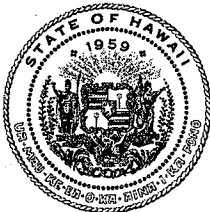
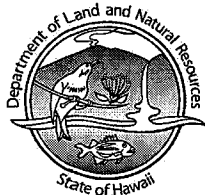


**TESTIMONY**  
**SB 367, SD1**

LINDA LINGLE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
LAURA H. THIELEN  
Chairperson**

**Before the Senate Committee on  
WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS  
Wednesday, February 25, 2009  
2:45 PM  
State Capitol, Conference Room 229**

**In consideration of  
SENATE BILL 367, SENATE DRAFT 1  
RELATING TO OCEAN RECREATION AND COASTAL AREAS PROGRAMS**

Senate Bill 367, Senate Draft 1 proposes to delete: (1) Requiring that commercial use and operator permits (permit) for commercial thrill craft and parasailing activities be issued at public auction, and (2) maximum term of permit issue of 20 years. The Department of Land and Natural Resources (Department) does not support the proposed deletion of the existing language in section 200-37(1), Hawaii Revised Statutes, and takes no position with the deletion of the maximum term of permit issue of 20 years.

The Department notes that commercial thrill craft and parasail operators that have been issued a commercial use permit by the Division of Boating and Ocean Recreation (DOBOR) are the only commercial permittees that may have their commercial use permits issued at public auction after 20 years. All other commercial use permits are issued on a year to year basis and are renewed annually as long as the permittee has remained in compliance with all Federal, State, and County laws. The Department feels that all commercial operators should be treated equally and that all commercial operator permits should either be renewed annually or be required to be offered at public auction every 20 years.

LAURA H. THIELEN  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI  
FIRST DEPUTY

KEN C. KAWAHARA  
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

---

**From:** carl [mjellings@hawaii.rr.com]  
**Sent:** Sunday, February 22, 2009 10:35 AM  
**To:** WTLTestimony  
**Subject:** SB367

DATE: Wednesday, February 25, 2009  
TIME: 2:45 p.m.  
PLACE: Conference Room 229

State Capitol

415 South Beretania Street

SB367

COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS

Honorable Senator Clayton Hee, Chair  
Honorable Senator Jill N. Tokuda, Vice Chair

Honorable Members

Senator Robert Bunda  
Senator Carol Fukunaga  
Senator Russell S. Kokubun  
Senator Dwight Y. Takamine  
Senator Fred Hemmings

In Mamala Bay and places similar parasailing and Jet skiing are high impact thrill craft type operation"s and exist"s mostly along nearshore water"s and that over time has contributed a questionable footprint,, although revenue"s sustained benefit"s overall tourism ,employee"s, owner"s, investors, and State , The Hawaii legislature with all it"s sincere wisdom should not forget the ocean is a living entity ,along with every other cumulative impact. such as, runoff ,siltation ,alien species,overharvesting, water pollution, light pollution,etc,high speed transiting is a definite contributor .and although Captain"s and crew"s I agree are most often experts in their respected field"s they to must not forget the ocean"s life within is dependent on how we "all" navigate our future.

**comments only**

Sincerely .  
Carl P Jellings SR.  
Waterman,Lawa"ia , Waianae, Hawaii.

---

**From:** annmarie@hawaii.rr.com  
**Sent:** Sunday, February 22, 2009 11:07 PM  
**To:** WTLTestimony  
**Cc:** Sen. Clayton Hee; Sen. Jill Tokuda  
**Subject:** Strong Opposition to SB 367 Hearing Wed., Feb. 25, 2009

Committee on Water, Land, Agriculture, and Hawaiian Affairs

Chair Sen. Clayton Hee  
Vice Chair Sen. Jill Tokuda

Regarding: SB 367 RELATING TO OCEAN RECREATION AND COASTAL AREAS PROGRAMS

Hearing Wed., Feb, 25, 2009  
2:45 pm Room 229

Aloha Chair Sen. Clayton Hee, Vice Chair Sen. Tokuda and Committee members,

I am writing to express my strong opposition to SB 367 introduced by Senator Sam Slom.

If passed, this bill would allow the permit for thrill crafts in Maunalua to be monopolized by one business owner in perpetuity.

This is unfair to the process of allowing all business owners in our community an equal opportunity to acquire the permit through public auction.

