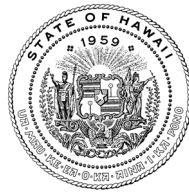


JOSH GREEN, M.D.
GOVERNOR



LUIS P. SALAVERIA
DIRECTOR

SABRINA NASIR
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
Ka 'Oihana Mālama Mo'ohelu a Kālā
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

WRITTEN ONLY
TESTIMONY BY LUIS P. SALAVERIA
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE HOUSE COMMITTEE ON WATER & LAND
ON
SENATE BILL NO. 1153, S.D. 2

March 21, 2023
9:15 a.m.
Room 430 and Videoconference

RELATING TO HONOLUA BAY

The Department of Budget and Finance (B&F) offers comments on this bill.

Senate Bill (S.B.) No. 1153, S.D. 2: 1) creates a seven-member Honolua Bay Advisory Board to oversee conservation efforts at Honolua Bay; 2) establishes a new Honolua Bay Special Fund (HBSF); 3) requires that Honolua Bay be included in the State Parks Division's online reservation system; 4) establishes a permit structure for access to Honolua Bay; 5) exempts the HBSF from being responsible for its pro rata share of the administrative expenses incurred by the department; and 6) appropriates an unspecified sum of general funds for FY 24 and FY 25 for deposit into the special fund and an unspecified sum of special funds for FY 24 and FY 25 for conservation at Lipoa Point. The Honolua Bay Special Fund would be used for maintenance of Lipoa Point and would derive revenues through legislative and county appropriations, federal funds, gifts, donations, grants, and interest earnings.

As a matter of general policy, B&F does not support the creation of any special fund which does not meet the requirements of Section 37-52.3, HRS. Special funds

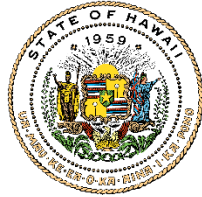
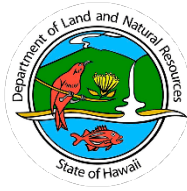
should: 1) serve a need as demonstrated by the purpose, scope of work and an explanation why the program cannot be implemented successfully under the general fund appropriation process; 2) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries or a clear link 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. Regarding S.B. No. 1153, S.D. 2, it is difficult to determine whether the proposed special fund would be self-sustaining.

In addition, B&F does not support the deposit of federal funds into any special fund as federal funds should be kept separate for compliance and reporting purposes. Further, the purpose of the federal grant may not be totally aligned with statutory uses of the special fund.

Thank you for your consideration of our comments.

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

LAURA H.E. KAAKUA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N. S. CHANG
Chairperson

Before the House Committee on
WATER & LAND

Tuesday, March 21, 2023
9:15 AM
State Capitol, Conference Room 430

In consideration of
SENATE BILL 1153, SENATE DRAFT 2
RELATING TO HONOLUA BAY

Senate Bill 1153, Senate Draft 2 proposes to: 1) establish the Honolua Bay Special Fund for conservation purposes and the upkeep and maintenance of Līpoa Point; 2) establish a Honolua Bay Advisory Board to administer the Honolua Bay Special Fund and oversee the conservation of Honolua Bay; 3) require the Department of Land and Natural Resources (Department) to include and incorporate Honolua Bay into the Department's Division of State Parks' (State Parks) online reservation system; and 4) provide for an appropriation. **The Department opposes this measure as it is premature given current planning actions, and offers proposed amendments.**

The Department offers the following comments, and proposed amendments that address the Department's concerns, would support enhanced management in the near term, and would allow the current planning effort to conclude and start to be implemented.

Recommendations

- 1) The Department does not think it follows sound fiscal policy to create a new special fund absent a reliable annual source of revenue. The Management Plan has not been finalized and therefore a plan for generating reliable annual revenue for stewardship has not been finalized. It would be premature and against fiscal policy to create such a special fund. The Department is appreciative of this measure's intent to set aside funding for the improved stewardship of Honolua and Lipoa, and **recommends the appropriate way to allocated funds to Lipoa-Honolua stewardship is to appropriate funds to the Department's Special Land and Development Fund with directions to the Department to establish a separate account to hold all funds appropriated specifically**

for Honolua and Lipoa. This methodology has been used in the past with success. There has never been an appropriation of management funds for Lipoa, and the Department needs funds for management triage on access road condition and repair, monthly fees for the portable toilets, and other urgent management needs.

- 2) **The Department recommends against establishing a new advisory board** to administer management funds, as it would be cumbersome, add another layer of bureaucracy, and result in delays to expending funds. An advisory board needs to follow Sunshine Law and often similar advisory boards don't have quorum and then experience delays in needing to reschedule and post their agendas publicly a full week in advance of the rescheduled meeting.

Instead of a legislatively requiring a formal advisory board, the Department prefers to find an ongoing community engagement and partnership structure through the management planning process. Ideas that have come up thus far include advisory councils; regular meetings with Department staff and Honolua lineal and cultural descendants; entering into a stewardship agreement with one or more community groups for particular areas, or stewardship and education functions; and entering into a partnership and funding contract with Hawaii Land Trust (HILT) whereby HILT would hire a dedicated Honolua-Lipoa Steward and Educator to provide direct stewardship, management and education, and help the Department coordinate community engagement.

- 3) The Department will examine the feasibility of a reservation-based system after the Management Plan is complete and after the Department determines the appropriate property designation and Department management division. It is premature and currently not legal to establish a fee-based advanced reservation system in this location. It is premature and currently not legal to establish a fee based advanced reservation system in this location. The Department notes that the 3 park units currently subject to advanced reservation systems have:

- a. Paved parking with a finite number of marked stalls, essential in determining lot capacity to establish patronage numbers by which an hourly and daily reservation quantity can be calculated.
- b. A contracted parking concession or community partner at the entrance to collect data on patronage and then confirm that a reservation has been made before allowing access.
- c. Potable water systems, comfort stations, managed and improved pathways, boardwalks, trash receptacles, safety, and informational signage.
- d. Staff assigned to the park unit.
- e. Authority, under Chapter 13-146 Hawaii Administrative Rules (HAR), State Park System, to charge and collect the fees as codified in Chapter 13-146, HAR; Exhibit 3. Lipoa Point is still Unencumbered State Land under Chapter 171 Hawaii Revised Statutes, and has not been designated a State Park. The Management Plan, based on community feedback, will put forward the appropriate Department division(s) to manage the property.

Lipoa currently has none of the above essential legal elements and improvements to collect or justify a fee-based reservation system.

- 4) To address urgent management issues such as possible violations at Lipoa and Honolua until the management plan can be finalized and recommended actions in the plan be implemented, the Department requests that this measure be amended to include:

- A) Two (2) full time equivalent (FTE) additional Maui Division of Conservation and Resources Enforcement
- B) \$270,000 in equipment to equip the two (2) FTE additional Conservation and Resources Enforcement Officers;
- C) One (1) FTE for the Division of State Parks;
- D) One (1) FTE for the Division of Forestry and Wildlife;
- E) Additional cost for equipment and vehicles to service these new staff that need to be calculated; and
- F) Additionally, due to the remote location of this parcel, a small departmental base yard needs to be considered for the secure storage of equipment – cost to be determined.

As many community members and organizations have given their time and thoughtful guidance to the management plan, it is important to the Department to honor their contribution and not deviate from the planning process. The Department requests immediate support as provided in the recommendations above, and welcomes future support to implement the community-driven Final Honolua to Honokōhau Management Plan once complete by December 31, 2023. If there are changes that the community and legislature would like to see to better protect and steward the important natural and cultural resources of Honolua, the Department asks that all these great ideas be brought forward within the management planning process. The Department will also follow suit and raise any new ideas for improved management within the management planning process so that the community has an opportunity for discussion and feedback.

