

HB 1133 HD2 SD1

Measure Title:	RELATING TO MARINE LIFE CONSERVATION DISTRICTS.
Report Title:	Molokini Marine Life Conservation District; DLNR; Permits; Access
Description:	Prohibits the issuance of more than 40 access permits for any marine life conservation district not accessible by land. Limits access to any marine life conservation district not accessible by land to no more than 50 percent of permit holders. Takes effect 7/1/2050. (SD1)
Companion:	
Package:	None
Current Referral:	WTL, CPH/WAM
Introducer(s):	MCKELVEY, DECOITE, HASHIMOTO, TODD, WILDBERGER, Woodson

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 Committees on
COMMERCE, CONSUMER PROTECTION, AND HEALTH
and
WAYS AND MEANS**

**Tuesday, April 2, 2019
10:30 AM
State Capitol, Conference Room 211**

**In consideration of
HOUSE BILL 1133, HOUSE DRAFT 2, SENATE DRAFT 1
RELATING TO MARINE LIFE CONSERVATION DISTRICTS**

House Bill 1133, House Draft 2, Senate Draft 1 proposes to prohibit the issuance of more than 40 access permits for any marine life conservation district not accessible by land, and to limit access to any marine life conservation district not accessible by land to no more than 50 percent of permit holders. **The Department of Land and Natural Resources (Department) appreciates the intent of this measure and offers the following comments and proposed amendments.**

This Bill is aimed at capping the number of permitted commercial tour operations within the Molokini Shoal Marine Life Conservation District (MLCD). There are currently forty Molokini MLCD commercial use permits in operation.

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 overcrowding concern while minimizing impacts to commercial tour operations. House Bill 1133, House Draft 2, Senate Draft 1 is a step in the right direction, provided that certain clarifying amendments be made.

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

The Bill provides that “there shall be no more than a total of forty permits granting access.” Currently, the Department does not issue any permits “granting access” to any MLCD. Access is open to anyone, provided they comply with existing laws and regulations for the MLCD. In the case of Molokini, access is open to various stakeholders, including: 1) the 40 commercial use permittees, who are allowed to use the moorings; 2) non-permitted commercial operators, who can access the MLCD, but are not allowed to use the moorings; 3) recreational boaters, snorkelers, and divers; 4) fishers who troll in subzone B of the MLCD; 5) cultural practitioners; and 6) persons authorized under a Special Activity Permit.

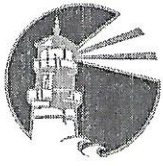
The Department suggests that the language be amended to clarify that the Bill refers specifically to MLCD commercial use permits. The Department recommends that the language in SECTION 2 of the Bill, beginning on page 2, line 4, be amended (additions highlighted in gray, deletions struck through) to read as follows:

(b) For any marine life conservation district not accessible by land:

- (1) There shall be no more than a total of forty marine life conservation district commercial use permits ~~[granting access]~~; provided that the department shall not issue any new permits in a respective marine life conservation district after forty permits have been issued for that marine life conservation district; and
- (2) Access by commercial use permittees at any one time shall be limited to no more than fifty per cent, rounded to the lesser of the nearest whole number, of the current number of permit holders.

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. On March 21, the Department held an initial public scoping meeting to present the details of recent scientific studies and gather feedback from stakeholders about management concerns at Molokini. The Department will continue to work with all interested stakeholders to develop appropriate management measures for the Molokini Shoal MLCD.

Thank you for the opportunity to comment on this measure.



COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Senator Rosalyn H. Baker, Chair
Senator Stanley Chang, Vice Chair

COMMITTEE ON WAYS AND MEANS

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

NOTICE OF DECISION MAKING

DATE: Tuesday, April 2, 2019
TIME: 10:30AM
PLACE: Conference Room 211

**TESTIMONY OF THE OCEAN TOURISM COALITION IN STRONG SUPPORT OF
HB 1133 HD2 SD1 RELATING TO MARINE CONSERVATION DISTRICTS**

Chair Baker, Chair Dela Cruz, Vice Chair Chang, Vice Chair Keith-Agaran and Members of Committee on CPH/WAM.

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. 40 of these companies have permits to access Molokini Shoals MLCD.

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 50% of Permitted (currently 20) Commercial Vessels that can be in the Crater at any one time. It will also prohibit non permitted commercial vessels from entering the Crater. Through natural attrition this number of vessels will get smaller.

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 50% of permitted 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 the protective measures in this legislation could go into effect as early as July 1 of this year rather than wait for years of rule making. Also this legislation will ensure that Molokini Shoals MLCDC remains pristine and accessible in the future. Finally it ensures that the 40 Molokini Permit holders will each 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 SD1.

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 SD1, Relating to Marine Life Conservation Districts.

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Senator Rosalyn H. Baker, Chair
Senator Stanley Chang, Vice Chair

COMMITTEE ON WAYS AND MEANS

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

NOTICE OF DECISION MAKING

DATE: Tuesday, April 2, 2019
TIME: 10:30AM
PLACE: Conference Room 211
State Capitol
415 South Beretania Street

Chair Baker, Chair Dela Cruz, Vice Chair Keith-Agaran, and Chair Chang:

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 SD1 (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. 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 SD1 with an allowance for half the permitted vessels at any one time.