In fact, the permit for Maunalua is offered every 20 years when it should be offered yearly in public auction as it is in other areas. Why is Maunalua different?

It absolutely should not be.

The Hawai'i business community does not benefit from this bill, only one business owner benefits in perpetuity if SB 367 passes.

I respectfully ask you to oppose SB 367.

Mahalo,  
Ann Marie Kirk

PO Box 25342  
Honolulu, HI  
969825

[annmarie@hawaii.rr.com](mailto:annmarie@hawaii.rr.com)



Email: hawaiikaihui@aol.com ~ Website: www.hawaiikaihui.org

BOARD OF  
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Defend Ka Iwi Coast  
Preserve Kamilo Nui Valley  
Hold the Urban Growth Boundary  
Enforce Public Right of Way Beach Access  
Uphold the East Honolulu Sustainable Communities Plan  
Protect the authentic characteristics & natural beauty of East Honolulu

February 22, 2009

Elizabeth Reilly  
President

Marian Grey  
Vice President

Gayle Carr  
Secretary

Tai Hong  
Treasurer

Jeannine  
Johnson  
Director

Jacquelin Miller  
Director

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Director

Thomas Yamabe  
Director

COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS  
Senator Clayton Hee, Chair  
Senator Jill N. Tokuda, Vice Chair

Re: **SB 367, SD1** RELATING TO OCEAN RECREATION AND  
COASTAL AREAS PROGRAMS  
Hearing: Wednesday, February 25, 2009 at 2:45 pm in Room 229

Dear Chair Hee, Vice Chair Tokuda and Honorable Committee Members,

Livable Hawai'i Kai Hui (LHKH) is a non-profit, bipartisan community action group. We strive to promote sensible growth and respect for the land as well as upholding the integrity of the East Honolulu Sustainable Communities Plan (EHSCP).

LHKH encourages grass roots organization, community awareness and education of laws, rules, and regulations that guide sensible growth and development to enhance the quality of life for residents, focusing on the preservation of the agricultural lands in Kamilonui Valley, natural watersheds and adequate open spaces and community stewardship for the protection of watersheds, wetlands, natural and irreplaceable resources and cultural and historic areas in East Honolulu.

LHKH opposes SB367 which deletes the twenty year maximum period for issuance of permit for commercial thrill craft and parasailing activities.

The Department of Land and Natural Resources believes that the fairest and most equitable way to issue new commercial use and operator permits for commercial thrill craft and parasailing activities is by public auction. All commercial use permits are issued on a year to year basis except for those holding current permits to operate in Maunalua Bay. LHKH concurs that all commercial operators should be treated equally and fairly and that permits should be publicly auctioned annually.

Sincerely,

*Elizabeth Reilly*

Elizabeth Reilly, President

## Bryan Y.Y. Ho

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

Telephone: (808) 541-9799  
Cellular: (808) 864-4071  
Facsimile: (808) 533-8800  
bryanho@admiraltyattys.com

February 23, 2009

HONORABLE CLAYTON HEE

Chair

Water, Land, Agriculture & Hawaiian Affairs  
23<sup>rd</sup> Senatorial District  
Room 228, Hawaii State Capitol  
415 So. Beretania Street  
Honolulu, Hawaii 96813

VIA FACSIMILE

Re: ***SB 367, S.D. 1***  
WTL Committee Hearing  
Date: February 25, 2009  
Time: 2:45 p.m.  
Conf Room 229

Senator Hee:

I write in strong support of SB 367, S.D. 1 as the preferred alternative to HB 1310, which passed second reading as amended in HD 1 and was referred to the Judiciary Committee on February 19, 2009.

The sole purpose of SB 367 is to eliminate the 20 year term limit applicable to commercial parasail and thrill craft (jetski) permits issued by the Department of Land & Natural Resources ("DLNR"). Parasail and jetski permits are the only commercial permits issued by the DLNR subject to a term limit, at the end of which the permit automatically expires and is made available for re-issuance to the general public by public auction. All other commercial permits issued by DLNR are renewed annually in perpetuity. As long as the permit holder has complied with all applicable statutes and regulations, as well as, paid all taxes owed, renewal of their permit is automatic, without risk of the permit automatically expiring and being given to another operator. Parasail and thrill craft operators are entitled to equal treatment and protection under the law.