Mahalo for the opportunity to provide comments and proposed amendments on this measure.

RICHARD T. BISSEN, JR.
Mayor

KEKUHAUPIO R. AKANA
Acting Managing Director



OFFICE OF THE MAYOR
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov

March 19, 2023

TO: Honorable Rep. Linda Ichiyama, Chair
Honorable Rep. Mahina Poepoe, Vice Chair
House Committee on Water and Land

FROM: Richard T. Bissen, Jr., Mayor

DATE: March 19, 2023

SUBJECT: **SUPPORT OF SB 1153, SD2, RELATING TO HONOLUA BAY**

Thank you for the opportunity to testify in **SUPPORT** of this important measure. The purpose of this measure is to establish the Honolua Bay Special Fund and Honolua Bay Advisory Board for conservation of Līpoa Point.

I **SUPPORT** this measure for the following reasons:

1. This measure is in alignment with the West Maui Community Plan's Policy 3.4.2. "Development at Līpoa Point must respect the area's cultural and scenic resources and historic significance, and uses must be limited to open space and low-intensity recreation."
2. It is an environmental priority for the County of Maui to protect and preserve Honolua Bay as part of the Marine Life Conservation District in Honolua-Mokuleia.

For the foregoing reasons, I **SUPPORT** this measure.



Ocean Tourism Coalition

COMMITTEE ON WATER & LAND *The Voice for Hawaii's Ocean Tourism Industry*
Rep. Linda Ichiyama, Chair 1188 Bishop St., Ste. 1003
Rep. Mahina Poepoe, Vice Chair Honolulu, HI 96813-3304
(808) 537-4308 Phone (808) 533-2739 Fax
timlyons@hawaiiintel.net

Rep. Cory M. Chun Rep. Dee Morkawa
Rep. Sonny Ganaden Rep. Gregg Takayama
Rep. Mark J. Hashem Rep. Kanani Souza

NOTICE OF HEARING

DATE: Tuesday, March 21, 2023
TIME: 9:15 A.M.
PLACE: VIA VIDEOCONFERENCE
 Conference Room 430
 State Capitol
 415 South Beretania Street

TESTIMONY OF THE OCEAN TOURISM COALITION IN OPPOSITION TO SB 1153

Aloha Chair Ichiyama, Vice Chair Poepoe and Members of the Committee:

The Ocean Tourism Coalition (OTC) represents over 300 ocean tour operators statewide. OTC supports the intent of this bill and does not oppose funding to maintain Honolua Bay and Lipoa Point. Commercial boaters already are providing significant funding to DLNR by paying 3% of all gross revenues. Starting January 1, 2024 the Ocean Stewardship Fee will commence which will be paid by the boat operators generating millions of dollars for DLNR/DAR to invest in marine ecosystems and infrastructure at Honolua MLCD and other locations across the state.

Tour boats already pay their fair share, however what worries us the most is the permit structure needs to be designed to accommodate tour boats as well as individuals. As is outlined we see no provision to accommodate tour boats. This will effectively put the Kaanapali tour operators out of business since Honolua MLCD is their primary destination . We would propose an amendment:

"1171-C Reservations. (b) The Honolua bay advisory board, in consultation with the department, shall establish a permit structure for access to Honolua bay, **for recreational purposes and not as part of a boat tour,** to be modeled after the permit structure used for Waianapanapa state park. The Honolua bay advisory board, in consultation with the department, shall create a system by which donations may be made for bay conservation."

Sincerely, James E. Coon, President OTC

Commercial snorkel boat access is the lowest impact and most educational way to visit Honolua Bay. Guests on snorkel boats are educated before entering the water and are supervised during snorkeling so that they do not damage the reef, harass the wildlife or contaminate the water with rubbish or harmful sunscreens. Furthermore, they don't have to walk out from shore. The shoreline access has no supervision, no regulation, and often has to walk out, potentially damaging the area.

Commercial Boating Access to Honolua is already limited and orderly.

There are only three moorings in Honolua Bay itself. These three moorings are shared by several vessels each utilizing the mooring for about 90 minutes then moving so the next vessel has access. The various boat companies have created schedules to work together so they can all be accommodated. A reservation system for commercial vessels would be a nightmare in scheduling and cause unnecessary hardship and uncertainty for these companies.

The Ocean Tourism Industry has been a good steward of Honolua Bay. For many years Trilogy's Blue 'Aina Reef Clean up has hosted local volunteers to clean Honolua Bay and the coastline. The Charterboats have also conducted fundraisers to help in the purchase of Lipoa Point.

Commercial boats are already heavily taxed and pay large fees. Commercial boats are already contributing thru heavy state and county fees, on top of taxes, and the costs of doing business. Further fees should be drawn from those who do not already contribute, not the commercial boat companies that already pay.



Sea Maui LLC. | P.O. Box 12715 Lahaina, HI 96761 | (808) SEA-MAUI

March 19th, 2023

TESTIMONY IN OPPOSITION TO SB 1153

Sea Maui is writing in strong opposition to SB 1153. Sea Maui does not oppose funding for the Honolua Bay Marine Life Conservation District, seeing as commercial boaters are already providing significant financial support to DLNR. Funds for Honolua Bay should come from those who are not currently paying.

Boat tour operators worked with the Division of Aquatic Resources to pass legislation that charges boat operators a \$1 per passenger fee starting in 2024. The Ocean Stewardship Fee will provide necessary funds to the Division of Aquatic Resources to invest in the health of our marine ecosystems and other infrastructure at Honolua Bay and other locations throughout the State. The Ocean Stewardship Fee is in addition to the 3% of gross receipts tour boats pay to DLNR as a commercial permit fee. Accordingly, additional funds necessary for the maintenance of Honolua Bay should come from those not currently paying.

Boats have a significantly lower impact on Honolua Bay than those entering by land due to the use of designated moorings, which prevent damage to coral reef and other sensitive marine habitats. Additionally, boats are equipped with proper waste disposal systems, which help prevent trash and debris from entering the bay and harming native plant species on land. Furthermore, individuals entering by boat are less likely to damage the coastal ecosystem by trampling on sensitive plant species. Passengers are also accompanied and supervised by trained crew, ensuring that the area is not damaged and local marine life is not harassed. This results in a more pristine and protected environment, beneficial for both the local ecosystem and visitors.

Sea Maui has and continues to operate many Honolua Bay cleanups throughout each year in conjunction with the Save Honolua foundation and many others in the community. Our staff and other tour operators are ALREADY the acting stewards of Honolua bay and regularly clean up after guests that enter from land, we leave the bay cleaner than when we arrived. Our staff removes debris DAILY from the reefs that comes from on shore. Also, Sea Maui and other boat operations have strict sunscreen policies which only allow reef safe sunscreen to

be used, even offered for free on board. This helps regulate the amount of toxic chemicals entering the bay, which isn't possible to do with the guests entering from land.

Another major issue to raise would be the safety and response to emergencies for ALL visitors (regardless if from land or from a boat) and even sometimes surfers at Honolua Bay. As we know, there are no lifeguards posted at the bay and without the tour boats daily monitoring, everyone's safety will be significantly impacted. There have been countless incidents in which our trained professionals have intervened to help save a life in Honolua Bay. All tour vessels are equipped with VHF radios which can call for lifeguards and immediately get EMT on the way, or if the situation requires transport by water to another pickup location the boats can get them to help much faster. Furthermore, our vessels are also equipped with AED's and Oxygen along with trained professionals that know how to use it. This alone can make all the difference during the next emergency situation at Honolua.

Sea Maui is not opposed to an online reservation system for those entering Honolua Bay for recreational purposes. However, Sea Maui is opposed to an online reservation system as it applies to commercial operators who have strict time constraints and schedules.

