainability and conservation. This would also eliminate over-crowding.

-This legislation will ensure that Molokini Crater MLCD remains pristine and usable in the future.

Thank you for your time and consideration.

Sincerely,

Maria Taylor, General Manager
Kai Kanani Sailing

HB-1133-HD-2

Submitted on: 3/10/2019 1:11:26 PM

Testimony for WTL on 3/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
scott blish	Testifying for maui-molokai sea cruises	Support	No

Comments:

Aloha,

We strongly support this bill. We employ 50 people. We run two boats with Molokini permits. We take great care of the shoal and will continue to do so. We feel that 1/2 the permites is more than a reasonable concession.

Mahalo,

Scott Blish

HB-1133-HD-2

Submitted on: 3/9/2019 7:45:27 PM

Testimony for WTL on 3/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Greg Woodard	Testifying for Maui Classic Charters	Support	No

Comments:

HB-1133-HD-2

Submitted on: 3/8/2019 5:59:47 PM

Testimony for WTL on 3/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Brennan Henders	Testifying for Maui Classic Charters	Support	No

Comments:

HB-1133-HD-2

Submitted on: 3/10/2019 10:01:36 AM

Testimony for WTL on 3/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kristie Wrigglesworth	Testifying for PacWhale Eco Adventures	Support	No

Comments:

HB-1133-HD-2

Submitted on: 3/10/2019 12:17:03 PM

Testimony for WTL on 3/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
MARK DERENSIS	Testifying for Blue Water Rafting	Support	No

Comments:

Please refer to my previous testimony in favor of this bill

Mark de Rensis

HB-1133-HD-2

Submitted on: 3/8/2019 3:31:11 PM

Testimony for WTL on 3/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Cathy Goeggel	Testifying for Animal Rights Hawai'i	Support	No

Comments:

LATE

HB-1133-HD-2

Submitted on: 3/10/2019 2:59:08 PM

Testimony for WTL on 3/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
KATHY LOUI-YASUI	Testifying for Yuki Gutsu Seafoods Ind.	Support	No

Comments:

We fully support the bill as written, without any language changes.

HB-1133-HD-2

Submitted on: 3/8/2019 2:19:30 PM

Testimony for WTL on 3/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tim Means	Individual	Support	No

Comments:

This bill serves to protect both the resource and the permit holders' interests. As a MLCD, Molokini already has many protections and rules for the permitted users. Several unpermitted users have found a loophole in the system that allows use of the resource as long as they do not use the moorings. This bill corrects that. Adding a limit to the number of boats adds to the existing protective rules.

HB-1133-HD-2

Submitted on: 3/8/2019 4:24:02 PM

Testimony for WTL on 3/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kevin Ford	Individual	Support	No

Comments:

I strongly support HB1133 HD2 as it further protects Marine Conservation Districts by limiting the number of vessels that can be in these areas at any given time without threatening small businesses that use these preserves in their operation.

HB-1133-HD-2

Submitted on: 3/10/2019 11:08:19 AM

Testimony for WTL on 3/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Quinn	Individual	Support	No

Comments:

Dear Honorable Committee Members:

Please support HB1133. Coral reefs are already dying, and many of those surviving are under stress from warming oceans, making them more susceptible to disease. Adding snorkelers with chemicals from sunscreen and toiletries on their bodies just adds to that stress.

By issuing permits for marine conservation districts, we protect the health of the reef and thus a valuable economic resource.

Thank you for the opportunity to present my testimony.

Andrea Quinn

Kihei

HB-1133-HD-2

Submitted on: 3/10/2019 10:53:22 AM

Testimony for WTL on 3/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kristy Ford	Individual	Support	No

Comments:

I support this because it protects Molokini and does not hurt small local businesses.

HB-1133-HD-2

Submitted on: 3/10/2019 12:55:26 PM

Testimony for WTL on 3/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
allison burrage	Individual	Support	No

Comments:

HB-1133-HD-2

Submitted on: 3/8/2019 8:02:42 PM

Testimony for WTL on 3/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Donna Henders	Individual	Support	No

Comments:

HB-1133-HD-2

Submitted on: 3/8/2019 6:06:44 PM

Testimony for WTL on 3/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Marcella Mondejar	Individual	Support	No

Comments:

LATE

HB-1133-HD-2

Submitted on: 3/10/2019 7:59:08 PM

Testimony for WTL on 3/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Erica Scott	Individual	Support	No

Comments:

HB-1133-HD-2

Submitted on: 3/8/2019 1:58:46 PM

Testimony for WTL on 3/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Brandie Short	Individual	Oppose	No

Comments:

Aloha,

I strongly oppose this bill. This bill will prevent Hawaii State's DLNR from controlling crowding at Molokini. DLNR continues to make data-informed decisions regarding crowding at Molokini to prevent ecological damage to the site, to prevent over-use of the site, to maintain it's appeal for tourists which helps ensure the tourism industry of Hawaii as well as the day tour industry of Maui. Commercial operators have introduced this bill in attempt to prevent DLNR from making decisions about how best to protect this resource. Approving this bill would not only give power to commecial operators to make important management decisions for our state's natural resources, a right they should NOT have, but also set a precendence that other commercial operators could also try to follow.