The 20 year term limit should be abolished because it unfairly handicaps a company's ability to operate successfully. A new parasail boat costs between \$100,000 - \$150,000. Based on a sale that occurred within the last six months, a used boat in good

HONORABLE CLAYTON HEE  
February 23, 2009  
Page 2

condition costs \$80,000. Each boat must be operated by a U.S. Coast Guard licensed captain and a single trained deck hand. A new jetski costs between \$6,000 - \$8,000. Taking into consideration transportation, labor expenses, fuel, maintenance, insurance premiums, and permit and mooring fees, a 20 year term is not long enough for a single owner, much less a hui of investors, to recoup their investment and earn a fair rate of return.

The expiration of these permits at the end of 20 years interferes with an operator's ability to secure financing and other long term commitments. Banks are not willing to loan money, issue lines of credit and grant other privileges because the life of the operation is uncertain.

**SB 367 Is A More Prudent Choice Than HB 1310**

The material difference between SB 367 and HB 1310 is that in addition to abolishing the 20 year term limit, HB 1310 also seeks to modify HRS §200-37(g) and HRS §200-38 by allowing the commercial operation of jetskis in Maunalua Bay on Saturdays.<sup>1</sup> Presently, the commercial operation of jetskis in Maunalua Bay is prohibited on all weekends, state and federal holidays. The weekend/holiday ban on commercial jetski operations was first implemented in 1990 via Act 313 (H.B. 2994) to address the following express findings and conclusions made by the Legislature after conducting an environmental assessment study, as well as, significant debate and participation by members of the Hawaii Kai and Portlock communities:

1. ***The operation of thrill craft and high speed motorized vessels in the waters of the State poses an unacceptable risk of harm to humans and the environment.***
2. ***The operation of thrill craft and high speed motorized vessels in some of the State's heavily used recreational waters has resulted in the severe injury and death of recreational swimmers, not to mention a number of "close calls";***
3. ***The operation of thrill craft and high speed motorized vessels in the waters of the State poses a visual and aural nuisance to the residents in the communities in which they are operated.***

---

<sup>1</sup>Although the weekend and holiday ban under HRS §§200-37(g) and 200-38 technically applies to commercial parasail operations "in Maunalua Bay" as well, Hawaii Kai parasail operators are able to operate on weekends and holidays by simply flying their passengers outside the boundaries of Maunalua Bay.

HONORABLE CAROL FUKUNAGA

February 23, 2009

Page 3

4. **The Legislature declares that the waters of the State used extensively by recreational swimmers should be safe from the dangers of thrill craft and high speed motorized vessels which, by their very nature, are inherently risky vessels.**
5. **In view of the inherently risky nature of thrill craft and high speed motorized vessels and the documented injuries and deaths that thrill craft and high speed motorized vessels have inflicted on people, the legislature declares that the unrestrained operation of thrill craft and high speed motorized vessels in the waters of the State poses and unacceptable risk of harm to humans** and the environment.
6. The Legislature is cognizant that, except as otherwise provided by law, all ocean areas appertaining to any government management shall be and are forever granted to the people for the free and equal use by all persons. However, **the State is mindful that in managing and regulating ocean use, priority should be given to those seeking non-commercial recreational opportunities as opposed to those seeking commercial recreational opportunities. To be a commercial operator is a privilege and not an exclusive right.** (Emphasis added)

**See:** Act 313, 1990 Session Laws Of Hawaii; Conf. Com. Rep. No. 15, (H.B. No. 2994, H.D. 1, S.D. 1, C.D. 1), Senate Journal (1990), at p. 668; and Conf. Com. Rep. No. 15 on H.B. 2994, Senate Journal (1990), at p. 762-763.

On February 9, 2009, the House Water, Land & Ocean Resources ("WLO") Committee passed HB 1310, as amended, proposing to allow the commercial operation of jetski in Maunalua Bay on Saturdays. WLO passed this measure even though the Committee:

1. Was provided extensive written testimony regarding the legislative history and underlying health, safety and policy considerations that led to the implementation of the weekend and holiday ban on commercial jetski operations in Maunalua Bay under Act 313;
2. Was not provided any evidence or information that prior concerns expressed by community members regarding: 1) conflicts between weekend recreational and commercial jetski operators; 2) noise levels resulting from commercial operations; and 3) hazards



HONORABLE CAROL FUKUNAGA

February 23, 2009

Page 4

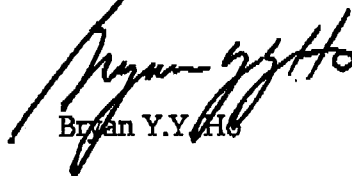
associated with increased levels of thrill craft, are no longer valid, warranting the continued enforcement of the weekend and holiday prohibition of commercial jetski operations.

