

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 House Committee on  
WATER, LAND, & HAWAIIAN AFFAIRS

Friday, January 25, 2019  
10:35 AM  
State Capitol, Conference Room 423

In consideration of  
HOUSE BILL 447  
RELATING TO AQUATIC RESOURCES

House Bill 447 proposes to establish the Molokini special fund and to authorize the Department of Land and Natural Resources (Department) to require commercial operators who conduct activities within the Molokini shoal to charge a user fee for each customer, and appropriates funds. **The Department supports this bill, subject to the following comments and suggestions, and provided that its passage does not replace or adversely impact priorities indicated in the Executive Budget request.**

The Molokini Shoal Marine Life Conservation District (MLCD), established in 1977, attracts approximately 350,000 visitors each year. Due to its offshore location, it is only accessible by vessel. The Division of Aquatic Resources (DAR) manages commercial activities within the Molokini Shoal MLCD through the issuance of 40 Molokini Shoal MLCD Commercial Activity Permits. The permit fee is \$50, and permits are valid for 2 years.

The proposed measure would provide a much-needed sustainable source of funding to the Department for inspection, maintenance, and construction of mooring infrastructure, monitoring the health of marine resources, and marine enforcement. The Department suggests rewording the language of SECTION 3, paragraph (2), to read:

“The sum of \$310,000 for five full-time equivalent (5.0 FTE) positions to monitor [~~commercial activities~~] the health of marine resources, including within the Molokini shoal.”

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

ROBERT K. MASUDA  
FIRST DEPUTY

DEAN D. UYENO  
ACTING 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

Other jurisdictions such as Australia and Palau have successfully implemented marine protected area user fees to generate revenues for marine resource conservation and enforcement. Establishing this Molokini user fee system, which passes the costs of managing our marine resources to the people directly benefiting from them, can serve as a pilot project to pave the way for more effective marine resource management.

Thank you for the opportunity to comment on this measure.

DAVID Y. IGE  
GOVERNOR



RODERICK K. BECKER  
DIRECTOR

ROBERT YU  
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM  
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND  
OFFICE OF THE PUBLIC DEFENDER

**STATE OF HAWAII  
DEPARTMENT OF BUDGET AND FINANCE**

P.O. BOX 150  
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE  
BUDGET, PROGRAM PLANNING AND  
MANAGEMENT DIVISION  
FINANCIAL ADMINISTRATION DIVISION  
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

**WRITTEN ONLY**  
TESTIMONY BY RODERICK K. BECKER  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
TO THE HOUSE COMMITTEE ON WATER, LAND, AND HAWAIIAN AFFAIRS  
ON  
HOUSE BILL NO. 447

**January 25, 2019  
10:35 a.m.  
Room 423**

RELATING TO AQUATIC RESOURCES

House Bill (H.B.) No. 447 establishes the Molokini Special Fund; appropriates \$1,360,000 in general funds in FY 20 and FY 21 for deposit into the special fund; and appropriates \$1,360,000 from the special fund in FY 20 and FY 21 for positions for marine enforcement and monitoring of the Molokini Shoal and related equipment, and for the inspection, maintenance, and construction of moorings within the Molokini Shoal and along leeward Maui. The bill authorizes commercial operators who conduct dive tours, charters, or other activities within the Molokini Shoal to charge a user fee for deposit into the special fund. The Molokini Special Fund would generate revenues through legislative appropriations, user fees, and penalties/fines. The Department of Land and Natural Resources will administer and expend moneys from the special fund.

While the Department of Budget and Finance takes no position on the oversight of Molokini Shoal, as a matter of general policy, the department does not support the creation of any special fund which does not meet the requirements of Section 37-52.3, HRS. Special funds should: 1) serve a need as demonstrated by the purpose, scope of work and an explanation why the program cannot be implemented successfully under

the general fund appropriation process; 2) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries or a clear link between the program and the sources of revenue; 3) provide an appropriate means of financing for the program or activity; and 4) demonstrate the capacity to be financially self-sustaining. In regards to H.B. No. 447, it is difficult to determine whether the proposed special fund would be self-sustaining due to the uncertainty of revenue generated from the new user fees.

Thank you for your consideration of our comments.

**HB-447**

Submitted on: 1/24/2019 7:11:00 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| Submitted By          | Organization            | Testifier Position | Present at Hearing |
|-----------------------|-------------------------|--------------------|--------------------|
| Kristie Wrigglesworth | PacWhale Eco-Adventures | Oppose             | Yes                |

Comments:

Thank you for your time and consideration of this testimony. I represent commercial operators in Molokini crater.

Molokini Commercial Permit holders already pay substantial taxes and fees, including user fees, 3% gross receipts and 4% GET.

The operators as a group already have a system in place to maintain all of the existing day-use moorings, including the moorings at Molokini. A long-term, comprehensive day-use mooring plan is needed in Maui and that is not addressed in this bill. The increase in user fees will displace vessels from Molokini and will put companies out of business. Some companies will not be able to charge the new fee to their customers and stay competitive. There are not adequate day-use moorings elsewhere to address the impacts of these changes. The bill states that new moorings are allowed that are 'directly related to the support of commercial operators conducting activities within Molokini shoal.' Does this mean that only Molokini users can use the new moorings installed? This requirement as written is ambiguous and will be impossible to administer and enforce.

Numerous days a year, commercial vessels are not able to access Molokini Crater because of weather conditions. In these cases, the customer is given a partial refund or a full refund, it would be impossible to refund each guest his or her user fee. The administrative burden this bill will cause will create substantial harm to operators.

A special fund is not the proper solution given the circumstances. There are other important needs of the state and Maui specifically. DAR should be required to submit a budget like other agencies must do and get funded for appropriate reasons. This special fund will create a significant hardship on commercial operators and it will be very difficult to have proper oversight.

The proposed budget of \$1,360,000 is unreasonable and unnecessary.

\$350,000 for three full-time enforcement officers plus a boat and equipment is unnecessary, DOCARE already gets funding from the DOBOR Special Fund, which is funded largely by the Commercial Boating Fee of 3% of gross revenue.