Mahalo,

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

HB-1133-SD-1

Submitted on: 3/31/2019 2:07:55 PM

Testimony for CPH on 4/2/2019 10:30:00 AM

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

Comments:

I represent PacWhale Eco Adventures, a marine eco-tour operation in Maui County involving 6 vessels and 80 vessel staff. I am submitting this testimony in support of HB1133 HD2 SD1.

1. DAR already has the ability to reduce the number of permits and visitors to Molokini over time.

The state approved 41 Molokini use permits, plus 24 moorings in order to protect the coral there. It has made adjustments to ensure that those permits and the number of visitors going to Molokini will be reduced over time. For example, just recently DAR has started to reduce Molokini use permits based on the carrying capacity of the vessel attached to the permit. If a vessel attached to a use permit is replaced with a smaller vessel with a lower carrying capacity, then the permit capacity reduces to the vessel carrying capacity. In addition, DAR should have authority to reject use of larger commercial vessels in Molokini, and it is their responsibility to do so.

2. Molokini is in good condition and activity in Molokini should not be substantially reduced unless new day-use moorings are installed in more sensitive nearshore areas.

Anchor damage is a key threat to coral reefs around the world according to the [International Coral Reef Initiative](#) and the [US Coral Reef Task Force](#). Day-use moorings have proven to be an effective tool to help prevent this coral damage by enabling boats to tie up to mooring buoys instead of dropping anchors onto the coral reefs.

In prior Molokini working group meetings, DAR proposed to reduce activity in Molokini to 12 commercial vessels and 2 recreational vessels (14 total at one time). Based on the current trip schedule prepared by all of the Molokini operators, this will result in displacement of 5 or more operators on a daily basis. Substantially reducing activity in Molokini without first installing additional moorings elsewhere will likely cause coral damage in more sensitive nearshore areas that operators will be displaced to.

After reading through the surveys and scientific articles provided by DAR, there is little evidence for detrimental impacts to the coral reef and its inhabitants. However, there is

evidence of a negative relationship between vessel traffic and a species of fish called the bluefin trevally: “During peak hours of human use, there was a negative relationship ($R^2 = 0.77$, $P < 0.001$) between the presence of bluefin trevally (*Caranx melampygus*) and vessels in subzone A. No other species showed strong evidence of this relationship.”

From an analytical perspective, the science could be improved to support the decision to reduce vessels by expanding analysis to multivariate approach. This will help determine if the vessel number is acting in conjunction with or as a proxy for temporal (time), environmental, spatial (habitat), and/or biological components. Further, additional analysis to justify 12 vessels could be strengthened using a change-point-model to determine when there is a statistical significant difference in the number of bluefin trevally as it relates to vessel counts.

Finally, a key component that is missing is a modeling exercise to determine the appropriate number of vessels (12 is based on insufficient evidence, 1 fish species) and the impact on nearby reefs of increased pressure as a result of increased tourism. Nearshore areas are subject to more pressures resulting from proximity to land and ease of access. Despite Molokini having a high use, it seems to be resilient to the impacts of tourism and that is likely a result of it being away from shore (boat access only) and subject to regular currents.

Thank you for your time and consideration of this testimony in support of HB1133 HD2 SD1.

HB-1133-SD-1

Submitted on: 4/1/2019 9:29:34 AM

Testimony for CPH on 4/2/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Pamela Townsend	Testifying for Boss Frog's Dive & Surf	Support	No

Comments:

1. We strongly support HB 1133 on behalf of Boss Frog's Dive & Surf, employing over 50 employees engaged in activities related to passenger vessel cruises to Molokini MCLD and other activities supporting Hawaii's tourist-based economy.
2. Our affiliated companies offer passenger vessel trips within the MCLD and provide education along with lifeguarded, supervised natural exploration. Molokini is one of the healthiest reefs in the state and we are motivated to be good stewards and keep it pristine.
3. There is currently not a problem within the MCLD but this legislation will ensure that offshore MCLD remains pristine and sustainable usable in the future by limiting access to permitted vessels.

HB-1133-SD-1

Submitted on: 4/1/2019 9:38:08 AM

Testimony for CPH on 4/2/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Greg Howeth	Testifying for Lahaina Divers Inc.	Support	No

Comments:

Aloha,

My name is Greg Howeth and I am the president of Lahaina Divers Inc. I am testifying in support of HB133HD2SD1. Molokini crater is a special place and while all the relevant science and data supports that it is a healthy ecosystem, this bill will help ensure it remains that way for generations to come.

Mahalo



COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Senator Rosalyn H. Baker, Chair

Senator Stanley Chang, Vice Chair

COMMITTEE ON WAYS AND MEANS

Senator Donovan M. Dela Cruz, Chair

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

DATE: Tuesday, April 2, 2019
TIME: 10:30 A.M.
PLACE: Conference Room 211
State Capitol
415 South Beretania Street

MEASURE: **HB1133 HD2 SD1**

TESTIMONY BY CALYPSO IN STRONG SUPPORT OF HB1133 HD2 SD1 RELATING TO OFFSHORE MLCDS:

Chair Baker, Chair Dela Cruz and Members of the CPH/WAM Committees:

Calypso Charters and its affiliates employ close to 100 people in Hawaii's tourism industry. We have been operating in Molokini, an off-shore Marine Life Conservation District ("MLCD"), for more than 30 years.