3. Received written testimony from DLNR's Chair, Laura H. Thielen, explaining that the weekend and holiday ban was "originally put in place due to the communities concerns with the amount of commercial activity taking place in the (Maunalua) Bay which hampered their ability to engage in recreational activities." Chair Thielen further stated, "*. . . user conflicts between the variety of ocean recreational activities during high-use times like the weekends and holidays continue to create public safety issues and therefore, this action may be premature.*"  
Emphasis added.

Given the significant research and debate that went into developing HRS §§200-37 and 200-38, as well as, the Ocean Recreation Management Area ("ORMA") plan for Maunalua Bay, if this committee is presented with a choice between SB 367 and HB 1310, there is no question the Senate draft is the preferred course under the present circumstances. The protections afforded by these statutes are significant and genuine and unless there is clear and convincing evidence presented, after conducting an updated environmental assessment, that demonstrates the hazards and threat to public safety that originally warranted the weekend and holiday ban on commercial ocean recreation activities no longer exists, it should not be abolished purely for economic reasons. After all, to be a commercial operator is a privilege and not an exclusive right. It would be improper for this Legislature to unilaterally substitute its lay opinion in place of the current carefully crafted, thoroughly studied, fully debated, well reasoned, and science based ORMA plan for Maunalua Bay.

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

Sincerely,



Bryan Y.Y. Ho

cc: Hon. Jill N. Tokuda (Vice Chair)  
Hon. Carol Fukunaga  
Hon. Robert Bunda  
Hon. Russell S. Kokubun  
Hon. Dwight Y. Takamine  
Hon. Fred Hemmings

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 23, 2009 3:27 PM  
**To:** WTLTestimony  
**Cc:** kathy@seabreezewatersports.com  
**Subject:** Testimony for SB367 on 2/25/2009 2:45:00 PM  
**Attachments:** SB367 TESTIMONY WTL KT.doc

Testimony for WTL 2/25/2009 2:45:00 PM SB367

Conference room: 229  
Testifier position: support  
Testifier will be present: Yes  
Submitted by: Kathleen Takahashi  
Organization: Individual  
Address: 6729 Hawaii Kai Dr. Honolulu, H I. 96825  
Phone: 808-306-7609  
E-mail: [kathy@seabreezewatersports.com](mailto:kathy@seabreezewatersports.com)  
Submitted on: 2/23/2009

Comments:

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

## TESTIMONY IN SUPPORT OF SB 367 SUPPORT OF AMENDMENTS

I want to again voice my strong support of SB 367 which promotes fairness to businesses by repealing measures in HRS200-37. While this bill is before the legislature, let's solve the other issues

### Background

Senate Bill 367 SD1 repeals sections in HRS200-37 that impose the 20 year maximum term limit for commercial thrill craft and parasailing activity permits. The maximum term for these permits is currently set at 20 years and only applies to thrill craft and parasailing permits.

### AMENDMENTS

I support amendments to the bill that create equality throughout the industry and eliminate the punitive discriminations thrill craft and parasailing businesses face.

HRS200-21 declares that the boating law is necessary to promote "A reasonable uniformity of laws and rules regarding the use of the waters of the State." DLNR failed in the uniformity of laws and rules.

Parasailing and Jet Ski permitted operators should have permit fees that are uniform, equitable and stable. No other watersport related business pays gross percentages except Jet Ski and parasail. This inequality must be rectified by either stabilizing the fee structure or implementing fees on all operators in our waters. Submarines, catamarans, scuba diving, surfing, fishing charters, etc. do not pay a percentage of their gross to the State of Hawaii, DL&NR for their operation. Hundreds of watersport companies pay only \$5.00-\$8.50 for their vessels.

No one has time restrictions on their operations except jet ski and parasailing; specifically in Mananalua Bay where operations are prohibited on weekends and holidays. Waikiki can operate 7 days without any restriction on weekends or holidays. Kaneohe operates daily except Sunday and Federal Holidays.