In conclusion, tour boats already pay their fair share. Thus, the legislature should look for Honolua Bay funding from those who are not currently paying. Sea Maui recommends the following language for 1171-C of the bill:

"1171-C (b) The Honolua bay advisory board, in consultation with the department of land and natural resources, shall establish a permit structure for access to Honolua bay for recreational purposes and not as part of a boat tour, to be modeled after the existing Waianapanapa state park entry and parking reservation system. In addition, the advisory board, in consultation with the department, shall create a system by which donations can be made for bay conservation."

Sincerely,

Philippe Le Blanc
C.O.O.
Sea Maui

SB-1153-SD-2

Submitted on: 3/19/2023 8:24:23 PM

Testimony for WAL on 3/21/2023 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Shalini Negi	Hula Girl Sailing	Oppose	Written Testimony Only

Comments:

As a business that makes its living from the pristine reefs, it behoves us to protect it. The coral reefs would be better served by prohibiting the pesticides used in golf courses. As ocean stewards we create awareness of the fragility of the marine world and how to interact safely with it.

TESTIMONY IN OPPOSITION TO SB1153

3/20/23

From: Mike Kelley

I've been a resident on Maui for over 45 years. I've raised my family here and been involved with managing and owning businesses that employ hundreds of Maui County residents. I flew over from Maui several weeks ago to testify in opposition to this same bill as presented by the House. My reasonings for opposition for this bill (*as written*) are:

- As one of only a small handful of operators based in Ka'anapali we've worked very closely and very well with the other Ka'anapali operators to achieve a self controlled, operator managed, successful system of a maximum of (3) boats being in Honolua Bay at one given time. These boats are on properly placed state authorized moorings. This system is working, we've had no issues whatsoever and the addition of a reservations system would cause incredible difficulties and hardship. Beyond that we already have records of every passenger onboard visiting Honolua every day as part of our coast guard responsibilities.
- As a commercial boat operator we already pay 3% of our gross sales for every passenger attending one of our cruises. On top of this all boats in Hawaii are about to begin another "new" fee of \$1.00 per passenger. This fee alone will results in millions of dollars in funding sources.
- All of the passengers on our boats from Ka'anapali receive marine safety and marine conservation information from the captains and crew. Not touching coral, turtles or other marine life and a respect for the sensitivity of this and all areas is thoroughly taught on each and every cruise. Land access individuals do not receive this.

- We leave no trash, park on no roadways, need no access to restroom facilities, permit only reef safe sunscreen and access only via water with respect and aloha.

In closing we're not opposed to some form of "*land based*" access registration or user fee however the boats, accessing from the water and only from the water should be carved out of the equation. Adding a new, unnecessary, somewhat redundant system that will cause accounting and management issue with the boating operators utilizing and successfully self managing that use of Honolulu Bay would be a terrible outcome. Please do not pass this bill as written and/or do NOT INCLUDE boating access.

Thank you,

Sincerely,

Mike Kelley
808-385-5585

Testimony in OPPOSITION to bill SB 1153:

I am writing today in opposition to certain sections of proposed bill SB 1153. The company I own and manage, Gemini Charters, has a long history of operating safely without a single incident of negligence or any injury to passengers or other snorkelers in Honolua Bay. Our currently employed captains have a combined 60+ years of experience running tours in the waters off West Maui including Honolua Bay. Our employees have extensive experience and are trained to educate all of our patrons in marine safety, to never touching the reef, maintaining a safe distance from turtles and any marine life, and we even provide them with complimentary reef safe sunscreen to ensure zero damage to the area. On top of these benefits, our crew and captains are trained annually in CPR and various water safety techniques along with keeping a full first aid kit on board at all times in the event of any emergency.

If Bill SB 1153 were to pass and tour operators like ours were not given access to Honolua Bay, the area would suffer. This would cause more tourists to enter the bay from the shore causing even more parking issues, trash being left in the jungle area along with the shoreline and the bay itself, and accidents due to the very narrow road running through the Honolua Bay shoreline area. The bill would also effectively remove the lifeguard trained crew that the catamarans employ and the state has neglected to offer to the area. Furthermore, the bill would negatively impact the local community that these catamaran companies employ and support. Gemini Charters alone supports multiple locally owned and operated companies that this would negatively impact.

We do strongly support bills that effectively protect marine sanctuaries, marine life, and Maui's precious coral reefs. This bill is not one of them. This bill comes as a reaction to the gross negligence of a boat owner who was not even conducting a commercial operation. The Nakoia's captain was warned multiple times by experienced Ka'anapali boat captains to stay off of the Honolua Bay mooring and declined to listen. This is not a reflection of the way the Ka'anapali catamarans have operated tours in Honolua Bay for over 50 years without a single incident.

We strongly urge serious reconsideration of bill SB 1153 and oppose the bill. My company can be part of the solution to protect the precious Honolua Bay.

Kindly,
Sands Dyer
Owner/Manager
Gemini Sailing Charters
Maui, Hawaii

Testimony in OPPOSITION to bill SB 1153:

I am writing today in opposition to proposed bill SB 1153. The company I own and operate, Gemini Charters, has been operating safely and respectfully, without incident in West Maui and Honolua Bay since 1990. Our currently employed captains have a combined 60+ years of experience navigating the West Maui waters. Our employees have extensive experience and are trained to educate all of our guests on marine safety- never to touch the reef, turtles, or marine life. We provide all of our guests with complimentary reef safe sunscreen to ensure zero damage to the coral. On top of these benefits, our crew and captains are trained annually in CPR, First Aid and various water safety techniques along with keeping a Dfib machine, oxygen and full first aid kit on board at all times in the event of any emergency. We are great stewards of the ocean and Honolua Bay.

While Bill SB 1153 has many good points, it is a rushed a bill that hasn't been thoroughly thought out and would in effect put the catamarans out of business and cause many West Maui working families to lose their jobs along with the loss of work for all of our West Maui partners as well.

This bill comes in part as a reaction to the terrible situation involving the gross incompetence of the captain/owner of the Nakoia, which was NOT a commercial vessel and held no commercial permits. This is in no way a reflection of how Gemini Charters or any of the other Kaanapali vessels operate at all.

The social media fueled 'mob mentality' that caused the non-bidding of several marine salvage contractors with the Nakoia incident, is now unjustly being focused on all of us commercial operators. We are not the cause of the problem, but we are part of the solution.

We all agree change is needed. We need to come together as a community to solve the issues at Honolua Bay, but this bill just drives the community apart worsening the problem.

We strongly urge reconsideration of bill SB 1153 and oppose the bill.

Respectfully,

George F Garnes III
Owner
Gemini Sailing Charters
Maui, Hawaii

SB-1153-SD-2

Submitted on: 3/20/2023 8:52:00 AM

Testimony for WAL on 3/21/2023 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Zachary LaPrade	Quicksilver Charters	Oppose	Remotely Via Zoom

Comments:

Aloha:

We are a commercial boating operation that occasionally uses Honolua Bay. I also personally use Honolua Bay on our small family sailboat. We oppose this bill based on the following points:

Commercial Perspective:

- Commercial operators don't anchor in Honolulu Bay and their access is greatly limited by only a small number of moorings in The Bay. There are only three moorings in Honolua Bay itself. These three moorings are shared by several vessels each utilizing the mooring for about 90 minutes then moving so the next vessel has access. The various boat companies have created schedules to work together so they can all be accommodated. A reservation system for commercial vessels would be a nightmare in scheduling and cause unnecessary hardship and uncertainty for these companies.

Boats use designated moorings, which prevent damage to coral reef and other sensitive marine habitats. Additionally, boats are equipped with proper waste disposal systems, which help prevent trash and debris from entering the bay Furthermore, guests are accompanied and supervised by trained crew, ensuring that the area is not damaged, and local marine life is not harassed.