***Update: A 2019 peer-reviewed study by the Nature Conservancy of 22,000 coral colonies and 51 sites on Maui's shores conclude Molokini was one of the healthiest reefs in the Hawaii. See Exhibit "A" for a copy of the article.**

****Also, in a 2010 survey of visitors of Molokini, 95% of the visitors that were polled about the experience stated they were highly satisfied. Amazingly, *nobody* was dissatisfied with the Molokini experience. Also over 80% of charter boat passengers in Molokini learned that feeding fish and touching marine life is harmful. These are very encouraging and positive numbers.**

Based on the above indicators, Molokini 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. Customers and users are satisfied. 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.

Why this Bill? What are the Benefits?

Notwithstanding the current success of Molokini, we want the resource protected. 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 process 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 make certain vessels entering Molokini are subject to the permit restriction.*

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).

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.

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 is at least 90 minutes to conduct a quality tour. If not, companies will go out of business. Also, there are currently NO environmental problems at Molokini. As stated above, Molokini is one of the healthiest reefs in Hawaii and customers are “highly satisfied”. DAR cites one reef predator report for its environmental 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. Keep in mind, the Omilu were captured and traumatized for purposes of the study. We are not surprised the captured fish sometimes avoided boats during the study. Also, the study hasn’t been replicated or subject to peer review.

In a 24 hour period, the “spooked” 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. Did some Omilu remain in the crater when boats entered? Why? DAR has not answered these questions.

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).

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.

Conclusion

Offshore MCLD trips offer education along with lifeguarded, supervised natural exploration. Tour boats take pictures and leave bubbles. Molokini is one of the healthiest reefs in the state. 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 MLCD's remain pristine and usable in the future by limiting access to permitted vessels.

Zachary LaPrade, Calypso Charters

Protected waters are best for reefs, Maui survey finds

By Timothy Hurley
thurley@staradvertiser.com

A study of 22,000 coral colonies at 51 sites along Maui's south and west shores found formally protected reefs near managed areas were among the most likely to show resilience to climate change.

Five of the most resilient reefs are situated within or adjacent to state-managed areas or offshore of a federal wildlife refuge, according to the 2018 survey by The Nature Conservancy.

A peer-reviewed copy of the study was unavailable for online review Thursday but is expected to be available in a few weeks on the website of the National Atmospheric

and Oceanic Administration's Coral Reef Conservation Program.

The study involved an analysis of thousands of photographs and observations taken during two weeks in March 2018 by a 10-person research team.

The survey's healthiest reef was found offshore of Kealia Pond National Wildlife Refuge, one of the state's last remaining natural wetland habitats, located north of Kihei.

"I don't think it was a coincidence that it was the most resilient," said Eric Conklin, director of marine science for The Nature Conservancy of Hawaii. "Wetlands are natural filters of sediment."

Please see REEFS, B6

Five of the most resilient reefs among surveyed sites on Maui's south and west shores are within or adjacent to state-managed areas or offshore of a federal wildlife refuge, according to the 2018 survey by The Nature Conservancy. Above, the Ahihi Kina'u Natural Area Reserve had one of the five most resilient reefs found.



Sediment runoff is one of the biggest threats to the health of coral reefs, along with nutrient pollution, fishing pressures, coastal development, warming waters and increasing ocean acidification.

and water quality issues. Maui's coastal reefs have been in the news recently be-

cause the U.S. Supreme Court agreed to hear an ongoing dispute linked to pollution

from the Lahaina Wastewater Reclamation Facility.

The plant disposes of millions of gallons of treated sewage a day into underground injection wells, and environmentalists have argued for decades that pollution from the plant is contaminating groundwater that seeps into the ocean, killing coral and triggering algae blooms in West Maui waters.

The closest site to the plant included in the survey was the Kahekili Herbivore Fisheries Management Area, which was farther offshore and in good shape, said

Conklin.

Elsewhere, sediment was a problem up and down the leeward coast, including reefs around Olowalu, Kihei and Lahaina, he said.

Concern for coastal water quality on Maui has led to the formation of the West Maui Ridge 2 Reef Initiative and Hui o Wai ka Ola, a group that assists the state with monitoring water quality.

The state maintains a goal of having 30 percent of its nearshore waters under effective management by 2030. However, Conklin said, only 3.4 percent of shores are currently managed.

REEFS

Continued from B1

Sediment runoff is one of the biggest threats to the health of coral reefs, along with nutrient pollution, fishing pressures, coastal development, warming waters and increasing ocean acidification.

Scientists said coral reefs are among the most vulnerable of ecosystems to ocean temperature rise resulting from global warming. Coral bleaching is expected to be an annual event by 2040, according to some projections.

But the results of the study suggest coral reefs can be managed to build resilience and the ability to survive in an uncertain future.

"Healthy, functioning reefs should be able to grow and adapt to sea level rise," Conklin said.

Also among the healthiest reefs, according to the survey, were the state's Molo-kini and Honolua Marine Life Conservation Districts, Kahekili Herbivore Fisheries Management Area and the Ahihi Kina'u Natural Area Reserve.

