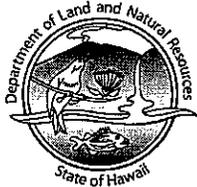


NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

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

Testimony of
WILLIAM J. AILA, JR.
Chairperson

Before the House Committee on
FINANCE

Wednesday, February 29, 2012
2:30 P.M.
State Capitol, Conference Room 308

In consideration of
HOUSE BILL 2682, HOUSE DRAFT 1
RELATING TO COMMERCIAL ACTIVITIES ON OCEAN WATERS

House Bill 2682, House Draft 1 proposes to authorize the Department of Land and Natural Resources (Department) to regulate the commercial use of state waters and marine resources. The Department supports this measure as drafted.



Wild Dolphin Foundation

Wild Dolphin Foundation
Waianae, HI 96792
Tel: 808. 306.3968

Feb. 28, 2012

Aloha,

The Wild Dolphin Foundation is in strong support of HB 2682.

The number of operations conducting tours focused on the marine wildlife and coral reefs of the Waianae Coast grow every year - more boats, bigger boats, more tours per day. Likewise - so do the impacts to these over-visited ecosystems, the wildlife that resides there and to the host community.

Visit Waianae any day of the year and you will see more tour boats using the nearshore waters than you will in Waikiki (barring sailboat races or other special events).

Tour operations running out of the private Ko Olina marina face comparably limited restrictions to the use of marine resources on or the host community of the Waianae Coastline, the most desirable ocean landscape on Oahu, where the waters are calm, clear and productive. The coral reefs are the oldest and most extensive, and spinner dolphins can all too predictably be found in nearshore resting grounds.

Waianae Small Boat Harbor tours that utilize these resources not only are subject to supplementary boundaries, but pay a 3% percentage of their gross earnings to the State in harbor fees. These harbor fees go into the General Funds and back into State pool. While both pay excise and state taxes, income from operators docked in private marinas, pay fees only to marina owners and while the same marinas may be more well-kept than their State counterparts, there are no similar contributions to the *public* resources they use.

Moreover, if all operations were subject to the same restrictions by imposing the same permitting system to all, mooring systems could be used to limit the number of tours in sensitive snorkeling areas, visitation could be limited within the to the spinner dolphin resting grounds, and transit corridors could be established to effect charter boats transiting the coastline - thus greatly lessening the impact to the fishing industry from vessel noise and disturbance in critical depths. Not only in Waianae, but in all needed areas.

Sincerely and in thankfulness of your consideration, Tori Cullins

Wild Side Specialty Tours
87-1286 Farrington Hwy.
Waianae, HI 96792
Tel. (808) 306-7273
WildSide@SailHawaii.com

Feb. 28, 2012

Aloha,

And heartfelt thanks to Rep, Jo Jordan for submitting this bill.

We, the owners of Wild Side Specialty Tours are in strong support of HB2682, and have waited in anticipation of all commercial marine operations falling under common jurisdiction for many years.

Just as it is fine to drive your truck around your farm with no license - once you leave your gate, you are subject to the same rules and regulations as every other motorist. As it is now, operations out of private marinas do not have to follow the same rules given to commercial operations based at State harbors.

In particular, as residents and operators on the Waianae Coast, our community has had countless meetings, both official and grassroot, concerning user conflicts affecting our coastline, similar to many others in the State. At one point, community members successfully lobbied to have a moratorium placed on commercial permits being added to the Waianae Small Boat Harbor to assist in the conflicts.

However, since there were no commercial permits limiting the Ko Olina Marina, and espite "Gentlemen Agreements" to the contrary, operations continued to be added.

Commercial permitting of all operations would create a level playing field, as when agreed upon restrictions were violated - the permit could be pulled. Same as if you leave your farm and violate your driving privileges, your license is subject to suspension or revocation. This could easily lend to a diminishing of the user conflicts between tour operations, fishermen, surfers, cultural practitioners, or just those enjoying an uncrowded landscape and a safe and noise-free day (no PA systems blaring music or factiods) at select beaches.

Lastly, please note that we run commercial operations out of both a State harbor and a private marina, so are not biased in that aspect.

Armin D. Cullins

Member/manager Wild Side Specialty Tours (LLC)
(808) 330.2502 - personal cell phone

February 27, 2012

**House Committee on Finance
Representative Marcus R. Oshiro, Chair**

Public Hearing: February 29, 2012, 2:30 p.m., Room 308

Re: HB2682 HD1, Relating to Commercial Activities on Ocean Waters.

Dear Chair Oshiro and members of the House Committee on Finance

I support HB 2682 HD1 which provides that commercial activities that occur on our ocean waters receive permits and not just those which depart from state harbors or marinas.

The mission of DLNR is to:

“Enhance, protect, conserve and manage Hawaii’s unique and limited natural, cultural and historic resources held in public trust for current and future generations of visitors and the people of Hawaii nei in partnership with others from the public and private sectors.”

Without the complete and total tools to allow DLNR to manage our natural resources by understanding and controlling the uses of our resources may contribute to their inability to fulfill their mission.

Currently, along the Wai`anae coast it is very popular for commercial activities to occur for dolphin watching and snorkeling from various vendors, those who utilize the Wai`anae boat harbor and those who utilize a private marina for their boat launching. On Saturday, February 11, 2012, I counted seven boats within a half mile length of Farrington Highway all within the relative same area of Kahe Point which is popular for dolphin watching, snorkeling and visiting a turtle cleaning station. Some of these boats were from the Wai`anae boat harbor and others not. Consistent pressure such as this has, in the past, resulted in less resources within an area.

A specific case in point was a number of years ago there was a kayak business that launched off of Makua Beach Park. During the time this operation was on-going, the local commercial fishermen could not find the schools of *akule* that are common in that area. Within one week after the kayaks were banned from launching off the beach, a local commercial fisherman was again able to harvest a portion of a large school of *akule*.

Without the management of DLNR on all commercial activities on our ocean waters the future of our resources may become at risk of survival. This is something that no one wishes to see since it may affect not only the visitor industry but also our local commercial and subsistence gathering.

DLNR needs tools to be able to do their job, protecting our resources now and for future generations.

Thank you for the opportunity to testify.

Cynthia K.L. Rezendes
Wai`anae Coast resident
rezentesc@aol.com

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 27, 2012 10:40 PM
To: FINTestimony
Cc: mjellings@hawaii.rr.com
Subject: Testimony for HB2682 on 2/29/2012 2:30:00 PM

Testimony for FIN 2/29/2012 2:30:00 PM HB2682

Conference room: 308
Testifier position: Support
Testifier will be present: Yes
Submitted by: Carl P Jellings Sr
Organization: Individual
E-mail: mjellings@hawaii.rr.com
Submitted on: 2/27/2012

Comments:

Chair Oshiro
Vice Chair Lee
and Members of The House Finance Committee

My sincere appreciation for hearing HB2682

Carl P Jellings Sr