

DAVID Y. IGE
GOVERNOR OF HAWAII



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

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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
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Testimony of
SUZANNE D. CASE
Chairperson

Before the House Committee on
WATER, LAND, AND HAWAIIAN AFFAIRS

Wednesday, February 13, 2019
11:15 AM
State Capitol, Conference Room 325

In consideration of
HOUSE BILL 1460
RELATING TO THE STATEWIDE BOATING PROGRAM

House Bill 1460 proposes to redefine “state boating facility” to include a day-use mooring buoy system; and to specify that the boating special fund can be used to pay for the costs of any state boating facility. **The Department of Land and Natural Resources (Department) appreciates the intent of this measure, and offers comments recommendations.**

In 1995, the Department created Chapter 13-257, Hawaii Administrative Rules (HAR), to implement the State Day-use Mooring Buoy Program under the Division of Boating and Ocean Recreation (DOBOR). However, the Department has not been able to fully develop a day-use mooring buoy program because of a lack of funding. Although this measure would provide the Department with authorization to use the boating special fund for day-use mooring buoy purposes, Section 103-7, Hawaii Revised Statutes (HRS), provides that approvals from the Legislature and the Governor are required to fund any capital improvement project (CIP). The Department would therefore require CIP funding from the Legislature for installation of new day-use mooring buoys.

This measure would allow DOBOR to use the boating special fund to pay for costs of removing obsolete or unsanctioned day-use mooring buoys as well as replacing existing day-use mooring buoys. However, the boating special fund does not have the capacity to fund startup costs. Maintenance of the State’s small boat harbors, offshore moorings, boat launch ramps, and piers, wharves, and docks take priority. The boating special fund is intended to pay for operating costs of the statewide boating program, primarily employee salaries and facility repairs and maintenance.

A developed State day-use mooring buoy program would have the potential to provide convenient and natural resource conscious mooring options for boaters who operate in state ocean waters. In the past, because of the lack of funding, nongovernmental organizations, namely the Malama Kai Foundation, and private individuals have devoted their own time and resources to install and maintain day-use mooring buoys for the State day-use mooring buoy program.

The Department notes that the only location in HRS where the term “day-use mooring buoy” is referenced is in Chapter 188F, HRS. Chapter 188F, HRS, states that the Department is only required to establish a day-use mooring buoy system “along the coastline of the West Hawaii regional fishery management area.” There is no language in HRS providing implementation, definitions, or operational details of the day-use mooring buoy program.

Furthermore, based on existing statutory language in Chapter 188F, HRS, despite having implemented Chapter 13-257, HAR, the Department would not be required to establish a day-use mooring buoy system in any locations around the State other than the West Hawaii regional fishery management area. Thus, the Department recommends that in addition to the existing language in HB1460, the Legislature implement the State Day-Use Mooring Buoy program and give the Department the authority to implement administrative rules for the program, which would provide stronger statutory authorization for Chapter 13-257, HAR.

Chapter 188F, HRS, is one of the statutory chapters applicable to the Department’s Division of Aquatic Resources. However, the day-use mooring buoy program is better suited under DOBOR because it concerns vessel operation and mooring regulations. Therefore, any day-use mooring buoy provisions should be included in Chapter 200, HRS, which is the statutory chapter pertaining to DOBOR.

The Department estimates that it would require about one million dollars in startup costs to install or replace day-use mooring buoys statewide. Because of these costs, DOBOR has limited the scope of implementing the day-use mooring buoy program and is developing a pilot program in the form of regulations and day-use mooring buoy installations or replacements for the manta ray viewing sites in West Hawai‘i. The Department intends to use this pilot program to evaluate not only the day-use mooring buoy system itself but also the effectiveness of day-use mooring buoy-related vessel operation restrictions.

The Department recommends that any initiative to develop the day-use mooring buoy program statewide include an appropriation and/or CIP funding for the startup costs of the program. After the initial startup of the program, DOBOR intends to charge day-use mooring buoy user fees at amounts that would ensure a self-sustaining program, avoiding the need for additional Legislative funding.

To reiterate, the Department’s recommendations for this measure are as follows:

1. Clearly implement the day-use mooring buoy program in Chapter 200, HRS, including clarifying the necessary details for the day-use mooring buoy program;
2. Provide an appropriation for the costs of removing obsolete or unsanctioned day-use mooring buoys and for replacing day-use mooring buoys .

Additionally, the Department recommends that the Legislature provide CIP funding for new installations of day-use mooring buoys .

Thank you for the opportunity to comment on this measure.