Sites with high fishing pressure included North Kaanapali and Hanakaoo north of Lahaina, the study said, while Kihei and North Kaanapali were areas with more pronounced nutrient

HB-1133-SD-1

Submitted on: 4/1/2019 5:09:01 AM

Testimony for CPH on 4/2/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dan Minkler	Testifying for Maui classic charters	Support	No

Comments:

HB-1133-SD-1

Submitted on: 4/1/2019 9:10:09 AM

Testimony for CPH on 4/2/2019 10:30:00 AM

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

Comments:

We have strong support for this bill to protect our resources....50% of the permit holders at one time is plenty.

Thanks,

Jeff Strahn

General Manager



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-SD-1

Submitted on: 4/1/2019 9:15:34 AM

Testimony for CPH on 4/2/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Phil Kasper	Testifying for Malolo Charters	Support	No

Comments:

***Update: A 2019 peer-reviewed study by the Nature Conservancy of 22,000 coral colonies and 51 sites on Maui’s shores conclude Molokini was one of the *healthiest* reefs in the Hawaii. See Exhibit “A” for a copy of the article.**

****Also, in a 2010 survey of visitors of Molokini, 95% of the visitors that were polled about the experience stated they were highly satisfied. Amazingly, *nobody* was dissatisfied with the Molokini experience. Also over 80% of charter boat passengers in Molokini learned that feeding fish and touching marine life is harmful. These are very encouraging and positive numbers.**

Based on the above indicators, Molokini 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. Customers and users are satisfied. 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.

Why this Bill? What are the Benefits?

Notwithstanding the current success of Molokini, we want the resource protected. 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 process 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 make certain vessels entering Molokini are subject to the permit restriction.*

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).

HB-1133-SD-1

Submitted on: 3/29/2019 3:00:30 PM

Testimony for CPH on 4/2/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
LiAnne Driessen	Testifying for Trilogy Excursions	Support	No

Comments:

Aloha Chair and Committee members,

I am the Director of Sales and Marketing for Trilogy Excursions. I was born and raised on the island of Maui and am an avid watersport/ocean enthusiast--protecting Maui and its ocean resources is something I am passionate about. I also believe in and support business on Maui who practice sustainable tourism. Trilogy is a company committed to sustainable tourism and has done a tremendous work leading the boating industry in environmental conservation and best practices that benefit and/or perpetuate our host culture, our community, and our marine environment. I am in support of HB1133 for three main reasons:

1. It will ensure the continued success of the environment while reducing overcrowding from unpermitted commercial activities.
2. It will promote sustainability by limiting the number of commercial vessels at any one time to half the number of permittees.
3. It is vital to protect the interests of the state and the many employees who depend on sustainable tourism for their livelihood

Thank you for your time and thoughtful consideration.

Mahalo,

LiAnne Driessen

HB-1133-SD-1

Submitted on: 3/30/2019 8:16:56 PM

Testimony for CPH on 4/2/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Christine Currah	Testifying for Boss Frogs	Support	No

Comments:

Christine Currah

38/2 Polohina Lane, Lahaina HI 96761

currahchristine@gmail.com

Chair and WLH Committee Members

As an employee of Boss Frogs at their shop in Napili Plaza I'm proud to be able to offer to customers first class and environmentally friendly tours of Molokini Crater.

Molokini Crater is a particularly healthy coral reef in a unique natural feature of world significance. However access is good for about 280 days a year and each day for only three hours before high winds make conditions unfavorable.

I support Bill HB 1133 and it's forward looking limitations (such as ensuring no more than 20 boats are moored at any one time) that gaurantee responsible patronage and protection.

Sincerely

Christine Currah

HB-1133-SD-1

Submitted on: 3/31/2019 6:04:12 PM

Testimony for CPH on 4/2/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tony Whitsett	Testifying for Calypso	Support	No

Comments:

TESTIMONY POINTS:

- Molokini is one of the healthiest reefs in the State of Hawaii.
- Molokini Crater is only accessible about 280 days a year, for three hours a day.
- The bill would limit the number of boats in Molokini to 20 permitted boats at any one time. There is currently no limit and up to 40 can enter crater unless this bill is passed.
- Currently, non-permitted commercial vessels access Molokini. This bill closes that loophole in the law.
- In the customer satisfaction 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.
- Molokini ecosystem is robust and healthy.
- Tour boats take pictures and leave bubbles.
- Tour boats to 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.

HB-1133-SD-1

Submitted on: 4/1/2019 8:01:29 AM

Testimony for CPH on 4/2/2019 10:30:00 AM

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

Comments:

Aloha kĀ• kou,

I am writing this letter to OPPOSE HB1133 as it relates to Molokini MLCD. This bill would not only create inadequate restrictions for the large numbers of people that visit Molokini on a daily basis, but it also undermines the departments administrative rule making process that is happening simultaneously. Being present at the public meeting held on March 21, 2019, relating to Molokini MLCD, it was clear that not only the department, but also commercial operators agreed that there needs to be better management out there. The department's kulena is to help manage our resources for present and future generations. Let the department do their process. If we do not put our fragile ecosystems first before money, there will be nothing left. I vote OPPOSE to HB1133.

Mahalo for your time.