- Commercial Operators pay more than their fair share to the State. Boat operators pay 3% of gross sales, plus GET. Also, operators pay a \$1 per passenger fee starting in 2024, known as the Ocean Stewardship Fee. This fee will generate millions of dollars for DLNR to invest in marine ecosystems and infrastructure at Honolua Bay and other locations across the state. The fee is in addition to the 3% of gross receipts tour boats already pay as a commercial permit fee to DLNR.

Recreational Perspective:

- A reservations system will only further limit the access to The Bay by the local community. The vast majority of Haleakala and State Park reservations are made by out-of-State visitors that plan months in advance to visit the State. If a member of the community wants to visit a State park in Maui, it is always booked months in advance.

- Honolulu Bay is difficult to access on a recreational boat because of the trade winds. There is *not* a recreational boat overcrowding issue.

-The large yacht incident was the result of total negligence and disregard for the law and good boating practices.

Thank you for your consideration.

Sincerely,

Zachary LaPrade

SB-1153-SD-2

Submitted on: 3/20/2023 8:59:48 AM

Testimony for WAL on 3/21/2023 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Stephen Bennett	Trilogy Excursions	Oppose	Written Testimony Only

Comments:

We are writing in strong opposition to HB1253. Trilogy does not oppose funding for the Honolua Bay Marine Life Conservation District, however, commercial boaters already are providing significant financial support to DLNR. Funds for Honolua Bay should come from those who are not currently paying.

First, in 2021, Trilogy worked with the Division of Aquatic Resources to pass a legislation that will charge boat operators a \$1 per passenger fee starting in 2024, known as the Ocean Stewardship Fee. This fee will generate millions of dollars for DLNR to invest in marine ecosystems and infrastructure at Honolua Bay and other locations across the state. The fee is in addition to the 3% of gross receipts tour boats already pay as a commercial permit fee to DLNR. Accordingly, additional funds necessary for the maintenance of Honolua Bay should come from those not currently paying.

Furthermore, encouraging visitors to enter Honolua Bay by boat is crucial as it has a lower impact on the environment compared to land entry. Boats use designated moorings, which prevent damage to coral reef and other sensitive marine habitats. Additionally, boats are equipped with proper waste disposal systems, which help prevent trash and debris from entering the bay and harming native plant species on land. Furthermore, guests are accompanied and supervised by trained crew, ensuring that the area is not damaged, and local marine life is not harassed. This results in a more pristine and protected environment, beneficial for both the local ecosystem and visitors. An increase in fees for tour boats could discourage visitors from taking boats and result in more damage to the coastal ecosystem.

In addition, Trilogy is not opposed to an online reservation system for those entering Honolua Bay for recreational purposes. However, Trilogy is opposed to an online reservation system as it applies to commercial operators who have strict time constraints and schedules.

In conclusion, tour boats already pay their fair share. Thus, the legislature should look for Honolua Bay funding from those who are not currently paying. Trilogy

March 20, 2023

Written Testimony in OPPOSITION to SB1153, Relating to Honolua Bay.

Dear Sir or Maddam,

I am a third Generation Maui Boat Captain, and part Native Hawaiian. Our family business, Trilogy Excursions, has been offering sustainable and eco-minded tours in Maui waters for 50 years. We are leaders in our industry, and cherish our Ocean resource greatly, as our livelihoods depend on it! We employ over 100 Maui residents and provide fulfilling careers that can offer our 'Ohana a chance to responsibly enjoy our ocean resource and be an advocate for it. We take education of our guests and staff very seriously, and I consider myself an ambassador of the state and each tour provides an opportunity to better educate and teach our guests best ways to enjoy and enter our oceans in a non-consumptive manner.

After the recent grounding of the vessel, "Nakoa" in Honokua Bay, there has been tremendous anger and frustration. I too am very upset about the matter, and believe something should be done to mitigate this from happening in the past. However, SB1153 would hurt so many other people in this process and create a very unfair precedent for the Maui Commercial Marine operators that rely on access to Honolua Bay!

If you look at all the recent vessel groundings, it is not commercial charter boats from Maui. Our industry here on Maui understands the risks and responsibility of owning and operating a boat in these waters. The Nakoa was a 100-foot Luxury yacht coming over from Oahu. The Captain on board, or whoever was in charge, was unfamiliar with our waters and made very poor judgement calls. It is unfair to pin his/her mistake on an industry that encompasses dozens of locally-owned maui businesses that would essentially shut them down.

I personally operate these tours, and spend a great deal of time letting our guests know the important information about a Marine Life Conservation Zone – don't feed the fish, don't touch or stand on coral, ways to be safe in the water, use floatation devices, don't take or molest any marine life – especially the turtles. We spend a lot of time also addressing the general public who snorkel from shore who are completely unsupervised and are not given this important information. We are constantly asking them to not stand on coral, or get too close to the turtles. I have personally rescued 5 persons who were in the process of active drowning, and were able to swim them to safety.

The Maui commercial boats provide the safest and most educational way for members of the public to snorkel in Honolua Bay. It would be a huge step backwards in the protection of a special bay like this to remove these operators. After the COVID **shut** down and Maui boats were shut down for nearly 1 year, we saw a tremendous increase in illegal consumptive practices in our reefs. I personally picked up miles of fishing line and hooks in Molokini, rescued many turtles who were stuck in fishing line, and cleaned up so much trash from our reefs – some of the most popular snorkel destinations – this is what happens when you take commercial operators out of the equation. These operators are staffed by employees who also love the ocean – many of them are marine biologists and conservationists. These sorts of jobs

allow them to practice citizen science, report illegal behavior, help an ecosystem thrive, and of course educate thousands of ocean users.

Mahalo for your consideration,

Capt. Riley E. Coon

Director of Sustainable Tourism

Trilogy Excursions

207 Kupuohi St. Lahaina HI 96761

SB-1153-SD-2

Submitted on: 3/20/2023 9:02:07 AM

Testimony for WAL on 3/21/2023 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Blake Moore	Teralani Sailing Adventures	Oppose	Remotely Via Zoom

Comments:

Aloha Chair Ichiyama, Vice Chair Poepoe and Members of the WAL Committee:

My name is Blake Moore speaking in opposition to HB1253. I support the Ocean Tourism Coalition’s testimony and want to add some personal anecdotes on the impact of these measures.

It has been properly stated that Commercial Boaters already pay their fair share and should not be included in this proposal. It is well understood that Commercial Boating Access to Mokule’ia Bay (Honolua Bay) is already very limited and orderly. The companies that moor in the bay have created schedules to work together so they can all be accommodated on the three moorings available within the bay. A reservation system for commercial vessels would be an unnecessary hardship and uncertainty for these companies given the various conditions that make timing for entering and leaving the bay unreasonable.

Around the world, research shows that guided tour access to sensitive ecological areas is the most environmentally benign method to experience these unique environments. In the Journal of Sustainable Tourism, Mohammad M. Alazaizeh published an article entitled, “Tour guide performance and sustainable visitor behavior at cultural heritage sites”. This peer reviewed article was published online: 03 Sep 2019. It stated, “Tour guide performance was found to have a significant direct and indirect effects in enhancing visitor sustainable behavior. Moreover, the findings showed that visitor experience and satisfaction significantly mediates the relationship between tour guide performance and visitor sustainable behavior. This research contributes to our understanding of the tour guide role in maximizing visitors’ appreciation and enjoyment, and minimizing their negative impacts on heritage sites”. It is clear that formal education and supervision of vessel-based snorkelers is a key to the preservation of Honolua Bay.