HB-1460

Submitted on: 2/11/2019 10:06:00 PM

Testimony for WLH on 2/13/2019 11:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Denver Saxton Coon	Trilogy Corporation	Support	No

Comments:

HB1460 is an important step in providing DLNR-DOBOR with the ability to fund the day-use mooring program in the State. This program is vital to providing commercial and recreational vessels with safe and environmentally friendly moorings. Please pass HB1460.



COMMITTEE ON WATER, LAND, & HAWAIIAN AFFAIRS

Rep. Ryan I. Yamane, Chair

Rep. Chris Todd, Vice Chair

Rep. Sharon E. Har

Rep. Tina Wildberger

Rep. Nicole E. Lowen

Rep. Cynthia Thielen

Rep. David A. Tarnas

AMENDED NOTICE OF HEARING

DATE: Wednesday, February 13, 2019

TIME: 11:15am

PLACE: Conference Room 325

TESTIMONY OF THE OCEAN TOURISM COALITION IN STRONG SUPPORT OF HB1460 RELATING TO THE STATEWIDE BOATING PROGRAM

Chair Yamane, Vice Chair Todd and Members of the WLH Committee:

My name is Jim Coon and I am the President of the Ocean Tourism Coalition (OTC) representing the interests over 300 charter boats operating out of DLNR/DOBOR Harbors across the State.

OTC is in STRONG SUPPORT of HB 1460. This language would allow the Boating Special Fund to be used in support of the State Wide Day Use Mooring Program. This program was started nearly 30 years ago but has never had the support of the Boating Division because Boating Special Funds could not be used. With this bill in place, DOBOR can work with the Commercial Operators to collect moneys specifically for the Day Use Mooring Program which will be utilized to install additional Day Use Moorings as well as maintain the existing ones.

Day Use Moorings are one of the most effective methods to eliminate accidental Coral damage due to vessel anchoring. It is OTC's goal to see Day Use Moorings established in every area utilized by vessels for access to snorkel dive sites across the State. HB 1460 provides the mechanism for the Boaters to fund this worthy project through DOBOR with no additional money from the State coffers.

Please pass HB 1460. It will be a big win for protecting our Coral Reefs.

Sincerely,

James E. Coon, President OTC

HB-1460

Submitted on: 2/12/2019 8:10:13 AM

Testimony for WLH on 2/13/2019 11:15:00 AM

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

Comments:

COMMITTEE ON WATER, LAND, & HAWAIIAN AFFAIRS

Rep. Ryan I. Yamane, Chair

Rep. Chris Todd, Vice Chair

Rep. Sharon E. Har Rep. Tina Wildberger
Rep. Nicole E. Lowen Rep. Cynthia Thielen
Rep. David A. Tarnas

NOTICE OF HEARING

DATE: Wednesday, February 13, 2019
TIME: 11:15am
PLACE: Conference Room 325
 State Capitol
 415 South Beretania Street

TESTIMONY BY CALYPSO CHARTERS IN SUPPORT TO HB1460 RELATING TO DAY-USE MOORING FUNDING:

Chair Yamane, Vice Chair Todd, and Members of the Committee on Water, Land and Hawaiian Affairs:

Calypso Charters and its affiliates employ close to 100 people in Maui's charter boat industry. We support HB1460.

Currently, DBOR has no mechanism for funding the day-use mooring program, except maybe the public procurement process. Charter boats are taxed 3% of their gross proceeds and the money goes to the Boating Special Fund. This bill will allow Boating Special Fund to be used on infrastructure and improvements in the day-use mooring program.

We support this bill to the extent it allows DBOR to use funds on an organized, well-maintained day-use mooring program. The program should have sufficient access and moorings for all those that contribute to the Boating Special Fund.

Sincerely,
Zachary LaPrade
Calypso Charters

HB-1460

Submitted on: 2/12/2019 11:13:06 AM

Testimony for WLH on 2/13/2019 11:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Hannah Bernard	Hawai'i Wildlife Fund	Support	No

Comments:

Tuesday, February 12 2019

Re: Support for HB1460

House Committee on Water, Land and Hawaiian Affairs

Aloha Chairman Yamane and Vice Chair Todd, and members of the Committee,

Thank you for the opportunity to testify on and recommend that you **approve** HB1460 establishing a special fund for Molokini that adds in support for the Day Use Mooring Program.