Adam Wong

HB-1133-SD-1

Submitted on: 4/1/2019 5:39:52 AM

Testimony for CPH on 4/2/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
alicia haynes	Individual	Support	No

Comments:

HB-1133-SD-1

Submitted on: 4/1/2019 5:46:26 AM

Testimony for CPH on 4/2/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ariel Ferrer	Individual	Support	No

Comments:

I strongly support this Bill.

HB-1133-SD-1

Submitted on: 3/31/2019 7:13:13 PM

Testimony for CPH on 4/2/2019 10:30:00 AM

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

Comments:

HB-1133-SD-1

Submitted on: 3/31/2019 10:08:26 PM

Testimony for CPH on 4/2/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Szuster	Individual	Oppose	No

Comments:

Thank you for this opportunity to provide testimony regarding HB1133. I have been involved in studying recreational use at the Molokini Shoal MLCD for over a decade through my research at the University of Hawaii at Manoa, and I STRONGLY OPPOSE this bill. HB1133 is highly detrimental to both the management of the Molokini Shoal MLCD and to ocean resource management in Hawaii in general for the following reasons:

The Division of Aquatic Resources, the University of Hawaii at Manoa, and federal funding agencies have spent over 15 years and hundreds of thousands of dollars patiently and carefully collecting data on the impacts of human use at the Molokini Shoal MLCD. This science-based process has proceeded extremely slowly given the very high level of use at this MLCD, but rules that would finally start to control (not end) commercial activities were finally beginning to emerge. To over-ride the administrative rules making process at this point is highly disturbing and suggests that the legislature is putting the interests of the commercial tourism lobby ahead of the interests of the general public, and even the State's responsibility to protect and conserve this MLCD. The bill advances the interests of a small number of commercial operators ahead of the broader public interest, and is a clear example of regulatory capture that should be avoided at all costs.

The question before you is simple. Does the State of Hawaii believe in science-based management of ocean resources, broad public consultation, and transparent planning; or do we hastily pass legislation based on narrow commercial interests that value short-term profit over the long term preservation of our precious conservation areas? Passing this bill would destroy any belief that effective ocean resources planning can take place in Hawaii, and would continue the trend toward crowding more and more tourists into our coastal areas to the detriment of our environment and the attractiveness of Hawaii as a tourism destination. We have a clear understanding where this leads; crowded and degraded coastal tourism attractions that high value tourists avoid. The commercial tourism industry will attempt to mask this downward environmental and economic spiral with ever more arrivals, but we now have over 30 years of data showing tourism arrivals increasing by almost 50% while inflation adjusted economic benefits have not increased at all. Hawaii is losing high value tourists who are not interested in crowded recreation areas with degraded resources, and it is the responsibility of our legislature to take a

broader, long-term perspective that protects the resources we depend upon if we are to change this unfavorable trend.

In summation, the legislature needs to let the Department of Land and Natural Resources complete the administrative rulemaking process for the Molokini MLCD, and develop a plan that balances economic, social and environmental considerations using the best data set available at any MLCD in the State of Hawaii. The legislature needs to support the administrative rule-making process, not undercut it, to protect marine and coastal areas beloved to the people of Hawaii and stop the steady degradation of our tourism resource base.

Respectfully,

Dr. Brian Szuster

Associate Professor

Department of Geography and Environment

University of Hawaii at Manoa.

Testimony of

**Scott Fretz
201 Pico Tract
Haiku, Hawaii 96708**

Before the Senate Committees on COMMITTEE ON COMMERCE, CONSUMER PROTECTION,
AND HEALTH and WAYS AND MEANS

DATE: Tuesday, April 2, 2019

TIME: 10:30 AM

In OPPOSITION TO

HOUSE BILL 1133, HD2, SD1
RELATING TO MARINE LIFE CONSERVATION DISTRICTS

Thank you for the opportunity to provide testimony on HOUSE BILL 1133, HD2, SD1 relating to Marine Life Conservation Districts (MLCDs) and Molokini Shoal.

Molokini is severely overcrowded with commercial boats that drop more than a 1,000 people per day in the water. The overcrowding affects the ecosystem and ruins the recreational experience for non-commercial residents. This bill would establish limits based on the economic interests of the commercial tour industry without a full consideration of the impacts on natural resources and other stakeholders. The bill is unnecessary because DLNR has initiated a process to establish appropriate uses through community engagement.

I am opposed to HOUSE BILL 1133, HD2, SD1 for the following reasons:

1. The numbers of commercial boats and users allowed by this bill are FAR too high.
2. This bill would allow a highly impactful commercial use of an MLCD without an environmental impact statement (EIS), required under Chapter 343, Hawaii Revised Statutes (HRS). An EIS should be done before ANY commercial tour permits are issued for this and other MLCDs and coastal areas.
3. DLNR should establish the number of commercial use permits for this and other MLCDs and coastal areas through a public process, to include engagement with recreational users, assessment of environmental impacts, and rule making pursuant to Chapter 91, HRS.
4. This bill does not take into consideration the impacts to residents, for example by allowing commercial use on weekdays only so that residents are afforded a reasonable time to enjoy Molokini on the weekends.

