

Honolulu, Hawaii

Feb 8, 2006

RE: H.B. No. 2397

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Water, Land, & Ocean Resources, to which was referred H.B. No. 2397 entitled:

"A BILL FOR AN ACT RELATING TO GROUNDED VESSELS,"

begs leave to report as follows:

The purpose of this bill is to protect Hawaii's natural resources, including its coral reef, by, among other things:

- (1) Requiring vessels that run aground on submerged lands, state shorelines, or state coral reefs to be removed immediately by the owner or operator of the vessel;
- (2) Allowing a state official, upon determination by the Department of Land and Natural Resources (DLNR) that the owner or operator of a grounded vessel cannot achieve a safe and immediate removal of the vessel, to assume control of the vessel and direct its removal to a safer location; and
- (3) Allowing DLNR to take legal action to collect monies for any costs or expenses incurred by DLNR for vessel removal and requiring that such monies be deposited into the Boating Special Fund.

The Office of Hawaiian Affairs, DLNR, Hawaii Audubon Society, and Sierra Club, Hawaii Chapter, supported this bill.



Your Committee notes that at the present time, existing law does not clearly allow the State to mandate that a grounded vessel be removed immediately when it is grounded on a coral reef or when there is imminent danger of the grounded vessel breaking up. In these cases, prompt removal of the vessel is critical, since even a single tidal cycle may drive a grounded vessel much further aground, causing even more damage to the coral reef.

As affirmed by the record of votes of the members of your Committee on Water, Land, & Ocean Resources that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2397 and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Water, Land, &
Ocean Resources,



EZRA R. KANOHO, Chair