We have submitted previous testimony on our involvement in the establishment of a sustainable conservation finance program in the early 2000's and the administration of a "Willingness to Pay Survey". While the respondents surveyed did not believe that this fund should be administered by a government entity, having a local NGO manage it is difficult since it must be established as a voluntary fund. We did administer such a program, "The Maui Reef Fund", to support the Day Use Mooring Program in Maui County waters. However, because this was a voluntary program, only the most conscientious leaders in the industry participated, and the other companies benefitted from the work and financial support of these leaders and the conservation community, with very little, if any, investment of their own. This new addition to the legislation seems like a good vehicle to establish a fund that is earmarked for the most important needs in the boating industry in terms of conservation of corals (Day Use Mooring Program support), and other support, and is given the force of legal mandate.

We understand that the agency is working with a consortium of tour boat companies to establish a management scheme for Molokini in particular, but support for the Day Use Mooring Program is crucial for the health of the entire state's coral reef ecosystems, and the boating community wants it supported. We support this bill.

Mahalo for your consideration

Hannah

Hannah Bernard

Executive Director
Hawai'i Wildlife Fund

P.O. Box 790637 Paia, HI 96779

HB-1460

Submitted on: 2/12/2019 1:06:20 PM

Testimony for WLH on 2/13/2019 11:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Maria Taylor	Kai Kanani Sailing	Support	No

Comments:

HB-1460

Submitted on: 2/12/2019 10:00:52 AM

Testimony for WLH on 2/13/2019 11:15:00 AM

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

Comments:

Malolo Charters and its affiliates employ close to 100 people in Maui's charter boat industry. We support HB1460.

Currently, DBOR has no mechanism for funding the day-use mooring program, except maybe the public procurement process. Charter boats are taxed 3% of their gross proceeds and the money goes to the Boating Special Fund. This bill will allow the Boating Special Fund to be used on infrastructure and improvements in the day-use mooring program.

We support this bill to the extent it allows DBOR to use funds on an organized, well-maintained day-use mooring program. The program should have sufficient access and moorings for all those that contribute to the Boating Special Fund.

HB-1460

Submitted on: 2/12/2019 11:56:02 AM

Testimony for WLH on 2/13/2019 11:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kristie Wrigglesworth	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 strong support of HB1460.

A comprehensive Day-use Mooring program is essential to management of boating activity and conservation of coral.

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.

Malama Kai Foundation is currently maintaining all of the existing moorings around Maui. There are numerous benefits of this. Most importantly, Malama Kai is made up of local operators that have a very good understanding of our current moorings. In addition, costs stay relatively low, and repairs have been pretty timely.

Current moorings have been maintained and repaired at no cost to the state, but there needs to be continuous day-use mooring planning and new moorings approved. Day-use moorings have not been approved in numerous years, which is likely leading to coral damage from anchors. DOBOR needs to have the ability to review, plan and approve new moorings, which are essential to protecting our marine resources.

This bill is absolutely crucial to the protection and conservation of coral. Please pass this bill so that DLNR will have the funds needed to effectively manage boating activities and protect our marine resources.

Thank you for your time and consideration of this testimony in strong support of HB1460.

HB-1460

Submitted on: 2/12/2019 11:59:55 AM

Testimony for WLH on 2/13/2019 11:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Scott Turner	Maui-Molokai Sea Cruises	Support	No

Comments:

Aloha,

Funding the installation and maintenance of day use moorings throughout the State, is of utmost importance to the preservation of the coral reef. We support this bill in the interest of hopefully freeing up more funds for th is crucial need along all of our coral reefs, through the Hawaiian Islands.

Mahalo,

Scott gturner

CEO

Maui-Molokai Sea Cruises

HB-1460

Submitted on: 2/12/2019 7:58:23 AM

Testimony for WLH on 2/13/2019 11:15:00 AM

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

Comments:

HB-1460

Submitted on: 2/11/2019 1:11:25 PM

Testimony for WLH on 2/13/2019 11:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeff Milisen	Individual	Support	No

Comments:

It is the responsibility of the government to provide necessary services that are not profitable for private industries to endure. Hawaii's day mooring system was built by individuals who were concerned that repeated anchoring would harm the state's precious underwater resources. They were created mostly out of donations of money, materials, and manual labor. Those individuals are approaching retirement at a time when more and more tour companies are coming into operation. We need those moorings now more than ever. The state's DLNR has an opportunity to do right by the community by preserving a network of safe and environmentally friendly moorings for its ocean users. As such, I support this bill. Thank you.

HB-1460

Submitted on: 2/12/2019 8:12:50 AM

Testimony for WLH on 2/13/2019 11:15:00 AM

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

Comments:

HB-1460

Submitted on: 2/12/2019 11:43:26 AM

Testimony for WLH on 2/13/2019 11:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Debra Merrill	Individual	Support	No

Comments:

HB-1460

Submitted on: 2/12/2019 11:56:35 AM

Testimony for WLH on 2/13/2019 11:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kelly V Vough	Individual	Support	No

Comments:

I strongly support this bill.