HB-1133-SD-1

Submitted on: 3/30/2019 12:34:45 PM

Testimony for CPH on 4/2/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Gary Gallagher	Individual	Support	No

Comments:

- 1) Molokini is one of the healthiest reefs in Hawaii
- 2) It can only be reached 280 days a year
- 3) only 3 hours a day
- 4) Snorkel vendors have stopped the practice of feeding fish, they do not catch the fish, and control touching fish
- 5) 95 % of snorkeling visitors surveyed have been very satisfied with Molokini

Gary Gallagher

HB-1133-SD-1

Submitted on: 4/1/2019 5:26:00 AM

Testimony for CPH on 4/2/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sam Maroon	Individual	Support	No

Comments:

I have not seen any valid scientific data that difinitively shows any negative impact on the fish or reefs of the MCDs, most especially Molokini Marine Preserve, due to commercial activities. The commercial snorkel boats are far more responsible and conservation-minded than most I've seen and are, in my opinion, the major reason for the reef's good health. The education of the passengers on the various ways to be respectful and mindful of the reef - whether through a look-don't-touch mindset, use of reef-safe sunscreens, keeping the ocean clear of debris and plastics, etc. - has been a key mission of the commercial boat operators because not only do they love and respect the fish and reefs but they are also their source of income.

HB-1133-SD-1

Submitted on: 3/29/2019 1:57:59 PM

Testimony for CPH on 4/2/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Riley E. Coon	Individual	Support	No

Comments:

Aloha,

I strongly support HB1133 for the following reasons.

1. It will ensure the continued success of the environment while reducing overcrowding from unpermitted commercial activities. There are an estimated 15,000 or more commercial passengers who use Molokini Shoal each year without any commercial permit. This is unfair, unsafe, and not right. Multiple "rafts" sell commercial activities saying they will snorkel at Molokini, but these vessels do not have a Molokini shoal permit!
2. It will promote sustainability by limiting the number of commercial vessels at any one time to half the number of permittees.
3. It is vital to protect the interests of the state and the many employees who depend on sustainable tourism for their livelihood.
4. It will reduce crowding and sets reasonable limits for vessels entering Molokini at any one time.

I recently attended the DAR Molokini users meeting and they brought this bill up and pushed strongly in their agenda against this bill (which, I think is not an appropriate place/ time to do this).

While talking to many of the stakeholders, I would ask a question about common shoreline issues such as over-fishing, commercial take, and the actual killing of reef fish. Their answer was "we are just here to talk about Molokini and the fact that one species of fish is being temporarily displaced"

I would hope that the DLNR and the Department of Aquatic Resources could look at Maui County (or the state for the matter) more holistically. Instead of simply limiting or blocking access to the resource to responsible members of the public and eco-tour companies who actually help to conserve our ocean resource, the state should broaden their control over the other larger damaging effects to our ecosystem - consider passing a sunscreen ban, get a handle on overfishing (much of which is commercial

spearfishing activities for tourists!), do a better job mitigating runoff, and working with local businesses who access the ocean.

These same stakeholders then mentioned that it isn't right that the commercial tourist boating companies are making money off of the state's resource and that they should be paying to do this. I pointed out that in fact these same companies are already paying millions of dollars in ADDITIONAL tax revenue each year to the DLNR that goes to the general fund. I hope the State can find the importance in this resource and decide to fund the endeavors of DAR, DOCARE from the general fund and not simply just tax the commercial operators who only access a small portion of the shoreline. The areas the commercial boating operators are visiting on a regular basis are some of the best-preserved areas because it is so visible to so many people. the fish are happy, plentiful, and people get to enjoy the resource in a non-consumptive way.

Thank you for taking the time to read this and for your considering in this important Bill. Please APPROVE HB1133.

Riley E. Coon

HB-1133-SD-1

Submitted on: 3/29/2019 2:16:00 PM

Testimony for CPH on 4/2/2019 10:30:00 AM

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

Comments:

This bill is not necessary as the state's Department of Land and Natural Resources' Division of Aquatic Resources is already addressing these issues through consultation with local stakeholders.

HB-1133-SD-1

Submitted on: 3/31/2019 10:46:45 AM

Testimony for CPH on 4/2/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Karan Pohl	Individual	Support	No

Comments:

I am in support of HB1133. It will aid the environment by reducing overcrowding from unpermitted commercial activities. It promotes sustainability by limiting the number of commercial vessels at any one time to half the number of permittees. HB1133 protects the interests of the state and the many employees who depend on sustainable tourism for their livelihood. It will also reduce overcrowding and address the safety concerns caused by unpermitted "drift dives". For all of these reasons, I am in support of HB1133.

HB-1133-SD-1

Submitted on: 3/29/2019 2:55:09 PM

Testimony for CPH on 4/2/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Taryn Johnson	Individual	Support	No

Comments:

I support HB1133 because it will ensure the continued success of the environment while reducing overcrowding from unpermitted commercial activities.

HB1133 will promote sustainability by limiting the number of commercial vessels at any one time to half the number of permittees.

HB1133 is vital to protect the interests of the state and the many employees who depend on sustainable tourism for their livelihood.

HB1133 will reduce overcrowding and address the safety concerns caused by unpermitted "drift dives".