Brandie Short

HB-1133-HD-2

Submitted on: 3/8/2019 2:01:44 PM

Testimony for WTL on 3/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nandita Sharma	Individual	Oppose	No

Comments:

I oppose this bill as it goes allows commercial operators to bypass DLNR control crowding at Molokini Shoalover site. This Bill tries to make the number allowed greater than what it currently is. Although this bill is touted to be a sustainable way to manage the site, reputable research, including funded research at UH Manoa, indicates that the numbers proposed by HB1133 are higher than what they should be.

HB-1133-HD-2

Submitted on: 3/8/2019 3:23:50 PM

Testimony for WTL on 3/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Colleen Rost-Banik	Individual	Oppose	No

Comments:

I strongly oppose this bill since it will prevent the DLNR from controlling crowding at Molokini. Commercial operators have introduced this bill in an attempt to prevent DLNR from making decisions about how best to protect this resource. Please DO NOT give power to commercial operators to make important management decisions for our state's natural resources. That is not a precedent that our state should make.

Sincerely,
Colleen Rost-Bani
Oahu resident

HB-1133-HD-2

Submitted on: 3/8/2019 3:32:27 PM

Testimony for WTL on 3/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Haruko Koike	Individual	Oppose	No

Comments:

I strongly oppose this bill. This bill will prevent Hawaii State's DLNR from controlling crowding at Molokini through scientific information and adaptive management. DLNR continues to make data-informed decisions regarding crowding at Molokini to prevent ecological damage to the site, to prevent over-use of the site, and to maintain it's appeal to tourists which helps ensure the tourism industry of Hawaii. Commercial operators have introduced this bill in an attempt to prevent DLNR from making decisions about how best to protect this resource. Approving this bill would not only prevent DAR to make important management decisions for our state's natural resources but also set bad precedence that other commercial operators could try to follow to abuse the fragile resource.

HB-1133-HD-2

Submitted on: 3/8/2019 4:31:43 PM

Testimony for WTL on 3/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lauren R. Kaiser	Individual	Oppose	No

Comments:

I strongly oppose this bill. This bill will prevent Hawaii State's DLNR from controlling crowding at Molokini. DLNR continues to make data-informed decisions regarding crowding at Molokini to prevent ecological damage to the site, to prevent over-use of the site, to maintain it's appeal for tourists which helps ensure the tourism industry of Hawaii as well as the day tour industry of Maui. Commercial operators have introduced this bill in attempt to prevent DLNR from making decisions about how best to protect this resource. Approving this bill would not only give power to commecial operators to make important management decisions for our state's natural resources, a right they should NOT have, but also set a precendence that other commercial operators could also try to follow. Please use the appropriate scientific research available to actively make responsible and informed management decisions especially in regards to maintaining and preserving our invaluable native ecosystems.

HB-1133-HD-2

Submitted on: 3/8/2019 1:50:22 PM

Testimony for WTL on 3/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Santa Moreno-Gonzalez	Individual	Oppose	No

Comments:

I strongly oppose this bill. This bill will prevent Hawaii State's DLNR from controlling crowding at Molokini. DLNR continues to make data-informed decisions regarding crowding at Molokini to prevent ecological damage to the site, to prevent over-use of the site, to maintain it's an appeal for tourists which helps ensure the tourism industry of Hawaii as well as the day tour industry of Maui. Commercial operators have introduced this bill in an attempt to prevent DLNR from making decisions about how best to protect this resource. Approving this bill would not only give power to commercial operators to make important management decisions for our state's natural resources, a right they should NOT have, but also set a precedent that other commercial operators could also try to follow.

HB-1133-HD-2

Submitted on: 3/8/2019 4:52:22 PM

Testimony for WTL on 3/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nanette Miles	Individual	Oppose	No

Comments:

I strongly oppose this bill. This bill will prevent Hawaii State's DLNR from controlling crowding at Molokini. DLNR continues to make data-informed decisions regarding crowding at Molokini to prevent ecological damage to the site, to prevent over-use of the site, to maintain it's appeal for tourists which helps ensure the tourism industry of Hawaii as well as the day tour industry of Maui. Commercial operators have introduced this bill in attempt to prevent DLNR from making decisions about how best to protect this resource. Approving this bill would not only give power to commercial operators to make important management decisions for our state's natural resources, a right they should NOT have, but also set a precedence that other commercial operators could also try to follow.