\$310,000 for five full-time positions to monitor commercial activities within Molokini Crater. Molokini crater is only accessible for a few hours in the mornings when weather allows. All vessels are out of the crater normally by 11:00 a.m. every day. Operators already provide trips times and passenger numbers to DAR for every trip and every passenger going to Molokini signs a waiver. There are only 24 moorings within the crater and 41 commercial permits. Five employees to monitor use of the crater for a few hours a day is not necessary.

\$300,000 to inspect and maintain even the current number of moorings at Molokini is overpriced and excessive. Operators already have a system in place to make approved repairs and to maintain existing moorings in the crater at no cost to the State.

\$400,000 to install new day-use moorings along leeward Maui. I strongly support additional day-use moorings, there is a real need for more day-use moorings in certain areas in order to protect our marine resources and for safety reasons. However, this bill does not address this issue. The bill is limited to what directly relates to Molokini and does not address the real need for a long-term, comprehensive day-use mooring program for Maui County.

Thank you for your time and consideration of this testimony.

Kristie Wrigglesworth, President of PacWhale Eco-Adventures

**HB-447**

Submitted on: 1/23/2019 8:48:35 PM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b>      | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|--------------------------|---------------------------|---------------------------|
| Kandice Johns       | Pacific Whale Foundation | Oppose                    | No                        |

Comments:

There needs to be a more comprehensive plan to better understand the implications for all users and the potential environment impacts both long and short term.

**HB-447**

Submitted on: 1/24/2019 7:53:52 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Joyce Tuepker       | PWF                 | Oppose                    | No                        |

Comments:



**HB-447**

Submitted on: 1/24/2019 6:37:56 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b>      | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|--------------------------|---------------------------|---------------------------|
| Arlene              | Pacific Whale Foundation | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 1:29:16 PM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b>      | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|--------------------------|---------------------------|---------------------------|
| Pamela Absher       | Pacific Whale Foundation | Oppose                    | No                        |

Comments:

Please consider PWF's suggestions re: long-term, comprehensive day-use mooring program.

Mahalo, Pamela

**HB-447**

Submitted on: 1/24/2019 8:35:30 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b>                  | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|--------------------------------------|---------------------------|---------------------------|
| Carolyn Elkins      | Non profit - PacificWhale Foundation | Oppose                    | No                        |

Comments:

Opposed

**HB-447**

Submitted on: 1/24/2019 6:17:16 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b>      | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|--------------------------|---------------------------|---------------------------|
| Janice Seidner      | Pacific Whale Foundation | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 6:22:24 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b>      | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|--------------------------|---------------------------|---------------------------|
| Robyn Ehrlich       | Pacific Whale Foundation | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 1:12:48 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b>      | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|--------------------------|---------------------------|---------------------------|
| MICHAEL JOHNSTON    | PACIFIC WHALE FOUNDATION | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/23/2019 10:22:22 PM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b>      | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|--------------------------|---------------------------|---------------------------|
| Tamara Gruenes      | Pacific Whale Foundation | Oppose                    | No                        |

Comments:



January 24, 2019

House Committee on Water and Land  
Chair and Members of the Committee  
Friday, January 25, 2019

**SUBJECT: OPPOSITION TO HB447**

Aloha Chair and members of the Committee,

Thank you for the opportunity to testify on and recommend that you not approve HB447 establishing a special fund for Molokini.

In the early 2000's, Hawai'i Wildlife Fund worked in collaboration with a consortium of other nonprofit conservation organizations to administer a "Willingness to Pay Survey" to passengers onboard tour vessels to Molokini and Honolua Bay, Maui. While the survey participants were significantly supportive of an additional fee for conservation of marine resources to their ticket price, they were not supportive of the government's management of this fund, and in fact suggested that a local nonprofit manage it instead. Former DLNR Board Chair, Peter Young, also concurred that DLNR should not be the entity that managed such a fund in a public meeting on Maui.

We understand that the agency is working with a consortium of tour boat companies to establish a future usage scheme at Molokini and that this bill is premature.

Mahalo for your consideration  
Hannah  
Hannah Bernard  
Executive Director  
Hawai'i Wildlife Fund



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:      Friday, January 25, 2019

TIME:      10:35am

PLACE:      Conference Room 423

**TESTIMONY BY CALYPSO CHARTERS IN STRONG OPPOSITION HB447 RELATING TO AQUATIC RESOURCES (MOLOKINI MLCD)**

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

We oppose this bill and are in strong support of the Ocean Tourism Coalition.

In a small business, I work 70 hours a week, but running a small business is really a 24/7 job and I feel like the state tries to make it harder, not easier, at every turn.

It's so frustrating to hear about a special fund just for our business. Also, so the committee is aware, DAR also wants to restrict our entry into Molokini. Even though we only go for about 1.5 hour a day, about 300 days a year or less. There are 41 permit holders and only 26 moorings, not to mention the natural time limits on Molokini, which force everybody to leave by 11:00. The reef is healthy, and DAR is hanging its hat on one fish that moves briefly from the inside of the crater to the peripheral for a couple hours. The fish population isn't dropping or being over fished, and the reef is healthy. DAR also has a customer satisfaction survey that concludes that (1) 95% of visitors are highly satisfied with the experience in Molokini, and that (2) guests are more educated about safe reef practices. **THAT IS IT.** These are the studies DAR wants to use to crush our business.

Now, regarding the Special Fund:

DLNR/DOBOR and the State is currently receiving almost \$3,000,000 in direct taxes on this resource from the industry, not to mention the caterers, third parties, etc. that are involved with the business. We pay State 4.1666% GET, combined with the DLNR 3%, a user fee would increase our state taxes to 12%. Here are few other of our expenses:

- We pay Liquor Commission % of Gross Sales for Alcohol and for bar cards for our crew;
- We pay the DOH for food permits and required handler's license;
- We pay the USCG costs for documentation, licensing, drug testing, CPR training, inspection and the like;
- We pay for Health Insurance;
- We pay for Workers Comp/P&I insurance;
- We pay Property taxes;
- Not to mention landlords, payroll, tort exposure, and the list goes on and on. It's exhausting at times.

This bill, another "special fund" just for us, is a very hard pill to swallow.

Also, a user user fee is also not feasible. On many occasions Molokini Crater is inaccessible due to strong North winds. It would be a nightmare to try to refund each guest his/her head tax if the vessel were not able to access the Crater. Also there are days when the visit to the Crater is cut short because of wind and sea conditions.

