

**TESTIMONY**  
**SB 2091**

**testimony**

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**From:** Tyler Ralston [kahalas@hawaii.rr.com]  
**Sent:** Wednesday, February 13, 2008 9:18 AM  
**To:** testimony  
**Subject:** Testimony in support of SB 2091 relating to Sailboards, Committee on Water and Land, Hearing Friday February 15 @ 2:45 pm

Senate Committee on Water and Land  
Testimony in support of SB 2091  
Hearing: Friday February 15, 2008 @ 2:45 p.m.  
Submitted to [testimony@capitol.hawaii.gov](mailto:testimony@capitol.hawaii.gov)

2/13/08

Dear Chair Hee and Vice-Chair Kokubun,

I write to express my strong support for SB 2091, relating to sailboards, and to ask that you please vote in favor of the bill.

On many occasions I have been in the water either swimming or surfing and had high speed sailboarders and kiteboarders come within just a few feet of me. While sailboards and kiteboards are not engine powered craft, they regularly travel at speeds comparable with jet skis and other powered water craft. This speed, coupled with their shape, size, and features make them potentially extremely dangerous in close proximity to humans alone or on slow moving human powered craft such as surfboards and paddle boards.

Sailboards and kiteboards often have sharp features (e.g. pointy nose, fins) which can easily slice and cut human flesh, especially when applied with speed and force. Sailboards in particular can also be very heavy... and even a blunt edged hit to the head by such a craft is easily capable of causing serious injury or death. Recently, a sailboarder traversed back and forth between several friends and I, just feet from us, as we sat our surfboards waiting for waves. Later that day, the same sailboarder lost control of his craft while traveling at high speed. As he lost control, the tail of his sailboard whipped around at my friend's head. Being hit in the head by a sailboard traveling at that speed would likely be akin to being hit with a 2 x 4 at full swing, and would certainly result in death. Fortunately the board narrowly missed my friend's head, by what looked like inches, allowing his three young children to continue having a living father.

I believe windsurfers and kiteboarders on the whole are a conscientious group of enthusiasts, generally using prudent judgment and practicing their sport safely around others. Passing SB 2091 would thus have little to no effect on most because they are already staying 200 feet or more away. However, there remain those who regularly and carelessly endanger swimmers and surfers. Passing SB 2091 would ultimately make the waters safer from those that continue to have difficulty regulating their own reckless behavior.

There is already a DLNR rule on the books (section 13-256-20 of Hawaii Administrative Rules DLNR) and Hawaii Revised Statute 200 that stipulates that sailboarders stay at least 200 feet away from dive flags. This makes common sense and has undoubtedly led to fewer injuries and/or deaths over the

2/13/2008

years. Swimmers and surfers, like divers, are slow moving human powered entities in the water, and as such, it makes sense to include them with divers in this already existing law.

Please support SB 2091.

Thank you for consideration of my testimony.

Tyler Ralston  
Honolulu Resident

**testimony**

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**From:** Cory A. Beall [beall@hawaii.rr.com]  
**Sent:** Wednesday, February 13, 2008 2:24 PM  
**To:** testimony  
**Subject:** Testimony in support of SB 2091 relating to Sailboards, Committee on Water and Land, Hearing Friday February 15 @ 2:45 pm

Dear Chair Hee and Vice-Chair Kokubun,

I write to express my strong support for SB 2091, relating to windsurfers.

I have witnessed many occasions where windsurfers have come dangerously close to colliding with and injuring surfers at established surf spots. This is an unsafe situation and could easily be made safer by passing this bill. There is no reason that windsurfers can't enjoy their sport other than where surfers are surfing.

Thank you for supporting this bill.

Cory A. Beall (s)  
Vice President  
The Beall Corporation  
Ph: 808-542-9846  
email: beall@hawaii.rr.com

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**testimony**

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**From:** Kent Badham [kentbadham@hotmail.com]  
**Sent:** Wednesday, February 13, 2008 3:27 PM  
**To:** testimony  
**Subject:** SB 2091 testimony

Senate Committee on Water and Land  
Testimony in support of SB 2091  
Hearing: Friday February 15, 2008 @ 2:45 p.m.  
Submitted to [testimony@capitol.hawaii.gov](mailto:testimony@capitol.hawaii.gov)

Aloha Mr. Hee and Mr. Kokubun

I hope that you vote favorably in passing SB 2091. Sailboarding and Kiteboarding are very dangerous when operated amongst traditional surfers. In the surf zone, it can be difficult to see conventional surfers, when sailboarders and kitesurfers come whipping through. Often, surfers cannot get out of the way fast enough, when they come barreling through. I have almost been hit a few times myself.

