

Testimony in support of the intent of HB2917 with suggested amendments.

House Committee on Water, Land, Ocean Resources and Hawaiian Affairs
State Capitol, Room 312 at 0830, 4 February 2008

Chair and Respected Members of the Committee;

My name is Reg White. I have been operating passenger tour and excursion vessels from Kewalo Basin since 1974. We truly need this bill in order to protect our ability to continue operations in the event that Kewalo Basin is reassigned from DOT Harbors to some other State agency. As Kewalo Basin is presently under the control of DOT Harbors we presently enjoy these privileges in the conduct of our businesses. The purpose of this bill is to continue our operations without interruption when the Basin is shifted to another agency from DOT Harbors.

HB2917 requires the DOT to allow boats from Kewalo Basin to use Honolulu Harbor without additional permits or fees when weather or other conditions close Kewalo or for commercial fishing boats that have to use Honolulu for the sale of their catch or to conduct their daily business. There are just a few problems with the language of the bill as proposed, and I submit a possible fix to you here for an HD1 version of this very valuable bill.

Under Section 2 (1) : We cannot wait for the harbor manager to make decisions regarding the safety of operations at the Basin as he works from 0730 to 1600 Monday through Friday except holidays and we all operate 24-7. This must be a judgement call by the master of the vessel involved.

Under Section 2 (2) : Commercial fishing vessels do more than just sell their fish at Honolulu Harbor, they regularly depend on other suppliers and services that are not available in Kewalo Basin. It's a part of their regular daily business needs to move freely between the two harbors.

The following is my suggestion to modify the wording of this act so that it will accomplish it's intent:

() is text removed, underlined is text added.

HB2917

Section 1 . The purpose of this Act is to require the department of transportation to allow a vessel with a mooring permit for Kewalo basin to moor or conduct business in Honolulu harbor under certain conditions.

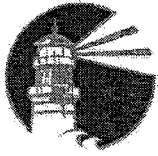
Section 2. "§266- Portability of Kewalo basin use permit; Honolulu harbor. (a) Notwithstanding any law to the contrary, the department of transportation shall allow, on a space available basis, a vessel with a use permit authorizing the vessel to moor or conduct business in Kewalo basin to moor or conduct business in Honolulu harbor at no additional cost and with no additional use permit required under the following conditions:

(1) The (manager of) conditions at Kewalo basin prohibit(s) safe entrance into Kewalo basin because of inclement weather or ocean conditions or when those conditions make unsafe working conditions alongside; provided that as soon as conditions return to normal (the manager of) at Kewalo basin (opens the entrance to vessels,) the vessel shall leave Honolulu harbor; and

(2) The owner or operator of a commercial fishing vessel in the normal course of it's daily business must use Honolulu Harbor (desires) to sell the owner's or operator's catch of fish to a business operating within Honolulu harbor, or replenish or service the vessel from a vendor in Honolulu Harbor; provided that the vessel shall not moor in Honolulu Harbor for a period longer than is necessary to conduct it's regular daily business, unload all or some of the catch of fish for sale, replenish and refit the vessel, take on fuel or ice as necessary or conduct any other facet of the normal ship's business that must be conducted only at Honolulu Harbor.

Thank you for hearing this bill today as it is very important to the future of the commercial boating and fishing industries of Oahu.

Reg White
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March 24, 2008

Testimony To: Senate Committee on Transportation and International Affairs
Senator J. Kalani English, Chair

Senate Committee on Water and Land
Senator Clayton Hee, Chair

Presented By: Tim Lyons, CAE
Executive Director

Subject: H.B. 2917, HD 2 – RELATING TO HARBORS.

Chair English, Chair Hee and Members of the Joint Committees:

I am Tim Lyons, Executive Director of the Ocean Tourism Coalition and we support this bill.

This bill will allow vessels to interchange between Kewalo Basin and Honolulu Harbor under certain conditions. Although both basins were under the jurisdiction of DOT/HCDA, it would appear that there is some shift in the making. Therefore, we find that this bill is necessary in order to provide for a smooth transition and continuation of operations.

We would like to note however, that the Harbor Master for Kewalo Basin works a typical 7:30 a.m. to 4:00 p.m., Monday-Friday work week and therefore, it is very important that the rules

to be developed will allow for this transfer without having to wait for the Harbor Master's permission, as long as you meet certain conditions.

We also would like to note that there has been discussion about Kewalo and who has or will have jurisdiction over the harbor. We would advise re-wording the bill so that it is the "agency having control over _____ harbor shall allow..." (Sections a and b of 266).

We believe that further items may be clarified in the Administrative Rules and, therefore, we support this bill.

Thank you.

testimony

From: Anne Stevens [Astevens@scd.hawaii.gov]
Sent: Thursday, March 20, 2008 4:04 PM
To: testimony
Subject: 3/24/2008 TIA/WTL Hearing

March 20, 2008

Dear Chair English and Chair Hee and Committee Members:

I would like to express my **support for HB2917 HD2**. There are several harbors on the south shore of Oahu managed by different entities within State Government. Vessels with current mooring permits should be allowed to seek shelter without penalty in an alternate harbor if weather conditions render the home port unusable. Reciprocal mooring benefits will provide a margin of safety for our commercial fleet during inclement weather.

Additionally, US flag, Honolulu based commercial fishing vessels doing business (loading ice, unloading fish, fueling, undergoing repairs) may need to use an alternate harbor for a period of time. On a space available basis, their mooring permits should be honored in each harbor. This small change to current rules will be of great benefit to the commercial maritime industry.

Thanks you for the opportunity to provide supportive testimony on this measure.

Sincerely,
Anne Stevens
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