HB-1133-HD-2

Submitted on: 3/8/2019 11:27:06 PM

Testimony for WTL on 3/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Caterina Desiato	Individual	Oppose	No

Comments:

Aloha,

Thank you for this opportunity to submit twstimony. I am writing to strongly oppose this bill. This bill will prevent Hawaii State's DLNR from controlling crowding at Molokini. DLNR continues to make data-informed decisions regarding crowding at Molokini to prevent ecological damage to the site, to prevent over-use of the site, to maintain it's appeal for tourists which helps ensure the tourism industry of Hawaii as well as the day tour industry of Maui. Commercial operators have introduced this bill in attempt to prevent DLNR from making decisions about how best to protect this resource. Approving this bill would not only give power to commecial operators to make important management decisions for our state's natural resources, a right they should NOT have, but also set a precendence that other commercial operators could also try to follow.

Thank you!

Catering Desiato

HB-1133-HD-2

Submitted on: 3/9/2019 9:36:53 AM

Testimony for WTL on 3/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Russell Sparks	Individual	Oppose	No

Comments:

I am an Aquatic Biologist with the DLNR on Maui and am testifying as an **individual**. I stand by the department's official testimony as well, but feel it is also important to provide my individual input.

In my position, I have been directly involved in current efforts to work with the marine tourism industry to address concerns with the current level of overcrowding in the Molokini MLCD (the only MLCD in the state that can only be assessed by vessel). We have recently come to an agreement to work together with all of the permitted operators adjusting their schedules and trying to avoid exceeding more than 12 commercial boats at any given time. If successful, this could result in voluntary compliance and reduce the need for strict caps on vessel numbers. We will continue to meet with and work on the details of this agreement as needed into the future and make adjustments as they become necessary. For this difficult effort to succeed, it is critically important that the department maintain our ability to address crowding by administrative rules in the future if this step becomes necessary.

This legislation sets a cap on crowding that is almost never reached by the current operations. It therefore does nothing to address the current level of concern regarding crowding that the department, scientific community, and citizens of Maui County have expressed. There are currently only 11 operations that tend to run to Molokini every day that weather permits (about 300 days a year). Many of the other 29 operations try to avoid Molokini when possible. This could all change as current businesses are sold and new owners come in and set up their own business models. Past examples of this have shown these transitions often result in increased passengers and trips to the MLCD. The cap at 20 will allow considerable growth in use and only serve to increase crowding over time. Lets be clear, this legislation does nothing to address very real concerns with crowding and only serves to prevent the DLNR from dealing with these issues in a careful deliberate way that fully involves all stakeholders in Maui County.

Please defer this bill and allow the department to work this out with the marine tour industry in a way that benefits the resources and all of the local stakeholders.

Sincerely,

Russell Sparks

HB-1133-HD-2

Submitted on: 3/9/2019 12:47:08 PM

Testimony for WTL on 3/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
kara nishijima	Individual	Oppose	No

Comments:

I strongly oppose this bill. This bill will prevent Hawaii State's DLNR from controlling crowding at Molokini. DLNR continues to make data-informed decisions regarding crowding at Molokini to prevent ecological damage to the site, to prevent over-use of the site, to maintain it's appeal for tourists which helps ensure the tourism industry of Hawaii as well as the day tour industry of Maui. Commercial operators have introduced this bill in attempt to prevent DLNR from making decisions about how best to protect this resource. Approving this bill would not only give power to commecial operators to make important management decisions for our state's natural resources, a right they should NOT have, but also set a precendence that other commercial operators could also try to follow.

HB-1133-HD-2

Submitted on: 3/8/2019 1:14:55 PM

Testimony for WTL on 3/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kerrie Littlejohn	Individual	Oppose	No

Comments:

I strongly oppose this bill. This bill will prevent Hawaii State's DLNR from controlling crowding at Molokini. DLNR continues to make data-informed decisions regarding crowding at Molokini to prevent ecological damage to the site, to prevent over-use of the site, to maintain it's appeal for tourists which helps ensure the tourism industry of Hawaii as well as the day tour industry of Maui. Commercial operators have introduced this bill in attempt to prevent DLNR from making decisions about how best to protect this resource. Approving this bill would not only give power to commecial operators to make important management decisions for our state's natural resources, a right they should NOT have, but also set a precendence that other commercial operators could also try to follow.