DAR can submit a budget like other agencies must do and get funded for appropriate reasons. Special funds have a recent history of misuse and poor oversight. The submittal of a budget through the General Fund will ensure greater accountability and appropriate use of the substantial funds the department is seeking.

Sincerely,

Zachary LaPrade



Activities & Attractions Association of Hawaii  
PO Box 598, Makawao, Hawaii 96768  
(808)871-7947 Main (808)877-3104 Fax

**Testimony to the House Committees on Water, Land, Agriculture and Hawaiian Affairs  
Friday, February 24, 2019, 10:35am  
Conference Room 425**

**RE: House Bill 447 RELATING TO AQUATIC RESOURCES**

Chair Yamane, Vice Chair Todd and members of the joint committee;

Mahalo for this opportunity to testify, my name is Toni Marie Davis. For the last 20 years it has been my honor to serve the activity & attraction industry of Hawaii through my position as the Executive Director of the Activities & Attractions Association of Hawaii. **A3H strongly opposes HB447.**

***I urge you Defer this Bill.*** This Bills although, it sounds well intended, due to the establishing of a "Special Molokini Fund". For years the commercial boating industry has been fighting an ongoing money grab from DLNR. Like their Department (DLNR), DOBOR is not fiscally responsible, costs to conduct tasks are with extreme expense to our government, e.g. DBOR's \$750K CIP request for fendering at Wailoa Small boat harbor. Another line item is \$500K for enforcement officers  
([https://www.capitol.hawaii.gov/CommitteeFiles/HOUSE/FIN/FINfiles/LNR\\_2018.PDF](https://www.capitol.hawaii.gov/CommitteeFiles/HOUSE/FIN/FINfiles/LNR_2018.PDF)).

If Private and Public worked together these repairs and maintenance would be far less expensive and done properly.

Molokini does not need more government – we need the current governing body to work with their customers instead of trying to squeeze them for more money. Operators are willing to work together, they already maintain and install day use moorings by funding not for profits like Malama Kai. They are more than willing to share in costs and maintenance.

On last point, no thought has been put into the implementation of the collection. Molokini is weather dependent. If the vessel doesn't visit Molokini, then the guests are refunded. This fails the common-sense test.

Mahalo for the opportunity to submit testimony. If you have any questions, please contact me at (808)871-7947 or 1-800-398-9698.

*Toni Marie Davis*  
Toni Marie Davis/Executive Director  
Activities & Attractions Association of Hawaii

**HB-447**

Submitted on: 1/23/2019 8:49:39 PM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Grace L Olson       | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 12:55:35 PM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Emile Suehiro       | Navatek LLC         | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 7:13:26 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b>    | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|------------------------|---------------------------|---------------------------|
| KATHY LOUI-YASUI    | YUKI GUTSU<br>SEAFOODS | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 7:30:02 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Brian Kays          | Pacific Marine      | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 7:44:24 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b>   | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|-----------------------|---------------------------|---------------------------|
| Brennan Henders     | Maui Classic Charters | Oppose                    | No                        |

Comments:



**HB-447**

Submitted on: 1/24/2019 7:50:23 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Huntrer             | Navatek Ltd.        | Oppose                    | No                        |

Comments:

Economic Policies such as these have been shown to decrease private success, which leads to a decrease in overall Hawaiian wealth.

**HB-447**

Submitted on: 1/24/2019 7:51:49 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b>       | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------------|---------------------------|---------------------------|
| Jeff Strahn         | Alii Nui Sailing Charters | Oppose                    | No                        |

Comments:

Aloha,

We are strongly opposed to user fees at Molokini Crater. We are already paying 3% of our gross sales to the DLNR. Enough already.

Jeff Strahn

General Manager

**HB-447**

Submitted on: 1/24/2019 7:52:37 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Michael Yasui       | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 7:55:05 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Zensho Heshiki      | Navatek             | Oppose                    | No                        |

Comments:

**Testimony of Denver Saxton Coon on behalf of Trilogy Corporation, in Strong Opposition of HB 447, relating to aquatic resources (Molokini MLCD).**

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:        Friday, January 25, 2019  
TIME:        10:35am  
PLACE:      Conference Room 423  
                 State Capitol  
                 415 South Beretania Street

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*Chair Yamane, Vice Chair Todd and members of the WLH Committee:*

Aloha. My name is Denver Coon. I am general counsel for Trilogy Corporation dba Trilogy Excursions on the island of Maui. Trilogy Excursions has been operating for over 45 years and conducts commercial activity in the Molokini Shoal marine life conservation district (MLCD). I am testifying in **Strong Opposition to HB 447** for the following reasons:

**1. Special Funds Do Not Provide Adequate Oversight and Transparency**

Special funds have a recent history of misuse and poor oversight.<sup>1</sup> The submittal of a budget through the General Fund will ensure greater accountability and appropriate use of the substantial funds the department is seeking.

**2. The Proposed Budget is Unreasonable and Unnecessary**

The \$1,360,000 budget is unreasonably inflated at every level:

- \$350,000 for three full time enforcement officers plus a boat and equipment – DOCARE already gets funding from the DOBOR Special Fund which is funded largely by the Commercial Boating Fee of 3% of the Gross Revenue.
- \$310,000 for five full time positions to monitor commercial activities within Molokini Crater - For decades the Molokini MLCD has operated without such level of monitoring, and yet I can say confidently that the permitted commercial operators have produced few violations. In addition, the typical conditions at Molokini MLCD force both recreational and commercial users out of the area by midday. Accordingly, it is unclear how the department has reached its conclusion that it requires five full time positions.

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<sup>1</sup> See “Hawaii Department of Land and Natural Resources funds mishandled, audit finds” available at, <https://www.staradvertiser.com/2019/01/08/hawaii-news/dlnr-funds-mishandled-audit-finds/>

- \$300,000 each year to “inspect and maintain” less than fifty moorings – The commercial operators have maintained and repaired the moorings at their own expense and without help from the state at a fraction of the price suggested by the department. While I would not be opposed to support from the department in maintaining and repairing the moorings, it is unclear why this would require such large sums.