Vessels in Honolua Bay allow underserved communities, such as the physically limited or disabled, to enjoy the ocean and reefs of Honolua, areas that are otherwise inaccessible for this often overlooked population segment. Getting to Honolua from the limited parking areas is an arduous task for those in our community that experience limited mobility. Some of the most rewarding days for us are when we can provide a service that both protects the resource and provides access to underserved community members.

We believe that advisory boards are most effective when they incorporate the voices of those that have the most to lose with the degradation of the resource. I believe there should be at least two additional seats on this advisory board to provide the perspective of the user. We recommend one board member from the Honolua Charter Boat Companies and one board member of the Honolua Surfing Community.

Our industry has long been a supporter of Honolua Bay and the land surrounding it, including the acquisition of the land at Lipoa Pt by the state in 2014. This proposal is designed for land based improvements and oversight but is not appropriate, nor is it necessary, for commercial vessel access that is already limited, regulated, taxed and permitted by DLNR and DAR.

SB-1153-SD-2

Submitted on: 3/20/2023 3:02:18 PM

Testimony for WAL on 3/21/2023 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Anita Sweet	Gemini Charters	Oppose	In Person

Comments:

March 20, 2023

HONORABLE LORRAINE R. INOUE Chair

Committee on Water & Land

Hawaii State Capitol, Room 210 Honolulu, Hawaii, 96813

Re: Water & Land Hearing on SB1153 March 21, 2023

Senator Inouye,

I would please like to submit the below comments IN OPPOSITION to SB1153, relating to the Honolua Marine Life Conservation District (“MLCD”).

I support the intent of this bill, along with supporting the funding to maintain Honolua bay and Lipoa point.

Honolua bay and Lipoa Point are certainly beautiful areas that must be preserved to the best of our ability, but I am concerned about the the effect of the land and ocean qualities if the tour boats are no longer allowed into Honolua bay.

Because of its uniqueness and beauty, visitors and locals alike will always continue to visit Honolua bay. Without the tour boats, you will have many issues; such as many more cars trying to find parking, of which there are no official parking lots currently available. As of now, parking is along the shoulder of the road plus around 9 spaces on the dirt pullout. Currently the port-a-potties can barely contain the daily use as it is. The trash will pile up and the native plants will be trampled by all of the additional visitors.

With the tour boats maintaining their current schedule, you will not have additional issues mentioned above. The tour boat companies are good stewards. They pack all trash out, never allow passenger to do any damage to the reef or to the sealife, and the motto is 'take only photos, leave only bubbles'.

Do not punish the tour boat companies by removing them from Honolua bay, just because of the recent events there with the boat, Nakoia, that broke away from the mooring and then was grounded.

Thank you for the opportunity to provide comments.

SB-1153-SD-2

Submitted on: 3/20/2023 7:24:47 PM

Testimony for WAL on 3/21/2023 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Sebastian Vela	Sea Maui	Oppose	Written Testimony Only

Comments:

Good Evening to whoever it may concern,

I am writing this testimony to voice the importance of maintaining and conserving our ocean and all its eco systems. What happened with the Yacht in Honolua Bay recently is completely unacceptable and ignorant. It showed us that people don't appreciate it respect the rules or common guidelines of taking care of the sea and land. As a boat company Sea Maui thrives in making sure we are environmentally friendly, it's our priority to make sure we take care of and cherish the beautiful waters we get to work on everyday. It's a privilege to be able to work with the ocean and educate people on how to take care of it so it can take care of us. The importance of this marine preservation is not just for us as a company, but to the people who have been here before us and the people who will be here after us. We need to do better in reacting and solving situations that put our sea life and human life in danger intelligently. We hope to continue to show the importance of educating and preserving our natural resources and being blessed to show people how and why it's crucial to maintain discipline as community in protecting our reefs, waters and marine life.

Thank You

SB-1153-SD-2

Submitted on: 3/17/2023 4:27:00 PM

Testimony for WAL on 3/21/2023 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Andrew Crossland	Individual	Support	Written Testimony Only

Comments:

I strongly support this Bill.

SB-1153-SD-2

Submitted on: 3/18/2023 10:35:58 PM

Testimony for WAL on 3/21/2023 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Thorne Abbott	Individual	Oppose	Written Testimony Only

Comments:

DLNR's comments are very applicable. While possibly well-intended, the proposed legislation undercuts the hard work already undertaken and in-progress with community members and agency staff to improve the management and sustainability of this unique area. There would also be considerable logistical challenges with implementing elements of the proposal and aspects that may not have been sufficiently vetted with stakeholders or allowable per the County's various rules. Please defer the measure.

SB-1153-SD-2

Submitted on: 3/19/2023 6:15:17 PM

Testimony for WAL on 3/21/2023 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Makamae Barrozo	Individual	Support	Written Testimony Only

Comments:

Yes

SB-1153-SD-2

Submitted on: 3/19/2023 7:14:50 PM

Testimony for WAL on 3/21/2023 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Monique L LeBlanc	Individual	Oppose	Written Testimony Only

Comments:

I do not oppose funding for the Honolua Bay Marine Life Conservation District, however, commercial boaters already are providing significant financial support to DLNR. Funds for Honolua Bay should come from those who are not currently paying.

SB-1153-SD-2

Submitted on: 3/19/2023 8:21:18 PM

Testimony for WAL on 3/21/2023 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
David McGill	Individual	Oppose	Written Testimony Only

Comments:

I opposed SB1153. I am a retired police chief living on Maui. I am also a captain on one of the charter companies, and we frequent Honolua Bay. We are a responsible company that takes care of the ocean, the bay, and the many guests we service. Our livelihood depends operating on the ocean and within bays like Honolua. We are great stewards of our precious resources. Please do not lock us out. Thank you. David McGill

SB-1153-SD-2

Submitted on: 3/19/2023 8:22:04 PM

Testimony for WAL on 3/21/2023 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Daniel MELLINGER	Individual	Oppose	Written Testimony Only

Comments:

Commercial boats offer a safety net for irresponsible swimmers and divers who lack the understanding of local rules like not touching the Hono. Commercial people offer this guidance

SB-1153-SD-2

Submitted on: 3/19/2023 8:25:48 PM

Testimony for WAL on 3/21/2023 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Peter Wood	Individual	Oppose	Written Testimony Only

Comments:

As the owner and operator of commercial catamarans we are stewards of the ocean. Our staff educate visitors to not stand on the coral, or harass the turtles, we provide life guard services to guests and visitors using the bay from the shore. We do not leave a foot print, our trash and sewage are removed. We oppose this bill.

SB-1153-SD-2

Submitted on: 3/19/2023 9:09:23 PM

Testimony for WAL on 3/21/2023 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Carrie pouring	Individual	Oppose	Written Testimony Only

Comments:

The boats help regulate the bay. They make sure feed safe sunscreen is used and that all wildlife laws are being obeyed. They provide extra eyes to help keep Honolua safe. They are stewards of the ocean.

SB-1153-SD-2

Submitted on: 3/19/2023 9:11:18 PM

Testimony for WAL on 3/21/2023 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Linda Rickabaugh	Individual	Oppose	Written Testimony Only

Comments:

What we do as boaters in the bay has a positive impact, not negative. We teach or guests about conservation, pick up trash and debris, monitor use of proper sunscreens , educate people on corals and other marine life and yes we lifeguard swimmers from shore as well as from the boats! Many of us professionals will be put out of work or our time / wages will be cut if we can't moor at Honolua Bay. DLNR can't even keep swim buoys, ingress/ egress bouys , trash receptacles, or fix parking lot at Mala warf. Lahaina harbor is a disaster and you want to put them in charge of Honolua Bay? Probably will be next homeless camp. Please don't rush on your decision a lot rids on common sense!