Mahalo,
Taryn

HB-1133-SD-1

Submitted on: 3/31/2019 9:42:05 PM

Testimony for CPH on 4/2/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
kai nishiki	Individual	Oppose	No

Comments:

I am writing this testimony in opposition of HB 1103, because as the bill is currently written, it is unlikely to meet its stated objectives of preserving the states MLCD's. For full disclosure, I am an author of a scientific per-reviewed study into the movements of the Molokini MCLD's marine life and I present this testimony only to clarify the proposed, 50% of 40 permitted vessels at a given time, exceeds the capacity of the MLCD that was determined by several independent scientific studies.

The Molokini MLCD is one of Hawaii's most important marine reserves and the results of per-reviewed studies into visitor experiences at the MLCD indicate that over 2/3 of all visitors to the MLCD felt crowded and 50% of respondents felt it was unacceptable to have more than 14-15 (small to large boats) in the crater at the same time (Bell et al. 2011; Needham et al. 2011). Additionally, the movements of the MLCDs predatory reef fish showed that Omilu were displaced from within the crater when there were more than 12 boats at a given time (Filous et al. 2017).

The bill attempts to preserve Molokini shoal by limiting entry to forty permits and "Access at any one time shall be limited to no more than fifty per cent, rounded to the lesser of the nearest whole number, of the current number of permit holders". This would allow twenty vessels at any given time to operate in the MLCD and given that there is substantial anthropogenic and biological evidence to suggest the MLCD is impacted by overcrowding at boat numbers that are below the intensity of twenty vessels, the proposed bill would not address this resource management issue.

The Department of Land and Natural Resources is currently in the process of addressing the issue of overcrowding in the Molokini MLCD with the administrative rule making procedure, where local stakeholders and the general public are able to participate in the development of new regulations, and the number of vessels that is permitted to operate in the MLCD at a given time will be determined by a compromise between what is biologically and economically sustainable. The proposed bill undermines the State and the DLNRs management efforts, by circumventing the States procedures and authorizing a number of vessels at a given time which exceeds the capacity of the MLCD.

Thank you,

Alex Filous

References

Bell, C.M., Needham, M.D. and Szuster, B.W., 2011. Congruence among encounters, norms, crowding, and management in a marine protected area. *Environmental Management*, 48(3), pp.499-513.

Filous, A., Friedlander, A.M., Koike, H., Lammers, M., Wong, A., Stone, K. and Sparks, R.T., 2017. Displacement effects of heavy human use on coral reef predators within the

Molokini Marine Life Conservation District. *Marine pollution bulletin*, 121(1-2), pp.274-281.

Needham, M.D., Szuster, B.W. and Bell, C.M., 2011. Encounter norms, social carrying capacity indicators, and standards of quality at a marine protected area. *Ocean & coastal management*, 54(8), pp.633-641.

HB-1133-SD-1

Submitted on: 4/1/2019 9:27:35 AM

Testimony for CPH on 4/2/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
john walters	Individual	Support	No

Comments:

- Molokini is one of the healthiest reefs in the State of Hawaii.
- Molokini Crater is only accessible about 280 days a year, for three hours a day.
- The bill would limit the number of boats in Molokini to 20 permitted boats at any one time. There is currently no limit and up to 40 can enter crater unless this bill is passed.
- Currently, non-permitted commercial vessels access Molokini. This bill closes that loophole in the law.
- In the customer satisfaction 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.
- Molokini ecosystem is robust and healthy.
- Tour boats take pictures and leave bubbles.
- Tour boats to 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.

HB-1133-SD-1

Submitted on: 4/1/2019 9:44:40 AM

Testimony for CPH on 4/2/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kirsten Moy	Individual	Oppose	No

Comments:

I am opposed to this measure, which undercuts the efforts of the State's agency tasked to manage this Marine Life Conservation District. I fully support DLNR's efforts to regulate, and would urge our representatives to work with DLNR and the supporters of this bill to arrive at a management plan that is vetted publicly, endorsed by state officials, and upholds the intentions of the MLCD at Molokini.

HB-1133-SD-1

Submitted on: 4/1/2019 9:55:39 AM

Testimony for CPH on 4/2/2019 10:30:00 AM

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

Comments:

HB-1133-SD-1

Submitted on: 4/1/2019 9:56:10 AM

Testimony for CPH on 4/2/2019 10:30:00 AM

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

Comments:

I support this bill because it protects the reserve and marine life. Studies have shown that the reef is healthy and thriving. At the same time this supports local business who employ a lot of individual and also supports the tourist industry. It allows the necessary regulations of all parties, and keeps it fair to all parties involved. I strongly support this bill.