LATE

HB-1133-HD-2

Submitted on: 3/10/2019 10:29:13 PM
Testimony for WTL on 3/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Leinaala Vedder	Individual	Oppose	No

Comments:

HB-1133-HD-2

Submitted on: 3/8/2019 1:47:38 PM

Testimony for WTL on 3/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Christina Higgins	Individual	Oppose	No

Comments:

Protect the ocean please

HB-1133-HD-2

Submitted on: 3/10/2019 12:09:17 PM

Testimony for WTL on 3/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rebecca Laws	Individual	Oppose	No

Comments:

I strongly oppose this bill. This bill will prevent Hawaii State's DLNR from controlling crowding at Molokini. DLNR continues to make data-informed decisions regarding crowding at Molokini to prevent ecological damage to the site, to prevent over-use of the site, to maintain it's appeal for tourists which helps ensure the tourism industry of Hawaii as well as the day tour industry of Maui. Commercial operators have introduced this bill in attempt to prevent DLNR from making decisions about how best to protect this resource. Approving this bill would not only give power to commecial operators to make important management decisions for our state's natural resources, a right they should NOT have, but also set a precendence that other commercial operators could also try to follow.

HB-1133-HD-2

Submitted on: 3/8/2019 1:43:36 PM

Testimony for WTL on 3/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dana Senaha	Individual	Oppose	No

Comments:

I oppose this bill and urge you to vote against it. This bill will prevent Hawaii State's DLNR from controlling crowding at Molokini. DLNR continues to make data-informed decisions regarding crowding at Molokini to prevent ecological damage to the site, prevent over-use, and to maintain it's appeal for tourists which helps ensure the tourism industry of Hawaii as well as the day tour industry of Maui. Commercial operators have introduced this bill in attempt to prevent DLNR from making decisions about how best to protect this resource. Approving this bill would not only give power to commecial operators to make important management decisions for our state's natural resources, a right they should NOT have, but also set a precendent that other commercial operators could also try to follow.

HB-1133-HD-2

Submitted on: 3/8/2019 7:53:20 PM

Testimony for WTL on 3/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Hua Zan	Individual	Oppose	No

Comments:

HB-1133-HD-2

Submitted on: 3/9/2019 6:52:43 PM

Testimony for WTL on 3/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Cole Peralto	Individual	Oppose	No

Comments:

HB-1133-HD-2

Submitted on: 3/10/2019 8:25:10 AM

Testimony for WTL on 3/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sue Baker	Individual	Oppose	No

Comments:

HB-1133-HD-2

Submitted on: 3/10/2019 9:41:02 AM

Testimony for WTL on 3/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
David Baker	Individual	Oppose	No

Comments:

LATE

HB-1133-HD-2

Submitted on: 3/11/2019 3:49:13 AM

Testimony for WTL on 3/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Erica Dias	Individual	Oppose	No

Comments:

I strongly oppose this bill. This bill will prevent Hawaii State's DLNR from controlling crowding at Molokini. DLNR continues to make data-informed decisions regarding crowding at Molokini to prevent ecological damage to the site, to prevent over-use of the site, to maintain it's appeal for tourists which helps ensure the tourism industry of Hawaii as well as the day tour industry of Maui. Commercial operators have introduced this bill in attempt to prevent DLNR from making decisions about how best to protect this natural resource. Approving this bill would not only give power to commecial operators to make important management decisions for our state's natural resources, a right they should NOT have, but also set a precendence that other commercial operators could also try to follow.

HB-1133-HD-2

Submitted on: 3/11/2019 8:23:36 AM

Testimony for WTL on 3/11/2019 1:15:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Gordon "Nalu" YEN	Individual	Oppose	No

Comments:

I do not suport HB1133 HD2, this proposal gives Maui business companies and jaded Maui legislators involved in tourism the right to manage Maui's natural resourses @ Molokini instead of listening to the DLNR professionals. Its a disaster in the making of the fox watching the hen house senario. Shame on the people involved to think private businesses with political backing can effectively manage Maui's natural resources better then DLNR / DAR. This bill is simply about GREED and exploitation of Maui's pristine natural resourses. AUWE

LATE

HB-1133-HD-2

Submitted on: 3/11/2019 8:53:58 AM

Testimony for WTL on 3/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Adam K. Wong	Individual	Oppose	No

Comments:

Aloha mai kākou,

I am writing to STRONGLY OPPOSE HB1133 Relating to Molokini Marine life conservation district. This bill does nothing to protect our fragile marine ecosystems. With the large number of boats that frequent Molokini on a daily basis, our native animals are already being displaced from their natural environment. We need to create bills that protect them, not put them at more risk of overcrowding and overuse. Please look to your na'au and put our marine resources before money.

Mahalo

LATE

HB-1133-HD-2

Submitted on: 3/11/2019 9:41:14 AM

Testimony for WTL on 3/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mahie Wong	Individual	Oppose	No

Comments:

Aloha mai kākou,

I am writing to STRONGLY OPPOSE HB1133 Relating to Molokini Marine life conservation district. This bill does nothing to protect our fragile marine ecosystems. With the large number of boats that frequent Molokini on a daily basis, our native animals are already being displaced from their natural environment. We need to create bills that protect them, not put them at more risk of overcrowding and overuse. Please look to your na'au and put our marine resources before money.

Mahalo.