We must correct this inequality for our tourist driven small businesses by further amending HRS200-37



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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 23, 2009 3:48 PM  
**To:** WTLTestimony  
**Cc:** mbender@hawaii.rr.com  
**Subject:** Testimony for SB367 on 2/25/2009 2:45:00 PM

Testimony for WTL 2/25/2009 2:45:00 PM SB367

Conference room: 229  
Testifier position: support  
Testifier will be present: No  
Submitted by: Mary Bender  
Organization: Individual  
Address: 520 Lunalilo Home Road #315 Honolulu, HI. 96825  
Phone: 396-0384  
E-mail: [mbender@hawaii.rr.com](mailto:mbender@hawaii.rr.com)  
Submitted on: 2/23/2009

Comments:  
TESTIMONY IN SUPPORT OF SB 367  
SUPPORT OF AMENDMENTS

I want to again voice my strong support of SB 367 which promotes fairness to businesses by repealing measures in HRS200-37. While this bill is before the legislature, let's solve the other issues

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We must correct this inequality for our tourist driven small businesses by further amending  
HRS200-37

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 23, 2009 3:49 PM  
**To:** WTLTestimony  
**Cc:** mailetakahashi@yahoo.com  
**Subject:** Testimony for SB367 on 2/25/2009 2:45:00 PM

Testimony for WTL 2/25/2009 2:45:00 PM SB367

Conference room: 229  
Testifier position: support  
Testifier will be present: No  
Submitted by: Maile Takahashi  
Organization: Individual  
Address: 6729 Hawaii Kai Drive Honolulu, HI. 96825  
Phone: 389-1230  
E-mail: [mailetakahashi@yahoo.com](mailto:mailetakahashi@yahoo.com)  
Submitted on: 2/23/2009

Comments:  
TESTIMONY IN SUPPORT OF SB 367  
SUPPORT OF AMENDMENTS

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HRS200-21 declares that the boating law is necessary to promote "A reasonable uniformity of laws and rules regarding the use of the waters of the State." DLNR failed in the uniformity of laws and rules.

Parasailing and Jet Ski permitted operators should have permit fees that are uniform, equitable and stable. No other watersport related business pays gross percentages except Jet Ski and parasail. This inequality must be rectified by either stabilizing the fee structure or implementing fees on all operators in our waters. Submarines, catamarans, scuba diving, surfing, fishing charters, etc. do not pay a percentage of their gross to the State of Hawaii, DL&NR for their operation. Hundreds of watersport companies pay only \$5.00-\$8.50 for their vessels.

No one has time restrictions on their operations except jet ski and parasailing; specifically in Mananalua Bay where operations are prohibited on weekends and holidays. Waikiki can operate 7 days without any restriction on weekends or holidays. Kaneohe operates daily except Sunday and Federal Holidays.

We must correct this inequality for our tourist driven small businesses by further amending  
HRS200-37



---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 23, 2009 4:08 PM  
**To:** WTLTestimony  
**Cc:** smukai@destinationhawaii1.com  
**Subject:** Testimony for SB367 on 2/25/2009 2:45:00 PM

Testimony for WTL 2/25/2009 2:45:00 PM SB367

Conference room: 229  
Testifier position: support  
Testifier will be present: No  
Submitted by: G. Scott Mukai  
Organization: Individual  
Address: 1768 Laukahi Street Honolulu, Hawaii  
Phone: 808-373-7129  
E-mail: [smukai@destinationhawaii1.com](mailto:smukai@destinationhawaii1.com)  
Submitted on: 2/23/2009

**Comments:**

The laws of permits and restrictions in Maunalua Bay are not consistent with other ocean bays around Oahu. Thrill crafts, jet skis, and other ocean activities should be governed by the same rules, regulations, and permitting.

Senate Water and Land Committee  
Senator Clayton Hee, Chair

TESTIMONY in OPPOSITION TO  
SB 367 RELATING TO OCEAN RECREATION

Dear Senator Hee and Honorable Committee Members,

I am in strong opposition to SB367 Relating to Ocean Recreation. I urge you not to pass this ill-conceived piece of legislation. I am an 18-yearlong resident of Hawaii and I have owned my home in the Hawaii Kai community for more than eight years. Words do not adequately convey the profound disappointment and sadness that most Hawaii Kai residents have experienced with the greedy, rampant, uncontrolled commercial development of the Hawaii Kai neighborhood from developers and commercial entrepreneurs who are significantly degrading the quality of life, not only for Hawaii Kai residents but for all of Hawaii's residents, simply for their personal/corporate monetary gain. The proposal as outlined in SB 367 is yet another example of how the quality of life is being continuously and significantly degraded in our Hawaii Kai community.

