

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**TESTIMONY OF THE CHAIRPERSON
OF THE BOARD OF LAND AND NATURAL RESOURCES**

On House Bill 3173, House Draft 1 – Relating To Grounded Vessels

**BEFORE THE HOUSE COMMITTEE ON
FINANCE**

February 22, 2008

House Bill 3173, House Draft 1 proposes to clarify that, upon assuming control over a grounded vessel, the Department of Land and Natural Resources (Department) shall remove the vessel by any means necessary in order to minimize damages to the natural resources and not become a hazard to navigation. The Department is in strong support of this Administration legislation.

Presently, when the Department assumes control of a vessel that has been grounded on a coral reef or in imminent danger of breaking up and that cannot be removed immediately by the owner in a manner that is reasonably safe, the statutes require the Department to direct the vessel to a safer location. When encountering situations where the vessel is breaking up or damaged beyond repair and becomes a threat to the natural resource, or a hazard to navigation, total removal of the vessel may not always be practical. As an example, there are vessels aground at the Kure Atoll and off the Honolulu International Airport reef runway that need to be removed in pieces because it has been determined that to remove them whole would cause extensive damage to the natural resources.

This bill would allow the Department to take immediate action and reduce the cost to remove a grounded vessel that has been determined to be a threat to natural resources or a hazard to navigation.

The Department strongly recommends passage of this Administration bill.



HB 3173, HD 1, RELATING TO GROUNDED VESSELS
House Committee on Finance

February 22, 2008
Room: 308

2:15 p.m.

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB 3173, HD 1, which would allow the removal of grounded vessels from a living reef or other critical marine environments, at the vessel owner's expense, more quickly and with the safety of the public and the environment in mind.

Because all submerged lands are ceded lands, OHA takes seriously its trust responsibilities to protect and preserve these lands, and the water and air columns above them. A number of dangerous and expensive vessel groundings have occurred within Hawaiian state waters, just during the past decade. Because it is often difficult to find the owners of such vessels, the boats are left to disintegrate and to wreak havoc on fragile reef ecosystems throughout the Main and Northwestern Hawaiian Islands.

Coral reefs take scores of years to grow and mature, and seconds to be demolished. These fragile ecosystems harbor shelter for many stages of marine animals' growth, reproduction and survival. So much impact on a fragile ecosystem which contains many endangered and endemic species cannot be ignored.

Amending existing statutes to clarify that such vessels will be specifically removed, instead of vaguely "directed to a safer location," is a vast improvement for the Department of Land and Natural Resources' ability to act decisively and immediately. The further amendment proposed by this bill, which would allow the boat owner 72 hours to remove the vessel on their own, provides a needed layer of fairness.

OHA urges the Committee to PASS HB 3173, HD 1. Thank you for the opportunity to testify.



Ocean Tourism Coalition

The Voice for Hawaii's Ocean Tourism Industry
820 Mililani Street, Ste. 810
(808) 205-1745 Phone (808) 533-2739 Fax
office@oceantourism.org

February 22, 2008

Testimony To: House Committee on Finance
Representative Marcus R. Oshiro

Presented By: James E. Coon, President
Ocean Tourism Coalition

Tim Lyons, CAE
Executive Director

Subject: H.B. 3173, HD 1 – RELATING TO GROUNDED VESSELS.

Chair Oshiro and Members of the Committee:

I am James E. Coon, President of the Ocean Tourism Coalition (OTC), Hawaii's statewide organization. We represent the 300 small commercial passenger vessels operating out of state harbor facilities. We speak in support of H.B. 3173 as amended.

We agree with the intent of this bill and protecting the reef from abandoned or derelict vessels. We want to see language that would protect the rights of the vessel owner to have the first right to coordinate the salvage of his own vessel. This is especially important for the commercial operators whose vessels may be worth well over a million dollars. We are highly motivated to save our vessels and do as little damage to the reef or environment as possible.

The amendment in HD 1 reflects the rights of the vessel owner to be the primary agent in the salvaging of his vessel.

Thank you.

FINtestimony

From: RawcoHI@cs.com
Sent: Wednesday, February 20, 2008 6:45 AM
To: FINtestimony
Subject: Testimony regarding the purpose of HB3173 HD1

TESTIMONY IS REGARD TO HB3173 HD1 WITH SUGGESTIONS

House Committee on Finance
Room 308 at 1415 on 22 February 2008

Chair Oshiro and Respected Members of the House Finance Committee;

My name is Reg White. I have been a licensed U.S. Merchant Marine Officer for over fifty four years. I have served as master aboard ocean going tugs from Hawaii providing salvage services in the mid Pacific Ocean. I know from first hand experience that the first hours after a vessel goes aground are the most critical for action if a successful rescue is to be carried out. In a very short time exposed to the waters of our ocean a grounded vessel is turned into a wreck. This leads to pollution, shoreline damage and debris removal hazards. The expense goes up radically with the passage of very little additional time before the removal process is begun. The chances of success deteriorate just as rapidly. This bill, as presently written in HD1, seems to require the Department to wait 72 hours for the owner to act before they can take the action required to protect our environment or to mitigate the amount of the loss involved. This 72 hours almost guarantees that each grounded vessel will become a wreck! This was not the goal of introducing this legislation. The goal was to allow the Department to take immediate action to prevent a grounding from becoming a wreck when the owner was not available or was unable to do the job himself. Please correct this language so that the bill will serve it's original intent and we will prevent grounded vessels from becoming wrecks and doing damage to our shorelines as well as reduce the eventual costs of wreck removal to the Department.

Respectfully,

Reg White
1540 S, King St.
Honolulu, HI 96826-1919
(808) 222-9794
RawcoHI@cs.com