Mahalo for your consideration.  
-Kent

Kent Badham(s)  
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Fx. (808) 377-1184  
THE BEALL CORPORATION  
4901 Kalaniana'ole Hwy.  
Honolulu, Hi. 96821

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## testimony

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**From:** Geoff Hautman [hmsgeoff@gmail.com]

**Sent:** Thursday, February 14, 2008 7:15 AM

**To:** testimony

**Subject:** Testimony to bill SB 2091 COMMITTEE ON WATER AND LAND hearing of Friday February 15, 2008 2.45pm

A law like the proposed bill SB2091 would mean a huge damage to the windsurfing related industry (shops, tourists), that in Maui is pretty remarkable.

With a 200 feet limit, in fact, a single surfer on the break will virtually mean no sailboards on the break. And that'll be the end of wavesailing at Hookipa or Kanaha when there's waves and it's windy.

At Kanaha there's already the 11 o'clock rule (no windsurfing before 11am) that leaves plenty time to surfers to enjoy the less windy hours of the day.

At Hookipa there's already the 10 man rule (no windsurfing if more than 10 surfers in the water) that protects the surfers' safety.

A rule like the proposed bill SB2091 will not be fair towards windsurfers and kitesurfers.

Geoff Hautman

## testimony

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**From:** Lindsey Loperena [lindseyl@pacbell.net]  
**Sent:** Thursday, February 14, 2008 7:34 AM  
**To:** testimony  
**Subject:** SB2091

To Whom it May Concern,

Passage of SB2091 would do irreparable damage to the vacation and windsurfing industries of Maui. The monetary loss to businesses could easily go into the tens of millions of dollars. Tax loses due to this shortfall would be in the millions of dollars.

Good luck to any who signs this and is seeking reelection.

Sincerely,

Lindsey Loperena

## testimony

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**From:** Scott McKay [swmckay@gmail.com]  
**Sent:** Thursday, February 14, 2008 8:52 AM  
**To:** testimony  
**Cc:** Scott McKay  
**Subject:** Testimony to bill SB 2091 COMMITTEE ON WATER AND LAND hearing of Friday February 15, 2008 2.45pm

I understand that the state of Hawai'i is considering bill SB2091, which would ban windsurfing within 200 feet of surfers or swimmers.

While I sympathetic to the idea of protecting swimmers and surfers from higher speed windsurfers and kites, I believe that this bill is both unnecessary and will likely damage the Maui economy, which attracts thousands of kites and windsurfers from around the world.

Why do I think it is unnecessary? Well, because there are already designated areas for windsurfers and kites in Hawai'i. For example, Kanaha has safe, roped areas for swimmers; the windsurfers stay well outside this area; and there is already an "11am rule" in effect which keeps windsurfers and kites off the water during the time when surfers are more likely to find good swells anyway.

At Ho'okipa, there is already a "10 man rule" that stacks the decks in favor of surfers. It seems unreasonable to add a further law that says that a \*single\* swimmer can override the rights of dozens of windsurfers and kites.

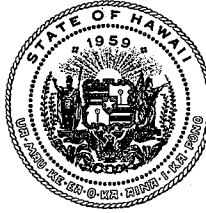
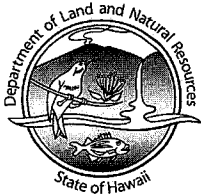
Furthermore, in my years of windsurfing, I have not witnessed a single collision between a windsurfer or kiter and a swimmer. And I have never seen such a collision involving a surfer, either, although I have heard rumors of them. I have, however, seen many collisions between surfers, and seen many swimmers "run over" by surfers. If you are trying to protect swimmers, a law banning surfers from practicing their sport near swimmers would be far more effective, but I can't honestly think that anyone would propose this.

I urge you to reject this bill.

Scott McKay



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  
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Commission on Water Resource Management

Russell Y. Tsuji  
First Deputy

Ken C. Kawahara  
Deputy Director - Water

Aquatic Resources  
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Engineering  
Forestry and Wildlife  
Historic Preservation  
Kahooolawe Island Reserve Commission  
Land  
State Parks

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

**On Senate Bill 2091 - Relating To Sailboards**

**BEFORE THE SENATE COMMITTEE ON  
WATER AND LAND**

**February 15, 2008**

Senate Bill 2091 proposes to prohibit operation of a sailboard or kiteboard within 200 feet of another person swimming or using a surfboard within the waters of the State. The Department of Land and Natural Resources (Department) opposes this measure for the following reasons:

The Department acknowledges that the types of ocean recreation equipment used in sail and kiteboarding could potentially be dangerous to a swimmer because of their speed, weight and the fact that "controlled flying" is one of the most attractive capabilities of both types of equipment. The Department also agrees that, in principle, the specified 200-foot perimeter around swimmers and surfers could logically reduce collisions between swimmers and sail and kite boarders.