SB-1153-SD-2

Submitted on: 3/19/2023 9:28:48 PM

Testimony for WAL on 3/21/2023 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Dale Spence Chorman	Individual	Oppose	Written Testimony Only

Comments:

I think commercial vessels provide an excellent way to observe the bay. They provide a safe way for families to enter the water, without destroying the the habitat. Better for the reefs and the trails!

SB-1153-SD-2

Submitted on: 3/19/2023 9:33:04 PM

Testimony for WAL on 3/21/2023 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Jonathan Lee	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I do not support SB1153. This solution for paying for up keep from the only companines that currently pay for use of the offshore area is silly. Why wouldn't land entrance and use be utilized.

Mahalo,

Jonathan Lee

SB-1153-SD-2

Submitted on: 3/20/2023 7:25:13 AM

Testimony for WAL on 3/21/2023 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Miranda Miller	Individual	Oppose	Written Testimony Only

Comments:

I fully oppose this bill not allowing charter boats in Honolulu Bay. I believe Honolulu needs charter boats in the bay daily, as the crew on the boats are all advocates for educating passengers and those coming in from land for respecting and preserving the reef. I have been coming to Honolulu Bay daily for the last 6 years and actually have witnessed a regrowth of coral, as crew on the boats are educating those using the reef about reefsafe sunscreen and information on how this reef is so amazing because it is a marine preserve. Simply put, Honolulu needs the charter boats because the crews are all looking out to protect and preserve Honolulu bay.

SB-1153-SD-2

Submitted on: 3/20/2023 7:25:19 AM

Testimony for WAL on 3/21/2023 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Lorien Cunningham	Individual	Oppose	Written Testimony Only

Comments:

Dear Honorable Members,

Having been an avid and regular scuba diver and snorkeler on Maui for 30 years now, I am writing to you today in opposition of SB1153 as written. As someone who has routinely accessed Honolua Bay during that time both from the shore and via commercial dive boat, I'd like to share my observations and concerns with SB1153 with you.

Unfortunately not all visitors to Honolua have and practice the spirit of malama kai and 'aina. But in 30 years, I have witnessed that more often than not, the damage done to the shoreline and near-shore reef are the result of careless and excessive shore access, not boat access. I've observed this to be multifactorial.

It is the shore visitors who do not pack out all of the trash they bring in. I'm that diver/snorkeler who always has picked-up trash in my pockets, be it discarded wrappers, lost souvenir trinkets, or lost gear, clothing, etc. At Honolua, the vast majority of plastic and food container trash in particular that I've picked up has almost always been in the immediate vicinity of the shore access to the bay. It's rare that I find a lot of trash at diving depths in Honolua, occasionally line and tackle (that shouldn't be there anyway), or something that has been carried out with the surge.

And it is the shore visitors to Honolua who walk all over the near-shore reef system. Not just in the shore area adjacent to the trailhead where they get in to snorkel (or less often dive), but often out and around either side of the bay. Having seen probably more than a thousand snorkelers from below while diving in the bay over the years, the snorkelers starting from the boats on the moorings in the bay are not at the shallow depths where coral and live-rock are in danger of being damaged. Frankly, the snorkelers and divers arriving by boat are more often than not, the more far environmentally sound option—they've had education on the boat before entering the water, and they are under the observation of crew who are there to keep both their customers safe from the reef AND the reef safe from their customers!

For these reasons, I hope to see the proposed legislation modified to explicitly clarify the ongoing responsible use of the day use moorings by the commercial boats (who, by the way, are the primary supporters of the organization that installs and maintains them in Maui County). I believe it's essential that there is a seat on the advisory board that includes the diving/ocean recreation community, as we are among the staunchest stewards, scientists, environmentalists, and educators of the lay public about our cherished ocean ecosystem. I am not opposed to a

visitor fee system for shore use by visitors such as that enacted at the I'ao Needle or out at Hana, and support the creation of a fund dedicated specifically to the preservation and restoration of the Honolua MLC and surrounding land at Lipoa point and the bay.

Sincerely,

Lorien Cunningham, Lahaina

SB-1153-SD-2

Submitted on: 3/20/2023 7:59:17 AM

Testimony for WAL on 3/21/2023 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Kim McGill	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill as written. Legitimate, existing tour boat operators need to be allowed to continue to work within Honolulu Bay without additional fees or a reservation system. They already pay into a fund for these purposes. Legitimate operators keep the Bay clean and healthy. Please include language in the Bill to allow existing tour boat companies to continue to operate in Honolulu Bay.

SB-1153-SD-2

Submitted on: 3/20/2023 8:07:46 AM

Testimony for WAL on 3/21/2023 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Erik Stein	Individual	Oppose	Written Testimony Only

Comments:

While I support caring for and tending to Honolua Bay for all of the community, I can not support this bill. I would echo what DLNR chair Chang has said about not supporting this bill due to its many flaws.

COMMITTEE ON WATER & LAND

Rep. Linda Ichiyama, Chair
Rep. Mahina Poepoe, Vice Chair

Rep. Cory M. Chun	Rep. Dee Morikawa
Rep. Sonny Ganaden	Rep. Gregg Takayama
Rep. Mark J. Hashem	Rep. Kanani Souza

NOTICE OF HEARING

DATE: Tuesday, March 21, 2023
TIME: 9:15 AM
PLACE: VIA VIDEOCONFERENCE
Conference Room 430
State Capitol
415 South Beretania Street

TESTIMONY OF GABRIEL LUCY IN OPPOSITION TO HB1253

Aloha Chair Ichiyama, Vice Chair Poepoe and Members of the WAL Committee:

My name is Gabriel Lucy speaking in opposition to HB1253. I support the Ocean Tourism Coalition's testimony and would like to add some additional information.

As a commercial boater we already pay our fair share and should not be included in this proposal. In addition to GET, DOBOR, and DAR Stewardship, we also donate both money and labor to assist Malama Kai in the maintenance of moorings across Maui Nui. There are only three moorings in Honolulu Bay itself. These three moorings are shared by several vessels each utilizing the mooring for about 90 minutes then moving so the next vessel has access. The various boat companies have created schedules to work together so they can all be accommodated. A reservation system for commercial vessels would be a nightmare in scheduling and cause unnecessary hardship and uncertainty for these companies.

Restricting the current commercial boaters from Honolua Bay would significantly increase the number of land based snorkelers accessing Honolua. Land based snorkelers are less educated on safe snorkeling practices.

This proposal is designed for land based improvements and oversight but is not appropriate nor necessary for commercial vessel access that is already limited, regulated, taxed and permitted by DLNR and DAR.

I humbly ask you to carefully consider and grant the Ocean Tourism Coalition's request to modify this bill if you are going to pass it, by focusing on the land based elements as is done in State Parks. This bill as currently written will cause significant economic harm to every company that depends on continued Honolua access.

Sincerely,

Gabriel Lucy

SB-1153-SD-2

Submitted on: 3/20/2023 8:33:08 AM

Testimony for WAL on 3/21/2023 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
victoria martocci	Individual	Oppose	Written Testimony Only

Comments:

March 20, 2023

HONORABLE LORRAINE R. INOUE Chair

Committee on Water & Land

Hawaii State Capitol, Room 210 Honolulu, Hawaii, 96813

Re: Water & Land Hearing on SB1153 March 21, 2023

Senator Inouye,

I submit the following comments IN OPPOSITION to SB1153, relating to the Honolua Marine Life Conservation District (“MLCD”).

As a Maui resident, a professional scuba instructor, and commercial scuba vessel captain, I appreciate the intent of this bill. Honolua Bay and Lipoa Point are important wild spaces for West Maui that we all cherish - residents and visitors alike. We were all horrified by this past month’s vessel grounding incident and are even more motivated to protect this area. However, the proposed bill seems vague enough to be problematic regarding tour boat access, shore diving operations access, and surfing access. Additionally, after reading through DLNR Chair Chang’s previous testimony regarding the department’s ongoing development of a management plan and EA for said plan, SB1153 as written seems premature.