HB-1133-SD-1

Submitted on: 4/1/2019 9:57:05 AM

Testimony for CPH on 4/2/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
John McPherson	Testifying for Calypso Charters	Support	No

Comments:

I believe that Molokini is one of the healthiest reefs on/ near Maui from recent studies. An article was just released from Maui Today and was showing factual evidence that Molokini reef is healthy, compared to all our shoreline reefs. Molokini is only accessible 280 days a year, for 3 hours a day. Molokini's ecosystem is standard and definitely robust and healthy. As a life long diver, spearfisherman, and overall ocean advocate; the "scientific" results from DAR provided are 100% tailored for the answer they want. It is not an open question, it is directly aimed to get the answer they want from the guest. Also, the fish studies. Let's be clear- DAR caught the fish, by line, pulled them aboard a boat, SURGICALLY put a beacon IN the fish, sewed it up, and put the fish back in the water.... TO SEE HOW THEY ACT AROUND BOATS!?!? Are you kidding me? What a ridiculous study, after you man handle the fish, of course they won't act normal around a vessel. Point being, tour boats take pictures and leave bubbles. There's no fishing, no feeding the fish, never go on the crater, don't eat any food IN the crater, and are extremely faithful stewards towards molokini's environment and overall health. In the customer satisfaction survey, 95% of the visitors that were polled about Molokini stated they were highly satisfied. Amazingly, nobody was dissatisfied with the Molokini experience. I truly believe that Molokini should stay open and available to tourism. It's one of the largest tourist attractions and our economy does have a amount of dependability on this area of tourism.

HB-1133-SD-1

Submitted on: 4/1/2019 10:06:34 AM

Testimony for CPH on 4/2/2019 10:30:00 AM

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

Comments:

I strongly support HB1133 as it further protects areas such as Molokini Crater by limiting the number of vessels allowed in the crater at any given time, and it does so without jeopardizing local charter boat companies that use Molokini on a daily basis.

Molokini has one the healthiest reefs on the island and this is strongly contributed to the stewardship of tour boat operators who educate passengers on the importance of responsibly snorkeling in the crater.

Please pass HB1133.

Best Regards,

HB-1133-SD-1

Submitted on: 4/1/2019 10:57:08 AM

Testimony for CPH on 4/2/2019 10:30:00 AM

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

Comments:

HB-1133-SD-1

Submitted on: 4/1/2019 12:28:03 PM

Testimony for CPH on 4/2/2019 10:30:00 AM

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

Comments:

Aloha,

One of the key concerns expressed by some in the scientific community, is that a study of the movement of Omilu at Molokini Crater, indicates they are present in the early morning hours and leave the crater at around the same time as the commercial passenger vessels arrive. The commercial vessels are being blamed for chasing the Omilu out of the crater, due to the noise level of our vessels.

I have been diving in the Hawaiian Islands since 1974, during which time have logged thousands of dives. Most of my diving has been to view and photograph the diverse and endemic marine life of Hawai'i Nei. Some of my diving has been spent spear fishing for food for my family which I raised on the North Shore of Oahu.

Outside of diving, I and some of my friends fish from the shoreline and offshore, gathering food for our Ohana. It is common knowledge of local fisherman, that the Omilu, and other jacks feed in the early morning, then leave their feeding grounds as the sun rises. It is such common knowlege, that groups of local fisherman are affectionately referred to as the "Dawn Patrol". These expert fishermen know they must be on the feeding grounds of the Omilu at dawn, before they disperse. This has been the behavoir of the Omilu for the 45 years I've been an avid waterman and for as long as all of my senior fisherman Ohana can recall.

I do not beleive this common behavoir of the Omilu to feed at Molokini in the early morning and depart shortly after dawn, is any different than all the other feeding grounds they frequent throughout the Hawaiian Islands. I do not understand how this common behavoir is now being described as an unnatural movement, caused by noise from the commercial boats at the crater.

Their movement out of the crater shortly after dawn, probably dates back to when the Hawaiians fished from their outrigger canoes, long before commercial vessels were even thought of.

Commercial operators who make our living on the ocean, deeply care for the precious ocean, reefs and marine animals here in Hawaii. Our futures and families futures depend on it and on us. We will continue to educate our passnegers and mentor our

Ohana to care as much as we do. We truly are and have been the care takers for generations and will continue to do our part.

I beleive HB1133 HD2 SD1 provides the controls required to allow us to continue to help protect and preserve Molokini as stewards of the environment and that it is unwise to view the natural behavoir of the Omilu as something we have caused, by arriving at the time of day when they are naturally leaving their Molokini feeding grounds.

Mahalo Nui Loa and Malama Kai.

HB-1133-SD-1

Submitted on: 4/1/2019 11:41:17 AM

Testimony for CPH on 4/2/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nicole Andricci	Individual	Support	No

Comments:

I am in support of this bill because I believe all of the current business that run trips to Molokini crater is one of the reasons why the reef is so healthy. The small business on Maui contribute to helping keep the oceans safe and healthy because their businesses depend on the condition of the ocean.

I support **HB1133 HD2 SD1**

HB-1133-SD-1

Submitted on: 4/1/2019 5:26:12 PM

Testimony for CPH on 4/2/2019 10:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Kenneth Ho, Jr.	Testifying for God's Country Waimanalo	Oppose	No

Comments:

LATE

HB-1133-SD-1

Submitted on: 4/1/2019 7:24:21 PM
Testimony for CPH on 4/2/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kevin Chang	Testifying for Kua'aina Ulu 'Auamo	Oppose	No

Comments:

HB-1133-SD-1

Submitted on: 4/1/2019 3:59:14 PM

Testimony for CPH on 4/2/2019 10:30:00 AM

LATE

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

Comments:

HB-1133-SD-1

Submitted on: 4/1/2019 4:05:41 PM

Testimony for CPH on 4/2/2019 10:30:00 AM

LATE

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 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