However, the Department notes difficulty in finding documented incidents involving swimmers and sail and kiteboarders. The Department made inquiry with its Division of Conservation and Resources Enforcement as well as the City and County of Honolulu Ocean Safety Lifeguard Services and other sources. The search was conducted for incidents in state waters, incidents nationwide and later, globally. The Department has found that members of the sail and kiteboard communities experience few serious accidents and few fatalities. The accidents which do occur usually involve a single rider who, unable to see or predict a sudden gust of wind, or due to equipment failure, is dragged or blown into bystanders and solid objects, resulting in contusions, abrasions, lacerations, joint sprains and fractures. These sport participants, for the most part, already provide a wide berth to other ocean users. They understand that distance from ocean users and fixed objects helps to forgive errors in judgment and just plain bad luck.

Enforcement of the 200 foot perimeter proposed in this bill would be hampered by the large expanse of area in which infractions could occur, the difficulty in accurately measuring distance between two individuals in the water and the lack of a penalty provision in the bill as drafted.

Because there is so little information about accidents between these groups of ocean users, because most sail and kiteboard enthusiasts already abide by a self-imposed perimeter placed around any solid object, including swimmers and surfers, and because a statute or rule would be difficult to enforce out in the field, the Department is hard pressed to support this bill at this time.

Identifying separate areas for ingress/egress and safe swimming areas like at Kailua Beach Park, Oahu, is an option. The Department is currently working with Tetra Tech, a planning consultant to study the feasibility of such a plan for the Waianae Coast of Oahu. While the Department can appreciate the public desire to quickly implement a solution, it's important to work with the community to identify appropriate sites to implement control measures and the various uses in each area that need to be accommodated.

If the Legislature chooses to pursue this added protection for swimmers and surfers, the Department would prefer to promulgate an administrative rule or administer a rule change of verbiage that already provides a framework and definitions for ocean recreation activities. This process would also afford the public more extensive opportunities to provide input on this issue. In this way, administrative rules can be made to serve the public rather than inhibit their enjoyment of the ocean.

**testimony**

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**From:** Tatiana Howard [tatianahoward@gmail.com]  
**Sent:** Thursday, February 14, 2008 10:58 AM  
**To:** testimony  
**Subject:** Re: Ocean Recreation; Sailboards Testimony Friday, February 15, 2008 2:45 p.m.

ref-

[http://www.capitol.hawaii.gov/session2008/hearingnotices/WTL\\_02-15-08\\_.htm](http://www.capitol.hawaii.gov/session2008/hearingnotices/WTL_02-15-08_.htm)

[http://www.capitol.hawaii.gov/session2008/bills/SB2091\\_.htm](http://www.capitol.hawaii.gov/session2008/bills/SB2091_.htm)

<http://www.capitol.hawaii.gov/session2008/lists/getstatus2.asp?billno=SB2091>

I am writing to object to the proposed legislation regarding windsurfers and kite surfers. Windsurfing was effectively born and grown in Hawaii and hence a lot of business and tourism reflects this, many people visit the islands and make them their homes to be able to practice these sports in some of the best recognized locations in the world. At the very least a thorough assessment of the economic and social impact of this legislation should be made before even considered for approval.

There is no doubt however for a concern of safety amongst swimmers and surfers when mixed with windsurfers or kite surfers but there is already legislation in place to accommodate these users; namely windsurfing and kite surfing banned before 11 am at Kanaha beach park this allows adequate time for surfers to be able to enjoy the light morning winds. Also Hookipa Beach Park also uses the "10 man surfer" rule to good effect to segregate water users. Typically very little windsurfing takes places in the morning hours which is the ideal time for surfing when the wind is light, in my opinion this works well and accommodates all users well.

I am not sure where the figure of 200' came from, perhaps in relation to kite surfers and their long kite lines, if this is true a distinction between windsurfing and kite surfing should be made as the windsurfer is a much more compact unit and does not take up nearly as much room as a kite surfer. More consideration to this distance should be made and perhaps separate rules for kite surfing and windsurfing if this legislation has to be made.

I am interesting into the reasoning behind this legislation, windsurfing and kite surfing only operates from a select few beaches on the islands leaving many, many more for surfing, swimming or any other water recreation. I do not see how this legislation could be healthy for the islands from a social or economic point of view.

**testimony**

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**From:** John Bruder [johnbruder@yahoo.com]

**Sent:** Thursday, February 14, 2008 11:04 AM

**To:** testimony

**Subject:** Testimony to bill SB 2091 COMMITTEE ON WATER AND LAND hearing of Friday February 15, 2008 2.45pm

I agree that we need reasonable rules for sailboarding and kiteboarding and that these sports present a potential danger. The 200ft rule proposed is too extreme and will eliminate sailboarding from some of the best locations in the world. I regularly sailboard at Kanaha and Hookipa beach parks on Maui. These locations already have rules to protect the interests of other uses (10 surfer rule at Hookipa, and the 11AM rule at Kanaha). I fully support reasonable legislation to protect the interests of everyone but this proposal is not it.