I’m concerned about the fiscal propriety of SB1153 after reading Dept of Budget and Finance Director Salaveria's previous testimony, as well as DLNR Chair Chang's concerns.

I agree with DLNR Chair Chang that the establishment of a **duplicate** advisory board would be cumbersome and counterproductive.

Further, I would urge both the department's management plan and this body to consider adding other stakeholder voices from the surfing community, shore diving community, and tour vessel community to any future advisory panel(s).

Thank you for the opportunity to provide comments.

Bryan Y.Y. Ho

Attorney At Law, A Law Corporation
Suite 909, Davies Pacific Center
841 Bishop Street
Honolulu, Hawaii 96813

Telephone:(808) 864-4071

bryanho@admiraltyattys.com

March 20, 2023

HONORABLE LINDA ICHiyAMA
Chair
House Committee on Water & Land
Hawaii State Capitol, Room 426
Honolulu, Hawaii, 96813

Re: Water & Land Hearing on SB1153, SD
March 21, 2023 @ 9:15 a.m.
Our File No. 1504.0306

Chair Ichiyama, Vice Chair Poepoe, and other Members of WAL,

I submit the following ***COMMENTS AND PROPOSED MODIFICATIONS*** to SB1153, SD 2, relating to the Honolua Marine Life Conservation District (“MLCD”), on behalf of Kapalua Kai Sailing, Inc. (“KKSJ”), Crystal Seahorse, Ltd. (“CSL”), and their owners, Peter Wood and Inca Robbin. KKSJ and CSL each own/operate a commercial passenger catamaran that conducts snorkel and scuba diving tours in the Honolua MLCD pursuant to commercial use permits issued by the DLNR, Division of Boating & Ocean Recreation (“DOBOR”).

As a general matter, Peter and Inca strongly support all efforts to protect and preserve the pristine beauty of Honolua Bay, however, for the reasons outlined below, they are equally strong in opposing many of the strategies/policies outlined in SB1153, SD 2 to accomplish needed protections because they are off target and unfairly impose unnecessary restrictions, responsibilities, burdens and hurdles on commercial vessel tour operators.

A. **PROPOSED RESERVATION SYSTEM**

Peter and Inca oppose any plan to make a commercial tour boat’s right to access Honolua subject to an online reservation system. This is an unnecessary measure that serves no purpose other than adversely impact commercial tour boat companies.

There are three established moorings in Honolua Bay that the larger tour boats operate from. Peter/Inca and the other vessel operators have worked cooperatively to develop a schedule so that the number of large commercial catamarans operating in the Bay simultaneously at any given time is limited and staggered over the course of the day. Tour boat operations do not contribute to the over taxing of this resource because, due to the distance of the moorings from

HONORABLE LINDA ICHIYAMA

March 20, 2023

Page 2

shore, they operate in a completely different area of the Bay than persons entering the ocean from shore. In addition to safety procedures, customers are educated on eco friendly practices (reef friendly sun screen, how to observe marine wildlife, prohibiting the taking of shells, live rock, coral, use on board trash receptacles and lavatories, etc.). All of the boats leave virtually no footprint because everyone packs out everything they bring in. These practices, in combination, serves to minimize any impact commercial operations might have on the Bay. All of the threats to Honolua MLCDC identified in SB1153 (i.e. soil erosion, illegal dumping, crime, over tourism and the proliferation of invasive noxious plants) are solely attributable to visitors accessing the resource from shore. That is where the remedial effects of this measure should be focused. Peter and Inca propose the opening sentence to the draft language of HRS §171-C(b), depicted in lines 4-8 on page 6 of SB1153, be modified as follows:

*(b) The Honolua advisory board, in consultation with the department of land and natural resources, shall establish a permit structure for **all visitors and tour operators accessing** ~~access to~~ Honolua bay **from shore**, to be modeled after the existing Wainapanapa state park entry and parking reservation system.*

(b) **APPOINTMENT OF ADVISORY BOARD MEMBERS**

Peter and Inca support the establishment of an advisory board comprised of interested federal and state agencies, as well as, representatives of environmental/conservation groups, ocean industry/tourism business and other stakeholders. As currently drafted SB1153 does not provide sufficient direction to ensure persons with the responsibility of appointing voting members to the Board use their authority in manner that results in balanced representation of all interested stakeholders to ensure there is, “meaningful participation of many community members and other groups.” *See*: Page 2, lines 13-15, SB1153. The Water & Land Committee took initial steps to resolve this ambiguity by specifically identifying two stakeholders for inclusion on the board. Peter and Inca propose to modify SB1153 to also specifically identify a representative of the commercial tour boat operators as an advisory board member. The change would be reflected by adding the following language:

(8) One member who is a representative for the commercial tour vessel industry.¹

¹ The number of voting members identified in Section (b) on page 4 line 3 of SB1153, should also be amended from “seven” to “eight”.

HONORABLE LINDA ICHIYAMA

March 20, 2023

Page 3

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Bryan Y.Y. Ho

cc: Hon. Mahina Poepoe, Vice Chair
Hon. Cory M. Chun
Hon. Sonny Ganaden
Hon. Mark J. Hashem
Hon. Dee Morikawa
Hon. Gregg Takayama
Hon. Kanani Souza
Peter & Inca Wood (via e-mail)

PETERWOOD\SB1153TESTIMONY\003

SB-1153-SD-2

Submitted on: 3/20/2023 8:53:52 AM

Testimony for WAL on 3/21/2023 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Iwa Shaw	Individual	Oppose	Written Testimony Only

Comments:

Aloha. I was born and raised in Hawai'i and am a long time resident of Lahaina. I am writing to oppose SB 1153 as I strongly believe that the people experiencing Honolua Bay by boat are safer than those visiting individually from shore. The people on boats are educated on protecting the coral reef by not standing on it or touching it. They are given reef safe sunscreen. They have a lifeguard watching them. They have a bathroom with holding tanks onboard. They have trash cans. They do not impact the shoreline or road by parking and walking through the valley. The boats use moorings or anchor in the sand(if necessary) and make efforts to take turns and not overcrowd the bay with snorkelers. Travelers who do not take boat tours are the ones you see parking everywhere along the road, sometimes even leaving their car sticking out! They trample through the forest and walk on the reef in order to get into the water. They might not know about reef safe sunscreen(regardless of the ban or the signs posted). They might touch the reef, get hurt with no one watching or ready to help. Honolua is a special place and we all know that. There is a better way to do this. Mahalo Nui.

March 20, 2023

HONORABLE LORRAINE R. INOUE Chair

Committee on Water & Land

Hawaii State Capitol, Room 210 Honolulu, Hawaii, 96813

Re: Water & Land Hearing on SB1153 March 21, 2023

Senator Inouye,

I'm a Maui resident who regularly enjoys visits to Lipoa Point; and while I appreciate the intent of this bill, I submit the following comments IN OPPOSITION to SB1153, relating to the Honolua Marine Life Conservation District ("MLCD").

SB1153 is broad reaching, yet vague enough to be problematic regarding tour boat access, shore diving operations access, and surfing access. Additionally, after reading through DLNR Chair Chang's previous testimony regarding the department's ongoing development of a management plan and EA for said plan, SB1153 as written seems premature.

I'm concerned about the fiscal propriety of SB1153 after reading Dept of Budget and Finance Director Salaveria's previous testimony, as well as DLNR Chair Chang's concerns.

I agree with DLNR Chair Chang that the establishment of a **duplicate** advisory board would be cumbersome and counterproductive.