- \$400,000 to install new day use moorings along leeward Maui – Additional day use moorings along the coast of Maui would be greatly welcomed. However, like the other items in this budget, the amount being requested is far beyond what is necessary. Even if the department were to install 10 new moorings, this would be \$40,000 per mooring. Accordingly, unless the department plans to install 40 moorings, it is hard to justify the price tag.

### **3. The Molokini User Fee is Unduly Burdensome**

The commercial operators of Molokini MLCD already contribute close to \$3 million per year to the state in taxes and commercial user fees. This is a substantial sum that should not be overlooked. A Molokini user fee will result in the Molokini commercial operators paying far beyond what many other businesses contribute to the state. For example, let’s suppose the user fee was set at \$5. While this does not seem like much, consider that the average tour to Molokini MLCD is around \$100. In other words, \$5 would represent 5% of the ticket price. Now consider that the commercial operators currently pay 3% of their gross revenues and 4.17% in general excise tax. As a result, the commercial operators at Molokini would be paying over 12% of their revenues in fees and taxes. It is hard to find examples of other small businesses in the state that would be burdened so greatly.

In addition, the proposed system of requiring the operators to charge the consumer and then withhold \$1.00 per person is impractical. First, commercial operators cannot charge the Molokini user fee as a separate item in the ticket price. There are numerous days during the year where Molokini is not accessible and operators are forced to conduct their tours elsewhere along the coast. Accordingly, operators would be forced to refund this user fee on every ticket when customers are unable to visit Molokini (this would be an accounting nightmare). As a result, the fee will need to be included as part of the ticket price. However, commercial operators pay 3% of their gross receipts. In other words, DLNR will not only be collecting more from the new user fee, but will also be collecting more from the current user fee. While the withholding of the \$1.00 appears to be a bone for the commercial operators, it is actually less than a dollar after everything is said and done, and will likely cost far more in accounting expenses than the cents are worth.

The Molokini Shoals MLCD is vital to the success of numerous small businesses on Maui. While there are many ways to improve and protect this important eco system, an over inflated special fund with monies generated from a burdensome user fee is not one of them. Please do not pass HB 447.

*Mahalo,*

Denver S. Coon  
Trilogy Corporation  
General Counsel  
[denver.coon@sailtrilogy.com](mailto:denver.coon@sailtrilogy.com)

**HB-447**

Submitted on: 1/24/2019 8:44:55 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Michelle Estling    | Scuba Shack Maui    | Oppose                    | No                        |

Comments:

Running a small business in Hawaii is becoming more and more difficult each year. Rules, regulations, additional permitting, higher fees for permits, increased documentation- all of this is driving up the cost of doing business. A new user fee will discourage guests to book dives as the price of everything in Hawaii is so expensive they will need to cut back on activities. Our business supports 8 people and we depend solely on tourists booking dives. Please vote "NO"!

**HB-447**

Submitted on: 1/24/2019 8:49:22 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Greg Howeth         | Lahaina Divers Inc. | Oppose                    | No                        |

Comments:

Lahaina Divers strongly opposes any special funds. The most recent State Auditors report was once again was very critical of DLNR special funds. The people of Hawaii elect our congress people to be custodians of our tax dollers and special funds circumvent that process.



**HB-447**

Submitted on: 1/24/2019 8:59:03 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b>  | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|----------------------|---------------------------|---------------------------|
| Ariel Ferrer        | Maui Reef Adventures | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 9:01:58 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Chris Kasper        | Malolo Charters     | Oppose                    | No                        |

Comments:

**1. Special Funds Do Not Provide Adequate Oversight and Transparency**

Special funds have a recent history of misuse and poor oversight.[\[1\]](#) The submittal of a budget through the General Fund will ensure greater accountability and appropriate use of the substantial funds the department is seeking.

**1. The Proposed Budget is Unreasonable and Unnecessary**

The \$1,360,000 budget is unreasonably inflated at every level:

- \$350,000 for three full time enforcement officers plus a boat and equipment – DOCARE already gets funding from the DOBOR Special Fund which is funded largely by the Commercial Boating Fee of 3% of the Gross Revenue.
- \$310,000 for five full time positions to monitor commercial activities within Molokini Crater - For decades the Molokini MLCD has operated without such level of monitoring, and yet I can say confidently that the permitted commercial operators have produced few violations. In addition, the typical conditions at Molokini MLCD force both recreational and commercial users out of the area by midday. Accordingly, it is unclear how the department has reached its conclusion that it requires five full time positions.
- \$300,000 each year to “inspect and maintain” less than fifty moorings – The commercial operators have maintained and repaired the moorings at their own expense and without help from the state at a fraction of the price suggested by the department. While I would not be opposed to support from the department in maintaining and repairing the moorings, it is unclear why this would require such large sums.

- \$400,000 to install new day use moorings along leeward Maui – Additional day use moorings along the coast of Maui would be greatly welcomed. However, like the other items in this budget, the amount being requested is far beyond what is necessary. Even if the department were to install 10 new moorings, this would be \$40,000 per mooring. Accordingly, unless the department plans to install 40 moorings, it is hard to justify the price tag.

## **1. The Molokini User Fee is Unduly Burdensome**

1. commercial operators of Molokini MLCD already contribute close to \$3 million per year to the state in taxes and commercial user fees. This is a substantial sum that should not be overlooked. A Molokini user fee will result in the Molokini commercial operators paying far beyond what many other businesses contribute to the state. For example, let's suppose the user fee was set at \$5. While this does not seem like much, consider that the average tour to Molokini MLCD is around \$100. In other words, \$5 would represent 5% of the ticket price. Now consider that the commercial operators currently pay 3% of their gross revenues and 4.17% in general excise tax. As a result, the commercial operators at Molokini would be paying over 12% of their revenues in fees and taxes. It is hard to find examples of other small businesses in the state that would be burdened so greatly.

In addition, the proposed system of requiring the operators to charge the consumer and then withhold \$1.00 per person is impractical. First, commercial operators cannot charge the Molokini user fee as a separate item in the ticket price. There are numerous days during the year where Molokini is not accessible and operators are forced to conduct their tours elsewhere along the coast. Accordingly, operators would be forced to refund this user fee on every ticket when customers are unable to visit Molokini (this would be an accounting nightmare). As a result, the fee will need to be included as part of the ticket price. However, commercial operators pay 3% of their gross receipts. In other words, DLNR will not only be collecting more from the new user fee, but will also be collecting more from the current user fee. While the withholding of the \$1.00 appears to be a bone for the commercial operators, it is actually less than a dollar after everything is said and done, and will likely cost far more in accounting expenses than the cents are worth.