HB-1460

Submitted on: 2/12/2019 11:53:03 AM

Testimony for WLH on 2/13/2019 11:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Stephanie Currie	Individual	Support	No

Comments:

I strongly support this bill as day-use moorings are essential for protecting coral and our marine resources.

HB-1460

Submitted on: 2/12/2019 12:03:08 PM

Testimony for WLH on 2/13/2019 11:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Robyn Ehrlich	Individual	Support	No

Comments:

HB-1460

Submitted on: 2/12/2019 12:29:12 PM

Testimony for WLH on 2/13/2019 11:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
John Gaskins	Individual	Support	No

Comments:

It is crucial that more day use moorings be created along the shoreline as we look to reduce capacity at Molokini. The key is to have state run moorings that allow snorkel activity along the shorelines so that pirate moorings are not created where there may be environmental concerns.

HB-1460

Submitted on: 2/12/2019 12:32:40 PM

Testimony for WLH on 2/13/2019 11:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
rebecca lewis	Individual	Support	No

Comments:

HB-1460

Submitted on: 2/12/2019 12:36:11 PM

Testimony for WLH on 2/13/2019 11:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Blake Moore	Individual	Support	No

Comments:

This is a VERY important funding component for the state of Hawaii. Without operational moorings along near-shore environments, vessels are forced to anchor in narrow sand channels among pristine coral reefs. This makes the reef systems vulnerable to damage through dragging of anchors, misplaced anchors and creates a more ambiguous spacing system increasing the potential for safety concerns on the water.

As an ocean user, I strongly support this bill.

HB-1460

Submitted on: 2/12/2019 1:06:28 PM

Testimony for WLH on 2/13/2019 11:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kelly McHugh	Individual	Support	No

Comments:

HB-1460

Submitted on: 2/12/2019 1:09:10 PM

Testimony for WLH on 2/13/2019 11:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Anthony DelleFave	Individual	Support	No

Comments:

Drawing from the fund that is already in place to help support the day use mooring program makes sense. It will allow all boaters to use a system that provides personal and environmental safety.



February 12, 2019

Committee On Water, Land, & Hawaiian Affairs
Rep. Ryan I Yamane, Chair
Rep. Chris Todd, Vice Chair,

Date: Wednesday, February 13, 2019
Time: 11:15 am
Place: Conference Room 325

Testimony In Strong Support Of HB1460

Chair Yamane, Vice Chair Todd and Members of The WLH Committee:

My name is Melynda Dant, Executive Vice President of Fair Wind Cruises and Kona Sunrise Charters, family owned and operated snorkel businesses since 1971 in Keauhou Kona, Hawaii.

I am in strong support for the Boating Fund to be used to repair, maintain and install day-use-moorings for commercial and recreational vessels to have available for use in order to eliminate possible coral damage at dive and snorkel sites.

This bill allows Boaters to fund this worthy project through DOBOR with no additional money from the state coffers.

Please Pass HB1460.

Sincerely,

Melynda Dant
Exec. Vice President
Fair Wind Cruises
Kona Sunrise Charters

LATE

HB-1460

Submitted on: 2/12/2019 8:23:18 PM

Testimony for WLH on 2/13/2019 11:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carolyn Stewart	Malama Kai Foundation	Support	No

Comments:

As President of Malama Kai Foundation, I strongly support HB 1460. I strongly believe that the statewide day-use mooring buoy system constitutes a public boating facility, for which boating special fund monies should be expended.

Malama Kai Foundation, a Hawaii-based non-profit organization, has been responsible for the installation and maintenance of the State's day use mooring buoy system of over 200 public buoys since 1991. Day use mooring buoys are the most effective means to prevent anchor damage to coral reefs. We have raised monies to support this effort through grants and private donations, with a relatively small amount of funding from the State since 1991. More buoys are needed in high use areas where boats continue to drop anchor, but we as a non-profit don't have the resources, capacity or even the mandate to do this alone.

In order for DLNR's Division of Boating and Ocean Recreation (DOBOR) to take more responsibility for the installation and maintenance of these public day-use mooring buoys, it is imperative that they be designated a state boating facility for which special funds can be used.

Please pass HB 1460. Mahalo.

LATE

HB-1460

Submitted on: 2/13/2019 9:23:02 AM

Testimony for WLH on 2/13/2019 11:15:00 AM

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

Comments: