

Spencer Yim

From: Karen Hand [khandx3@gmail.com]
Sent: Sunday, February 12, 2012 6:42 PM
To: Rep. Sharon Har
Subject: testimony HB 2367

February 13, 2012

Testimony To: House Committee on Water, Land, and Ocean Resources
Representative Sharon E. Har

Presented By: Karen Hand Adventures in Paradise ~ State Permitted Guided Kayak
Tours

Subject: H.B. 2367 – RELATING TO MARINE LIFE

Rep. Har and Members of the Committee:

As one who has experienced user fees for Kealakekua Bay MCLD since our company was granted tour permits for the area in 2005, I oppose any more fees applied to MCLDs.

Adventures in Paradise has faithfully paid thousands of dollars in \$5.00 per guest user fees and taxes yet cannot detail any improved environment protection or management at Kealakekua Bay State Park and MLCD.

I do not support the bill because fees collected are not be appreciated by users of Kealakekua Bay.

Preservation and protection is also neglected despite the permittees regularly paying MLCD fees for use of the bay.

The Ka'awaloa landing permit system enacted in 2009 has yet to see any enforcement. Requests for signage to inform users of these protective practices for the area have not been answered yet our monthly MLCD fees are still being paid.

Another clear example is the still present and thriving presence of illegal kayak operators on Napo'opo'o wharf, the use of alcohol and drugs, and ongoing disturbances

by people illegally working at the park area daily.

There has been no policing or change of status for these individuals who without paying any fees or taxes openly operate along side the four permitted, fee paying companies .

I can honestly say that paying the \$5.00 per guest MLCD fee and applicable taxes has not been of any advantage to me.

Daily operations of kayak renting, tours and landing occur by a host of others without having the added operational cost of MLCD fees and state taxes applied to them.

Despite promises of action and the application of fees to improve and, more importantly, to protect the MLCD, there has been no positive effect at Kealakekua Bay.

Therefore, I oppose the State applying this system to others until guaranties of reciprocal services can be made.

Sincerely ~

Karen Hand

Adventures in Paradise Kayaking

Education through Adventures

LATE TESTIMONY

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 13, 2012 7:16 AM
To: WLOtestimony
Cc: thomas.k.ogawa@hawaii.gov
Subject: Testimony for HB2367 on 2/13/2012 9:00:00 AM

Testimony for WLO 2/13/2012 9:00:00 AM HB2367

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: Tom Ogawa
Organization: Division of Aquatic Resources
E-mail: thomas.k.ogawa@hawaii.gov
Submitted on: 2/13/2012

Comments:

LATE TESTIMONY

TESTIMONY IN SUPPORT OF HB 2367 - RELATING TO MARINE LIFE

Joint Hearing of the House Committee on Water, Land and Ocean Resources and the House Committee on Hawaiian Affairs

February 13, 2012, 9:00 AM - Conference Room 325

Aloha, Co-Chairs Chang and Hanohano, and Members of the House Committee on Water, Land and Ocean Resources and the House Committee on Hawaiian Affairs.

I strongly support HB 2367.

The Department of Land and Natural Resources is chronically underfunded for carrying out its duties, including those related to marine conservation. HB 2367 will help fill the funding gap by establishing a special fund for the state's Marine Life Conservation Program, allowing it to receive funds from a variety of sources, as delineated in the bill.

Thank you for the opportunity to present my views on this important legislation.

Dave Raney



LATE TESTIMONY

Testimony to the Committee on Water Land Oceans
Monday, February 13; 9:15 a.m.
Conference Room 325

Opposition HB 2367

RE: HB 2367 Relating to Marine Life

Chair Representative Chang, Vice Chair Representative Har and Members of the Water, Land, Oceans Committee:

My name is Kevin Millett and own HoloHolo Charters Inc.. We are in the business of taking tourists and locals sight seeing and snorkeling from our vessels.

STRONG OPPOSITION to HB 2367!

The fund uses start logically enough with MLCD specific items (1), **but then go (2,3,4,d) on to broadly expand the spending powers of the DLNR to basically rob this fund for any other use it may have in mind** “management initiatives.... and any other activity intended to conserve..... and other areas of localized management...” These lines and others within the bill allow the DLNR to interpret the use of these funds any way they wish. It doesn't matter if the fund is separate if it can still be used for the same expenditures.

To further prove this bill is just another money grab in a bad economic time, it proceeds to delegate 20% of the income to Office of Hawaiian Affairs.

Commercial boaters represent less than 3% of the total boats using harbor facilities yet produce close to 50% of all revenues derived from boater fees.

Commercial boaters recently supported successful legislation to have their commercial use fees raised by 50% with the promise that this would provide enough extra revenue for DOBOR to upgrade our harbors. In 2010 DLNR started a 100% increase of harbor fees.

We do not want to see an additional draconian open ended fee system added on to our already strained resources to the point where it drives us out of business.

In fairness, if you want more money for another DLNR agency, then take part of our 3% of gross earnings from DOBOR and dedicate it to DAR. This is an internal DLNR issue and should not be added on the few companies fees.

Collection of fees also presents some serious difficulties:

This is an administration and collection night mare. As the bill is written, it appears that the tour operator will have the expectation to collect the MLCD surcharge from the non-resident tourist. This is problematic. There are many ways

payment could be overlooked. Many of the tourists make reservations on line or through an activity desk. It may be that the activity desk neglected to collect the surcharge, yet the operator is liable for it. Or the booking on line somehow neglected to charge/collect the fee.

Most of the tour boat business comes to the operators from Wholesale accounts, Hotels, Local Travel Desks, Direct, and the Internet. It would be very difficult to determine who is and is not a resident. This upsets the price our various booking agents collect from the traveling public. It is frankly very difficult to track whether a person is a resident or not at the time of booking and will cause many problems. How does DAR track who was a resident and who was not? Who is liable for that information? What happens when we collect the MLCD entrance fee and then bad weather prevents access?

Please kill this bill.

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