The Molokini Shoals MLCD is vital to the success of numerous small businesses on Maui. While there are many ways to improve and protect this important eco system, an over inflated special fund with monies generated from a burdensome user fee is not one of them. Please do not pass HB 447.

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**[1] See “Hawaii Department of Land and Natural Resources funds mishandled, audit finds” available at, <https://www.staradvertiser.com/2019/01/08/hawaii-news/dlnr-funds-mishandled-audit-finds/>**

**HB-447**

Submitted on: 1/24/2019 9:22:06 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Phoebe Sumulong     | CEI Hawaii          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 10:04:39 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b>  | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|----------------------|---------------------------|---------------------------|
| Maria Taylor        | Makena Boat Partners | Oppose                    | No                        |

Comments:

Thank you for this opportunity to submit testimony on HB447 regarding a proposed Molokini User fee and a DAR Special Fund. I am writing on behalf of Makena Boat Partners, a south Maui boat company that has been in operation for 30 years and employs 32 Maui residents. The proposed bill is deleterious to the entire commercial boating community. There are many reasons why this bill should be opposed and I'd like to provide a few:

As a Molokini Commercial permit holder, we already pay taxes and user fees. If we had to add an additional \$3.00 charge for each visitor it would raise prices outside of our market value. This would impede our ability to do business.

A Molokini user fee would be difficult to track and charge given the changing nature of the weather and sea conditions that often make Molokini inaccessible. Snorkel locations are always at the discretion of the captain. If weather causes us to shorten our time in Molokini or if Molokini is inaccessible we take our guests to a different location. Operationally, this would be a nightmare to try and distinguish which passengers would need to be issued a refund.

A DAR Special Fund would have little oversight and have ample opportunity for corruption. In the interest of transparent government, DAR should submit a budget for approval to ensure appropriate funding for appropriate reasons. The proposed budgetary needs of the DAR Special Fund are inflated and do not provide for transparency.

For these listed reasons, and more, we are opposed to HB447. Thank you for your consideration.

**HB-447**

Submitted on: 1/24/2019 10:11:47 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Aaron Yee           | Navatek Ltd         | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 9:51:48 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b>  | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|----------------------|---------------------------|---------------------------|
| elizabeth doggett   | maui reef adventures | Oppose                    | No                        |

Comments:

This bill would negatively impact dozens of businesses and individuals who respectfully abide by current rules at the crater. Only a small window of time each morning allows for trips to Molokini, and limiting the volume during this critical time will lost trips due to lack of mooring space.

Losing these trips will inevitably cause jjob and business losses. Trips to the crater at a later time are just not possible, and visitors are already charged a high amount, and operators are already operating at an extremely high cost of overhead. Bill such as these hurt the local economy and devastate businesses, which is why we oppose.. Thank you.



**HB-447**

Submitted on: 1/24/2019 10:27:36 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b>   | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|-----------------------|---------------------------|---------------------------|
| Kevin Ford          | Maui Classic Charters | Oppose                    | No                        |

Comments:

Testimony of Maui Classic Charters

Aloha,

Maui Classic Charters is in strong opposition of proposed bill HB447.

As a small business owner conducting business in the Molokini Shoal we financially cannot support a bill that does not specify the proposed amounts of the per person user fee. In my opinion parameters such as the maximum amounts the DLNR are allowed to charge commercial operators as well as the rate in which they can increase such amounts have to be set before any bill should be signed into place.

Another major issue with this fee is going to be days that Molokini is not assessable because of wind or weather conditions, we are then expected to refund this user fee to every passenger creating an accounting nightmare.

We also believe that the 1.36 million dollars needed to maintain, monitor and inspect the moorings in Molokini Crater is extremely overstated and history has shown that a special fund is an inadequate and unaccountable method of funding such project. For years commercial operators have responsibly maintained the moorings at the crater at a fraction of the cost that is being proposed.

Please do not pass HB447

Sincerely,

Kevin Ford

**HB-447**

Submitted on: 1/24/2019 10:30:09 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Erik Stein          | Extended Horizons   | Oppose                    | No                        |

Comments:

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

We oppose this bill and are in strong support of the Ocean Tourism Coalition.

As the committee is aware, DAR Maui has stated in stakeholder meetings in the past that their end goal is to restrict entry into Molokini by removing moorings instead of maintaining them.

If the consideration is to protect the resource, they should consider limiting boat size into Molokini instead of continuing to pursue a per head basis, all the while letting as many people in as possible.

The reef is healthy, The fish population isn't dropping or being over fished, and the reef is healthy.

DAR also has a customer satisfaction survey that concludes that (1) 95% of visitors are highly satisfied with the experience in Molokini, and that (2) guests are more educated about safe reef practices.

All the people that go to Molokini already pay fees as do the businesses.

**HB-447**

Submitted on: 1/23/2019 7:59:48 PM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| James Wrigglesworth | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/23/2019 8:06:39 PM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Joshua J Wittmer    | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/23/2019 8:24:48 PM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Jaron Blosser       | Individual          | Oppose                    | No                        |

Comments:

I appose this due to its affect on local business.

Thanks,

Jaron Blosser

**HB-447**

Submitted on: 1/23/2019 8:34:16 PM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Stephanie Currie    | Individual          | Oppose                    | No                        |

Comments:

I oppose this bill.

**HB-447**

Submitted on: 1/23/2019 8:37:19 PM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Kelly McHugh        | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/23/2019 8:54:48 PM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Jennifer Roberts    | Individual          | Oppose                    | No                        |

Comments:



**HB-447**

Submitted on: 1/23/2019 9:11:51 PM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Kelly V Vough       | Individual          | Oppose                    | No                        |

Comments:

I oppose this legislation.

**HB-447**

Submitted on: 1/23/2019 9:21:07 PM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Blake Moore         | Non-Profit          | Oppose                    | No                        |

Comments:

This bill is short-sighted and poses significant risks to businesses and neglects near-share eco-systems that are in desperate need of attention. I strongly oppose this bill.

**HB-447**

Submitted on: 1/23/2019 9:25:44 PM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Desmond Lai         | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/23/2019 10:00:03 PM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| katie allen         | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/23/2019 10:00:24 PM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Suzanne Shoemaker   | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/23/2019 10:05:51 PM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Abigail Machernis   | Individual          | Oppose                    | No                        |

Comments:

There needs to be a comprehensive plan put forth by the state to address a day-use mooring program. There are other areas, in addition to Molokini, that require this type of program to be put in place. Natural resources all over the state call for a well-developed resource management plan.

**HB-447**

Submitted on: 1/23/2019 10:10:04 PM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Paul OShea          | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/23/2019 10:15:23 PM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Sandra White        | Individual          | Oppose                    | No                        |

Comments:

we need is a long-term, comprehensive day-use mooring program. This current bill does not address that issue.



**HB-447**

Submitted on: 1/23/2019 10:19:05 PM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| AI                  | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/23/2019 10:35:32 PM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Lynne Decosmo       | Individual          | Oppose                    | No                        |

Comments:

Oppose!

**HB-447**

Submitted on: 1/24/2019 8:07:31 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Robert Gundred      | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/23/2019 10:37:56 PM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Lori Carter         | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/23/2019 10:42:56 PM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Anja Mondragon      | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/23/2019 10:46:19 PM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Barbara T Burbach   | Individual          | Oppose                    | No                        |

Comments:

Aloha, I think a long term day-use program would be more prudent. I don't see that this bill

addresses that issue. Mahalo, Barbara

**HB-447**

Submitted on: 1/23/2019 10:49:29 PM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Jessica Scott       | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 1:01:09 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| julie               | Individual          | Oppose                    | No                        |

Comments:



**HB-447**

Submitted on: 1/24/2019 2:08:02 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Kaeley Glasco       | Individual          | Oppose                    | No                        |

Comments:

Imposing random fees based on what? A new way to gouge visitors.

**HB-447**

Submitted on: 1/24/2019 2:51:42 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Renee Ueckert       | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 3:37:51 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier<br/>Position</b> | <b>Present at<br/>Hearing</b> |
|---------------------|---------------------|-------------------------------|-------------------------------|
| Anna Gulley         | Individual          | Oppose                        | No                            |

Comments:

**HB-447**

Submitted on: 1/24/2019 3:53:06 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Robert D Stenner    | Individual          | Oppose                    | No                        |

Comments:

Unless there is real damage being done to the Molokini area by the commercial users, I am opposed to charging these fees for each user. We are residents of Washington State, but have a condo in Maui that we go to every year. Molokini is a great place to snorkel and have enjoyed it very much. However, the cost is significant now for such a snorkel trip. If you add these additional fees it will begin to make it unaffordable for families to enjoy this great resource. It will begin to alter the type of user to only the more wealthy and make it cost prohibitive for the average family. To me that seems to go against the Aloha spirit that we love so much about Maui.

**HB-447**

Submitted on: 1/24/2019 4:50:13 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Linda McConnell     | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 4:57:19 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Adam Gantt          | Individual          | Comments                  | No                        |

Comments:

Asking guests to pay a fee in order to help further maintain Molokini as well as the other mooring sites along the Maui leeward coast is a good thing, should the money be appropriated only towards what the bill is describing. The money should also be allowed to be reviewed by the commercial operators, to ensure it is being used for what is described in the bill.

**HB-447**

Submitted on: 1/24/2019 6:02:07 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Annelise Cochran    | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 6:17:02 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Brandi Gary         | Individual          | Oppose                    | No                        |

Comments:



**HB-447**

Submitted on: 1/24/2019 6:50:11 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Erica Gorman        | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 6:55:17 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Debra Merrill       | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 6:59:02 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Alana Bansch        | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 7:10:46 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| amanda hough        | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 7:21:36 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Emily Loren         | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 7:31:59 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Tami Hamilton       | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 7:41:41 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| John Bansch         | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 7:43:05 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Steven Bondy        | Individual          | Oppose                    | No                        |

Comments:



**HB-447**

Submitted on: 1/24/2019 7:53:02 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Clayton Murobayashi | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 7:54:17 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| katherine           | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 8:01:05 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Christiana Bisquera | Individual          | Support                   | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 8:04:34 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Julie               | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 8:07:23 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Lyn Joson           | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 8:12:31 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Charlie Field       | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 8:13:21 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| John Clock          | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 8:13:36 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Eric Schiff         | Individual          | Oppose                    | No                        |

Comments:

I strongly oppose HB447.



**HB-447**

Submitted on: 1/24/2019 8:20:28 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Darren Hori         | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 8:22:28 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Kit                 | Individual          | Oppose                    | No                        |

Comments:

We need is a long-term, comprehensive day-use mooring program. This current bill does not address that issue. Thanks, Kit

**HB-447**

Submitted on: 1/24/2019 8:22:40 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Pat Bardzik         | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 8:24:31 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Greg Shepherd       | Individual          | Oppose                    | No                        |

Comments:

Molokini User fee:

I am against this bill. I believe the money we pay already in fees should cover the budget laid out in the bill for the allocated expenses stated. I believe it would be a logistic nightmare to refund monies collected to guests when they did not make it to Molokini due to weather etc.

I have been to many places where use fees were instilled but it was for all waters surrounding the islands. If money could be marked for only the things stated instead of the general fund. Then it would make sense to instill a user fee for Maui waters and then the monies collected could be used for the budget stated and the benefit of all users.

**HB-447**

Submitted on: 1/24/2019 8:24:41 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| jean                | brew                | Oppose                    | No                        |

Comments:

This bill is too vague for the future. Since we, on Maui are all part of the Tri-Isle/Maui County, we should have the right to visit the other islands with our vessels without being penalized.

**HB-447**

Submitted on: 1/24/2019 8:25:19 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Denis Stephan       | Individual          | Oppose                    | No                        |

Comments:

As a resident this is another way of making it harder to live here in Hawaii. Reduce fees, don't look for ways to increase the monetary burden on residents, especially those of us who are on fixed incomes.

