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IN REPLY REFER TO:

February 4, 2008

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

HB NO. 2917

COMMITTEE ON WATER, LAND, OCEAN RESOURCES & HAWAIIAN AFFAIRS

The Department of Transportation (DOT) supports the intent of this bill, which is to allow a vessel having a Kewalo Basin use permit to moor in Honolulu Harbor at no additional cost due to inclement weather; and while docking, to unload its commercial fishing catch to a business operating within Honolulu Harbor.

We point out, however, that a vessel that is delinquent or in arrears in its payments to the State should not be allowed entry into Honolulu Harbor to unload its commercial fishing catch. Vessels that are authorized entry should be current in their payments to the State and not be allowed to take advantage of this beneficial use of harbor facilities.

We would also note that Harbors Division was in the process of drafting a reciprocity agreement to cover vessels at both Honolulu Harbor and Kewalo Basin. In contrast, this bill addresses only vessels at Kewalo Basin and does not provide similar relief to those fishing vessels with mooring permits in Honolulu Harbor. The DOT would prefer that the legislation address fishing vessels in both harbors. This would be consistent with intended reciprocity agreement and would treat all similarly situated fishing vessels equitably.

From: rhardlydavison@aol.com [mailto:rhardlydavison@aol.com]
Sent: Wednesday, January 30, 2008 12:35 PM
To: WLHtestimony
Subject: H B NO 2917

HOUSE OF REPRESENTATIVES

Hi, My name is Richard Davison and I have worked as a Licensed Vessel Master (Captain) on Oahu for over 20 Years.

It is my opinion that although HB NO. 2917 is a step in the right direction, the wording needs to be tweaked just slightly.

For Instance, in SECTION 2 Instead of "The manager of Kewalo basin prohibits entrance into Kewalo basin because of inclement weather or ocean conditions" change to: CONDITIONS OF THE HARBOR PROHIBIT SAFE ENTRANCE... This will allow the Captains to make the decision to divert to Honolulu Harbor when they deem it unsafe to moor at Kewalo. This is important because it speeds the decision (read:Safety) tremendously since the ships Master won't have to wait for the harbor personnel to "close" the harbor. Remember that vessels are operating in the harbors 24 hours a day, seven days a week, including Christmas. Even while Harbor Personnel are off duty.

Thank You,

Captain R. Davison
41-585 Poalima Street
Waimanalo, Hawaii

H.B. NO. 2917

TWENTY-FOURTH LEGISLATURE, 2008

STATE OF HAWAII

A BILL FOR AN ACT

relating to harbors.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

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 in Honolulu harbor under certain conditions.

SECTION 2. Chapter 266, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§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 in Kewalo basin to moor in Honolulu harbor at no additional cost and with no additional use permit required under the following conditions:

(1) The manager of Kewalo basin prohibits entrance into Kewalo basin because of inclement weather or ocean conditions; provided that as soon as the manager of Kewalo basin opens the entrance to vessels, the vessel shall leave Honolulu harbor; and

(2) The owner or operator of a commercial fishing vessel desires to sell the owner's or operator's catch of fish to a business operating within Honolulu harbor; provided that the vessel shall not moor in Honolulu harbor for a period longer than is necessary to unload all or some of the catch of fish for sale.

(b) The department of transportation shall adopt rules, pursuant to chapter 91, necessary to implement this section."

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

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From: RawcoHI@cs.com [mailto:RawcoHI@cs.com]
Sent: Wednesday, January 30, 2008 12:05 PM
To: WLHtestimony
Subject: Testimony in support of HB2917 with suggested amendments

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 apologise that I cannot be here today, but I am at sea. Please accept this written testimony in my stead. 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 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
Vice president, project development
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