Further, I would urge both the department's management plan and this body to consider adding other stakeholder voices from the surfing community, shore diving community, and tour vessel community to any future advisory panel(s).

Thank you for the opportunity to provide comments.

Tanna Swanson

SB-1153-SD-2

Submitted on: 3/20/2023 9:23:52 AM

Testimony for WAL on 3/21/2023 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
CaptainWoodysmaui	Individual	Oppose	Written Testimony Only

Comments:

Aloha, my name is Frank "Woody" Woodward owner & operator of a small (6 passenger)family owned Westmaui based boat charter company of over 30 years , all though much of the bill im in support of the protection & and conservation of Honolua bay ,But I also feel by eliminating commercial boat access to Honolua bay stated in bill #sb1153 sd2 is going to create a negative impact, what the charter operators provide is such a huge positive impact- Marine life conservation, education, ocean safety, Hawaiian history, volunteer Honolua bay cleanups,(boat charters practice professional guided no touch reef tours) but still allowing over 700 persons per day to enter from shore doesn't make sense, I

can't tell you how many times we've asked people from shore to stay off the coral (Daily) while also providing medical services to those that don't listen to our advise and receive coral cuts , let's please consider our continued part time use of Honolua bay by commercial charter operators, to continue like we have for over 30+ years and working together to create more conservation of this beautiful natural wonder, eliminating the commercial charters will not solve the problems of overuse or more conservation, but only increasing the problem of over impact from shore use . Sincerely Captain Woodys maui

SB-1153-SD-2

Submitted on: 3/20/2023 11:25:33 AM

Testimony for WAL on 3/21/2023 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Kayle	Individual	Oppose	Written Testimony Only

Comments:

To whom it may concern,

I beg to have this case dropped. Livelihoods depend on the bay. The accident that occurred there is a separate case compared to the commercial vessels. Commercial vessels not only educate guests about wildlife and safety but use reef safe sunscreen, donate and participate in clean ups, mooring repairs, etc. Mine and my husbands lives are based around tourism. I, personally have donated time and money to Save Honolua Coalition. I have been to clean ups, getting rid of the thousands of pounds of tires, washers, dryers and rubbish left from locals. My company has provided our vessel free of charge for 5 hours to take divers out for reef clean up's. We (tourism companies) shouldn't be punished for an act that is not comparable to what we provide. Please take this all into consideration.

SB-1153-SD-2

Submitted on: 3/20/2023 3:56:38 PM

Testimony for WAL on 3/21/2023 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Molly	Individual	Oppose	Written Testimony Only

Comments:

I oppose bill SB 1153. The system needs fixing, but banning all commercial vessels or vessels entirely is not the answer. The employees of the companies provide education, managemnt & safety to people in the water, from the shore & from a boat. Constantly monitoring people from standing or touching the reef, harassing wild life, fishing, with low swimming abilities or health concerns. I believe giveing out permits to certain vessels to go in the Honolua bay for short amounts of time will be benifitucal. Will make sure each vessel permitted in there has qualified crews and captains focused on preserving the bay and the right processes for mooring correctly. Will also keep a limited amount of boats in the bay at all times. Preventing uneducated boaters from going in the bay is a priority. We can work together to find the answer and keep Honolua bay the prestine sanctuary we all know and love.

SB-1153-SD-2

Submitted on: 3/21/2023 8:57:58 AM

Testimony for WAL on 3/21/2023 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
veronica west	Individual	Oppose	Written Testimony Only

Comments:

Honolua Bay is not only a sacred site, but a crucial example of the importance & effectiveness of Marine Protected Areas. Anyone familiar with Maui's reef health knows there is a stark contrast between the health of Honolua Bay, and other reef sites that are not protected areas. I am submitting my testimony not only as someone who works on Maui boats that profit from usage of the Bay, but as someone who has worked in many Marine Protected Areas across the world, including MPA government management and has seen firsthand the reasons why closing an area from commercial boat use is NOT the way to keep an MPA healthy and protected.

When people go to Honolua Bay, they have an opportunity to either learn and grow a passion for the reef, or to contribute to its destruction from lack of education. On the boats, before people get in the water they receive a speech about; how the bay is a protected area and how that has created healthier coral and an abundance of healthier fishes; what the federal regulations are on touching turtles, stepping on or harming coral, or taking any wildlife or products from the reef; and reef safe sunscreen, it's impacts on the reefs, and which chemicals to look out for. without commercial boats in the bay, all these people who were receiving this education before getting in the water are now going to go from shore without any of that knowledge. we have already seen signs at the beach don't work, and there is no enforcement stopping people from touching things on the reef or from spraying their chemical sunscreen all over the reef. there is no way this bill would contribute anything positive to the bay at this point without the enforcement required to protect it from the uneducated people on shore. while I've seen suggestions of road blocks and makai guards on the beach, at this stage those ideas are inefficient as we've seen tourists will continue to park anywhere without enforcement, and we cannot have people on the beach watching 24/7 (especially as volunteers when many people on island have to work multiple jobs to get by). it is irresponsible to ban the boats contributing more to education of the reef than the state or county is, without a solid plan for how to match the enforcement done by the boats.

from my work in MPA's in the US and in other countries, our studies have not found an increase in reef health from a reduction or abolition in commercial boat usage. we actually found an increase in broken coral heads, increase in illegal fishing without commercial boats watching, and an increase in human injury and death. not only have myself and other boat crew stopped hundreds if not thousands of people from stepping on turtles or standing on coral (almost every single one of them coming from shore, not another boat), but we have also rescued a significant amount of people who swam out from shore further than their abilities. if Honolua bans commercial activity, the state should expect to increase the amount of taxpayer money spent on

rescues as there will no longer be water professionals with Emergency First Response training to help these people.

my boat company is a major contributor to Honolua beach & reef cleanups, DNLR donations, and other conservation projects like the Hawaiian Islands Discovery Center, a conservation museum that teaches tourists how to respect and protect our aina & kai while they are guests here. This one company alone has made more positive change to protect areas like Honolua than all of the people at the forefront of this bill. Education is the way we keep our land safe, and enforcement is the way to provide more education. more effective bills to keep Honolua safe would include; more DNLR regulation and enforcement, including large fines for boats not regulating the sunscreen being brought on board (as many people continue to bring toxic mineral sunscreens from home, and some shops in maui still continue to secretly sell out their stock); a required educational speech like a coastguard required captain safety briefing, but discussing the aforementioned reef health & safety information; fines or individual commercial permit restrictions for dumping human waste within the 3 mile limit (which many boats continue to do with no DNLR enforcement, allowing those toxins to pollute the coastline); mandatory donations from charter companies that use MPAs (as long as the money doesn't go down a wormhole and goes directly back into the MPAs.)

there IS improvement needed to protect our sacred sites, but banning the boats who are the only ones providing education and helping people grow a passion for protection is not the answer. without any enforcement from DNLR, all this bill would do is remove all the boat people who have spent thousands of dives loving & learning from the Bay and who share that knowledge, love, and respect with the guests who come on their boats. from my standpoint as an experienced professional in this field who has seen the health of an MPA decline from banning all commercial boat activity, I am scared to see the bay I cherish become a free range for illegal fishers & uneducated shore tourists. I understand the anger and heartbreak from what happened with Jim Jones and the Nakoia, but a selfish, arrogant millionaire is not the same as local companies with decades of experience on the water trying to increase the amount of people who care about protecting this planet by letting them see what it could look like if we took care of all of it. Please oppose this bill, at the VERY least until there is an efficient plan with efficient enforcement of how to protect the bay from shore. without that, this bill will NOT protect the reef, just ban the people working so hard to save it. Mahalo for your time

Veronica West, marine biologist, fisheries management & MPA researcher.