SB 367 deletes prohibition of commercial operation of thrill craft, water sledding, parasailing, and high speed boating in Maunalua Bay, Oahu, on weekends and holidays. Isn't 5 days a week enough for these commercial enterprises to make huge amounts of money, while they simultaneously/significantly infringe on the rights of Hawaii Kai residents to peace & quiet in their own neighborhood? Isn't 5 days a week enough time to for these commercial enterprises to significantly degrade not only the quality of life for Hawaii Kai residents but also negatively impact on the fragile environment we know as Maunalua Bay? Is it really necessary to have these ocean "thrill craft" vessels racing all day around Hawaii's beautiful Maunalua Bay 7 days a week? And why would any responsible legislator allow a commercial vendor to retain a commercial development / usage permit for 20 years? At a minimum a permit for something like what is being proposed in SB 367 should be for no more than 1 year at a time and should be subject to approval by the Hawaii Kai community for any additional permits beyond that one year.

The law prohibiting commercial businesses to operate in the Bay on Saturdays, Sundays or State holidays has been in effect since 1988 to protect the Bay and those in our community. SB 367 would seriously affect our community members who paddle, surf, fish, swim and enjoy the beauty of Maunalua Bay. The weekend and holidays are a time when our community members can enjoy the Bay without being surrounded by commercial jets skis, high speed boats and other thrill craft. The 260-acre Hawaii Kai Marina currently provides protected water for sailing, motor craft, water skiing, etc. Therefore, there is no justifiable reason to pass SB 367, other than to increase the profits of those with current permits to operate thrill craft, water sledding, parasailing, or high speed boating in Maunalua Bay.

Please do not pass this very bad and ill-conceived bill (SB367).

Sincerely,

Bryan and Bonnie Lowe, 1086 Kahului, Honolulu Hawaii 96825,

808-780-1101 cell

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 24, 2009 7:20 AM  
**To:** WTLTestimony  
**Cc:** trimark1@lava.net  
**Subject:** Testimony for SB367 on 2/25/2009 2:45:00 PM

Testimony for WTL 2/25/2009 2:45:00 PM SB367

Conference room: 229  
Testifier position: support  
Testifier will be present: No  
Submitted by: David C. Livingston  
Organization: Individual  
Address: 303 Kipukai Place Honolulu, Hawaii  
Phone: 808 542-4945  
E-mail: [trimark1@lava.net](mailto:trimark1@lava.net)  
Submitted on: 2/24/2009

Comments:

TESTIMONY IN SUPPORT OF SB 367  
SUPPORT OF AMENDMENTS

I want to again voice my strong support of SB 367 which promotes fairness to businesses by repealing measures in HRS200-37. While this bill is before the legislature, let's solve the other issues

Background

Senate Bill 367 SD1 repeals sections in HRS200-37 that impose the 20 year maximum term limit for commercial thrill craft and parasailing activity permits. The maximum term for these permits is currently set at 20 years and only applies to thrill craft and parasailing permits.

AMENDMENTS

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Parasailing and Jet Ski permitted operators should have permit fees that are uniform, equitable and stable. No other watersport related business pays gross percentages except Jet Ski and parasail. This inequality must be rectified by either stabilizing the fee structure or implementing fees on all operators in our waters. Submarines, catamarans, scuba diving, surfing, fishing charters, etc. do not pay a percentage of their gross to the State of Hawaii, DL&NR for their operation. Hundreds of watersport companies pay only \$5.00-\$8.50 for their vessels.