**HB-447**

Submitted on: 1/24/2019 8:25:34 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Gary Shimosono      | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 8:25:58 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Todd Peltzer        | Individual          | Oppose                    | No                        |

Comments:

I strongly oppose this bill.



**HB-447**

Submitted on: 1/24/2019 8:33:23 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Jennifer Gurevitz   | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 8:35:26 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| cybil moran         | Individual          | Oppose                    | No                        |

Comments:

Aloha,

While I do agree with funding Molokini, 8 full time positions to monitor and for enforcement officers every year is a bit much. Our government is too big the way it is. Not to mention the shut downs. \$62,000 a year to start off to monitor Molokini? I guess I need to get me a government job. Let's protect Molokini for future generations, but let's be realistic about how much man power we need to do that.

Mahalo nui loa,

**HB-447**

Submitted on: 1/24/2019 8:47:59 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Kristyn Yasui       | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 8:49:54 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Ken Loui            | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 8:53:07 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Michelle Zambetti   | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 9:02:56 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Michele Weverstad   | Individual          | Oppose                    | No                        |

Comments:

This will directly impact the tourism industry but also the charities that take school children to learn about marine life.

**HB-447**

Submitted on: 1/24/2019 9:15:10 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| barbara malaczewski | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 9:16:41 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| scot                | Individual          | Oppose                    | No                        |

Comments:



**HB-447**

Submitted on: 1/24/2019 9:27:44 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Deborah Tomorug     | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 9:28:29 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Cliff Chen          | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 9:33:18 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| allison             | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 9:33:55 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Erin Fast           | Individual          | Oppose                    | No                        |

Comments:

We need a long-term, comprehensive day-use mooring program

**HB-447**

Submitted on: 1/24/2019 9:37:47 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| David Carroll       | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 9:39:29 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Russ Savit          | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 9:47:26 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Mikeli Bradshaw     | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 9:51:38 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Anthony DelleFave   | Individual          | Oppose                    | No                        |

Comments:

Aloha, My name is Anthony and I oppose HB477. DAR has not laid out any specifics on what the actual goal is and/or how they want to accomplish that goal. We are already held to standards and continue to evolve our practices to the most current data. We also are already putting monies toward the general fund in terms of taxes and user permit fees. In regards to the individual user fee, I feel that due to Molokini's location and it being weather dependent puts unreasonable burden on the operators to sort out who did what when. Speaking to the creation of a special fund, the proposed per head amount seems to create a sizable amount of money with no oversight and with real sense of how that money would be spent. This seems to be a bill that sounds good in idea but does nothing to accomplish any real positive change for the environment and the economy.



**HB-447**

Submitted on: 1/24/2019 9:53:50 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Bonnie Hunt         | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 10:01:57 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier<br/>Position</b> | <b>Present at<br/>Hearing</b> |
|---------------------|---------------------|-------------------------------|-------------------------------|
| Ash Agustin         | Individual          | Oppose                        | No                            |

Comments:

**HB-447**

Submitted on: 1/24/2019 10:03:19 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Alicia Rittenberry  | Individual          | Comments                  | No                        |

Comments:

It doesn't appear as though the fee is defined. Is it \$3? \$50? What exactly is the money going to be used for? How much maintenance is really needed for moorings? How many new ones are planned to be constructed? This needs to be better defined before passage.

**HB-447**

Submitted on: 1/24/2019 10:16:31 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Garrett Tom         | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 10:29:07 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Riley E. Coon       | Individual          | Oppose                    | No                        |

Comments:

I am on Hawaiian Ancestry Born and Raised on Maui, Hawaii and I strongly oppose HB447.

The commercial operators in Maui County are of the finest in the state, country, and arguably the world at large. These companies are comprised of people who love and cherish the underwater resource and help to steward the areas they commonly visit. They help educate visitors about safety, pono ocean use, and best practices.

the scientific community agrees that the "citizen science" that many of these companies provide by just being there on a regular basis helps the fish and wildlife stock.

It is usually non-commercial boats, spear fishermen, and other consumptive boaters that damage our ocean resource the most. How many times you hear of transient boaters from Oahu dropping anchors on the reef!

The state should be doing MORE to help commercial boaters with providing more Day Use Moorings, making business easier to operate with less stringent taxes and fees, and empower the Boating community to help take care of their areas.

the DLNR has also had very big mistakes with managing special funds in the past. Do not pass this bill.

Sincerely,  
Riley E. Coon

**HB-447**

Submitted on: 1/24/2019 10:34:31 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Nicole Andricci     | Individual          | Oppose                    | No                        |

Comments:

I oppose this Bill due to the lack of information and proposed prices that have no relevance to protecting Molokini and comes from a monetary perspective.

Nikki Andricci

**HB-447**

Submitted on: 1/24/2019 10:56:04 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Courtney Matsuki    | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 10:57:30 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Selket Kaufman      | Individual          | Oppose                    | No                        |

Comments:



**HB-447**

Submitted on: 1/24/2019 12:44:02 PM

Testimony for WLH on 1/25/2019 10:35:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier<br/>Position</b> | <b>Present at<br/>Hearing</b> |
|---------------------|---------------------|-------------------------------|-------------------------------|
| sue cooper          | Individual          | Oppose                        | No                            |

Comments:

**HB-447**

Submitted on: 1/24/2019 5:31:00 PM

Testimony for WLH on 1/25/2019 10:35:00 AM

**LATE**

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| maureen williams    | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/24/2019 9:37:45 PM

Testimony for WLH on 1/25/2019 10:35:00 AM

**LATE**

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Pam Townsend        | Individual          | Oppose                    | No                        |

Comments:

**HB-447**

Submitted on: 1/25/2019 8:11:06 AM

Testimony for WLH on 1/25/2019 10:35:00 AM

**LATE**

| Submitted By | Organization                     | Testifier Position | Present at Hearing |
|--------------|----------------------------------|--------------------|--------------------|
| Megan Edgar  | Maui Nui Marine Resource Council | Support            | No                 |

Comments:

