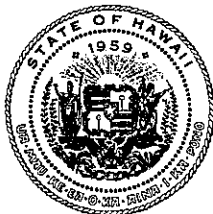
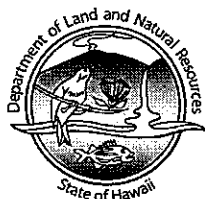


LINDA LINGLE
GOVERNOR OF HAWAII



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

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CONSERVATION AND RESOURCES ENFORCEMENT
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HISTORIC PRESERVATION
KAIHOLAWE 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 SENATE COMMITTEE ON
JUDICIARY AND LABOR**

March 28, 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
Senate Committee on Judiciary and Labor

March 28, 2008

9:30 a.m.

Room: 016

The Office of Hawaiian Affairs (OHA) **SUPPORTS** H.B. 3173, H.D. 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 or to get the owners or their insurance to pay in a timely fashion, the boats often 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 that 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 H.B. 3173, H.D. 1. Thank you for the opportunity to testify.



Ocean Tourism Coalition

The Voice for Hawaii's Ocean Tourism Industry
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March 28, 2008

Testimony To: Senate Committee on Judiciary and Labor
Senator Brian T. Taniguchi, Chair

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 Taniguchi and Members of the Committee:

The Ocean Tourism Coalition (OTC) represents the 300 small commercial passenger vessels operating out of state harbor facilities. We speak in support of H.B. 3173 with a further amendment.

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. We would however, like to clarify that once DLNR takes control over the vessel that "the vessel should be removed using conventional salvage methods to minimize damages to the natural resources and not become a hazard to navigation."

This deletes the language "by any means necessary" which we feel is entirely too broad.

Thank you.