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We must correct this inequality for our tourist driven small businesses by further amending  
HRS200-37

David C. Livingston

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 24, 2009 9:49 AM  
**To:** WTLTestimony  
**Cc:** lisa@hawaiiansurfadventure.com  
**Subject:** Testimony for SB367 on 2/25/2009 2:45:00 PM

Testimony for WTL 2/25/2009 2:45:00 PM SB367

Conference room: 229  
Testifier position: support  
Testifier will be present: No  
Submitted by: Lisa Harrington  
Organization: Hawaiian Surf Adventure  
Address:  
Phone:  
E-mail: [lisa@hawaiiansurfadventure.com](mailto:lisa@hawaiiansurfadventure.com)  
Submitted on: 2/24/2009

Comments:  
TESTIMONY IN SUPPORT OF SB 367  
SUPPORT OF AMENDMENTS

I want to again voice my strong support of SB 367 which promotes fairness to businesses by repealing measures in HRS200-37. While this bill is before the legislature, let's solve the other issues

#### Background

Senate Bill 367 SD1 repeals sections in HRS200-37 that impose the 20 year maximum term limit for commercial thrill craft and parasailing activity permits. The maximum term for these permits is currently set at 20 years and only applies to thrill craft and parasailing permits.

#### AMENDMENTS

I support amendments to the bill that create equality throughout the industry and eliminate the punitive discriminations thrill craft and parasailing businesses face.

HRS200-21 declares that the boating law is necessary to promote "A reasonable uniformity of laws and rules regarding the use of the waters of the State:" DLNR failed in the uniformity of laws and rules.

Parasailing and Jet Ski permitted operators should have permit fees that are uniform, equitable and stable. No other watersport related business pays gross percentages except Jet Ski and parasail. This inequality must be rectified by either stabilizing the fee structure or implementing fees on all operators in our waters. Submarines, catamarans, scuba diving, surfing, fishing charters, etc. do not pay a percentage of their gross to the State of Hawaii, DL&NR for their operation. Hundreds of watersport companies pay only \$5.00-\$8.50 for their vessels.

No one has time restrictions on their operations except jet ski and parasailing; specifically in Mananalua Bay where operations are prohibited on weekends and holidays. Waikiki can operate 7 days without any restriction on weekends or holidays. Kaneohe operates daily except Sunday and Federal Holidays.

We must correct this inequality for our tourist driven small businesses by further amending  
HRS200-37

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From: The Schmidts [raeannegreg00@yahoo.com]  
Sent: Monday, February 23, 2009 4:24 PM  
To: Sen. Clayton Hee  
Subject: Re: In Strong Opposition of SB 367

Dear Senator Hee,

Thank you for affording me the opportunity to provide some feedback and perspective. In the real world, there isn't perfection, but the understanding that we exist with give and take. I see the benefits to commercial organizations that may feel locked out by the existing time limits or potentially for the state as a way to increase revenue, but for the past number of years that the current bill has existed, balance between commercial operations and residents using Maunalua Bay have found a time tested balance.

- \* I'm concerned that newer, bigger commercial operators will over saturate the capacity of Maunalua Bay.
- \* I'm concerned that new commercial operators will not properly train all their staff to respect the residents and the renewal of Maunalua Bay.
- \* I'm concerned that the current established coexistence between commercial operators and residents using Maunalua Bay will be broken.
- \* I'm concerned that since there isn't any patrol enforcement of commercial operators in Maunalua Bay that the established informal rules and give and take will be in jeopardy.
- \* I'm concerned that any additional damage to Maunalua Bay will only be noticed after the fact if more or different commercial operators begin to utilize Maunalua Bay.

Senator Hee, I enjoy Maunalua Bay at least three to four days a week. The current commercial operators are always present and after so many years of cohabitation with recreational residents a balance has been achieved with neither the commercial operators or the residents being perfect, but it works. If commercial operators turn over on a shorter basis, they know that they only have a short period of time to make as much profits as they can. I don't want to have to call and complain, I want to enjoy the waters of Maunalua Bay.

Respectfully,

Greg Schmidt

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**From:** diane wong [dwongz1@yahoo.com]  
**Sent:** Tuesday, February 24, 2009 1:40 PM  
**To:** WTLTestimony; Sen. Clayton Hee  
**Cc:** malama kalama  
**Subject:** strong opposition to SB 367

aloha

I am writing in strong opposition to SB 367

It is my understanding that a person with commercial interests wants to acquire a perpetual permit for all commercial activity in Maunalua bay.

This is an outrageous idea to give away the regulatory power.

How do we teach our keiki good stewardship of our island when it's not being practiced by our elected legislature? How can we teach malama ke kai when a business owner will be in charge of regulating his own commercial activity in the bay?

Diane Wong  
828 Papalalo Place  
Honolulu  
96825



**TESTIMONY**  
**SB 367, SD1**  
**(END)**