**Maui Nui Marine Resource Council**

**Thursday, January 24, 2019**

**Support for H.B. No 477: Relating to Aquatic Resources**

**The Maui Nui Marine Resource Council (MNMRC) is a 501(c)(3) organization committed to increasing the amount of clean ocean water, healthy coral reefs, and abundant native fish in Maui Nui and the Hawaiian Islands. We strongly support H.B. No 447: Relating to Aquatic Resources, which would allow for the creation of Molokini special fund to be used for the funding personnel and equipment for conservation and resource enforcement, monitoring commercial activities, inspecting and maintaining existing moorings within the Molokini shoal and leeward Maui, and creating new moorings along leeward Maui.**

**The Molokini Shoal Marine Life Conservation District is protected by the Division of Aquatic Resources because it is a valuable reef ecosystem and state seabird sanctuary. The shape of the islet creates a protected underwater area within the crater in which many species of coral and native fish thrive. There is also dramatic drop-off on the back side of the islet which provides excellent habitat for large numbers of native fish that find protection in cracks and crevices along the underwater wall. These distinct habitats within a small area allow for a large diversity of native corals, fish, invertebrates and other marine life to thrive and thus are an important marine resource.**

**This diversity of Molokini shoal has made it a very popular tourist destination that sees heavy daily commercial and recreational use including snorkeling, SCUBA diving, and fishing. Due to this high use, the ability to enforce current regulations in the area is essential for protecting the reef ecosystem. Enforcement is also important for user satisfaction. In an August 2018 study published in Environmental Management by Bell, Needham, and Szuster researchers found that 69% of users felt crowded while visiting the Molokini shoal site, and 79%**

**supported actions that would directly restrict use at the site. H.B. No 447: Relating to Aquatic Resources would help existing government agencies effectively monitor use in the area.**

**Passing H.B. No 447: Relating to Aquatic Resources would provide the monies necessary to effectively monitor and enforce nearshore commercial and recreational activities and is an important first step in implementing the 30 x 30 Sustainable Hawaii Initiative outlined by Governor Inge.**

**Thank you for this opportunity to testify.**



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

**LATE  
LATE**

NOTICE OF HEARING

DATE: Friday, January 25, 2019

TIME: 10:35am

PLACE: Conference Room 423

**TESTIMONY OF THE OCEAN TOURISM COALITION IN STRONG OPPOSITION HB447  
RELATING TO AQUATIC RESOURCES (MOLOKINI MLCD)**

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

My name is James E. Coon, President of the Ocean Tourism Coalition (OTC),  
**speaking in Strong Opposition to HB 447 Relating to Aquatic Resources.**

The OTC represents over 300 small ocean tourism businesses state wide. All of them operate from State Boating Facilities managed by DLNR/DOBOR. Most of these are family businesses which are locally owned and operated. Many of them have been in business for several decades and are an important and valued part of their respective communities.

There are two parts to this bill which OTC **opposes**.

**DAR Molokini Special Fund:** There have been studies over the years indicating that there are already too many special funds in our State Government. It also gives a false picture of how much revenue is actually being collected and spent by the State. Do we have a Special Fund for every location and issue? It is very difficult to have proper oversight of these funds. This is just one more place to sequester funds to be spent with little oversight. It is our opinion that most funds should go into the General Fund where it can be utilized for the greatest needs of the State. DAR can submit a budget like other agencies must do and get funded for appropriate reasons. The proposed budget of \$1,360,000 is overstated, unreasonable and unnecessary.

- \$350,000 for three full time enforcement officers plus a boat and equipment. DOCARE already gets funding from the DOBOR Special Fund which is funded largely by the Commercial Boating Fee of 3% of the Gross Revenue.
- \$310,000 for five full time positions to monitor commercial activities within Molokini Crater. Molokini Crater is only accessible a few hours in the mornings with normal trade winds coming into the Crater by 11:00 each day. By DAR Rules each vessel must have a GPS that records each day's voyage, they must also submit a form that has the signatures and number of each person that visited Molokini Crater on each commercial vessel. There are only 24 Commercial moorings within the Crater and only 41 Commercial permits for Molokini. What will these five employees do each day? DAR already is staffed to monitor commercial use.
- \$300,000 each year to "inspect and maintain" less than 50 moorings. It is doubtful that this much money was spent on all day use moorings in the State last year. The operators have been repairing the moorings on our own dime for years with little or no cost to or support from the State.
- \$400,000 to install new day use moorings along leeward Maui. While we support the need for additional day use moorings we certainly would like to have the contract to install and maintain them. How many additional moorings are proposed? 50? That would be \$8,000 per mooring per year when the actual cost is far less than that.

#### **Molokini User Fee:**

The Molokini Commercial Permit holders already pay over almost \$2.9 million in tax and commercial user fees. It is almost impossible for the operators to charge each visitor a head tax to access Molokini MLCD. What commercial operators would do is incorporate any head tax into their gross fee. The visitor would not know how much or little was being sent to DAR. There are many reasons for this. On many occasions Molokini Crater is inaccessible due to strong North winds. It would be a nightmare to try to refund each guest his head tax if the vessel were not able to access the Crater. Also there are days when the visit to the Crater is cut short because of wind and sea conditions.

For example currently a \$100 tour has \$4.17 GET; \$3.00 DOBOR Fee which bumps the price up to \$107.17. To add a \$3.00 Molokini Head Tax would bump the Ticket price to \$110.17. There is a direct proportion to the cost of a tour and the number of people that will book so the operator will have less customers, gross less income, and have the additional hassle of tracking and paying for each person's DAR Head Tax fee. This is an accounting night mare.

As far as reimbursing the operator \$1.00 per head. So the operator pays the GET and the DOBOR Fee on the total gross revenue they receive. Then they back out the \$1.00 which they have paid taxes on and expense out the rest of the DAR Head Tax; so at the end of the day it is less than a dollar received and multiples of a dollar spent on record keeping. Spending a dollar to chase a dime. If there is going to be a Head Tax, then make it \$1.00 and DAR keeps it all.

Molokini Shoals MLCD is a very special place. 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. There is a cap of 41 Commercial Use Permits for Molokini Crater. There are only 24 Commercial Moorings in Molokini Crater so it cannot be overcrowded. DLNR/DOBOR and the State is currently receiving almost \$3,000,000 in direct taxes on this resource not to mention the four time multiplier that gets spent in the local community.

Molokini Crater does not have a problem. DAR has a vision for the Crater that is flawed.

We humbly ask you please do not pass HB 447.

Sincerely

James E. Coon, President OTC