Thank you.

John Bruder  
Haiku, HI

## testimony

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**From:** Raymond Mangan [ray@raymangan.com]  
**Sent:** Thursday, February 14, 2008 11:06 AM  
**To:** testimony  
**Subject:** committee on water and land testimony

DATE:

Friday, February 15, 2008

TIME:

2:45 p.m.

PLACE:

Conference Room 414

State Capitol

415 South Beretania Street

### Testimony:

As a Maui resident, I was shocked, and deeply disappointed when I read the the proposed SB 2091 regarding sailboards. One of the major industries the island of Maui has going for it is it's World Class windsurfing, and kiteboarding locations. SB 2091 threatens to completely dissolve this, thus removing millions of dollars form Maui's economy. Similar to most Hawaiian residents, I enjoy spending my free time at the beach and in the ocean, and I'm sure that I'm not the only person to multiple hobbies that involve our ocean. When the surf is good and the wind is down, I enjoy surfing at Ho'okipa Beach park, Kanaha beach park, and many other locations throughout our island. As often is the case though with Maui, trade winds usually blow out the surf by 11:30 am and the conditions are much more favorable for windsurfing than surfing.

A blanket statement prohibiting "sailboards from approaching within 200 feet of a swimmer or surfer in the ocean," is an ineffective and costly rule to enforce. If this proposal is for personal safety than it is simply a case of good intentions being executed poorly. There are always going to be problematic cases between two groups of people, but on the whole, the people of Hawaii are kind and generous people, who have no need for their government to tell them when and where they can enjoy their free time.

I strongly encourage you to reject this un-realistic proposal, after considering what a negative economic impact it would have on my islands economy. The main issue here is respect. Do you think that most ocean goers have enough respect for each other that they can play together? Or do you feel that we have to let a few bad apples ruin the fun for everybody?

Aloha,

Ray Mangan

**testimony**

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**From:** Olaf Mitchell [olafrockerwaves@gmail.com]  
**Sent:** Thursday, February 14, 2008 11:13 AM  
**To:** testimony  
**Subject:** SBnumber2091

In regard to the Committee On Water And Land hearing on Friday, 2/15/08 @2:45pm (SB#2091)

The windsurf (wave sail) industry on Maui is a primary part of our economy.

It is limited to two surf breaks that are already governed and patrolled.

As a concerned surfer and wave sailor, I feel that we are coexisting adequately and that there is no need for further legislation in this matter.

Sincerely,

Olaf Mitchell

**testimony**

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**From:** Barkley Bastian [yelkrab@gmail.com]

**Sent:** Thursday, February 14, 2008 11:16 AM

**To:** testimony

**Subject:** Testimony to bill SB 2091 COMMITTEE ON WATER AND LAND hearing of Friday February 15, 2008 2.45pm

Testimony to bill SB 2091 COMMITTEE ON WATER AND LAND hearing of Friday February 15, 2008 2.45pm

To whom it may concern,

A law like the proposed bill SB2091 would mean a huge damage to the windsurfing related industry (shops, tourists), that in Maui is pretty remarkable.

With a 200 feet limit, in fact, a single surfer on the break will virtually mean no sailboards on the break. And that'll be the end of wavesailing at Hookipa or Kanaha when there's waves and it's windy.

At Kanaha there's already the 11 o'clock rule (no windsurfing before 11am) that leaves plenty time to surfers to enjoy the less windy hours of the day.

At Hookipa there's already the 10 man rule (no windsurfing if more than 10 surfers in the water) that protects the surfers' safety.

A rule like the proposed bill SB2091 will not be fair towards windsurfers and kitesurfers.

Please, don't pass it. Thanks.

Barkley Bastian DDS

## testimony

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**From:** Haydn Huntley [haydn.huntley@gmail.com]  
**Sent:** Thursday, February 14, 2008 11:21 AM  
**To:** testimony  
**Subject:** Testimony to bill SB 2091 COMMITTEE ON WATER AND LAND hearing of Friday February 15, 2008 2.45pm

Aloha,

Passing a law like this one would be terrible!

I live on Maui and we already have adequate protection for swimmers (swimmers typically don't like to swim where windsurfers like to sail or kitesurfers like to ride).

We also have adequate protection for surfers, the 11 o'clock rule at Kanaha, and the 10 man rule at Ho'okipa.

Lastly, 200' in all directions is an unnecessarily large distance.

If people somewhere else would like to have a law like this passed, that is fine with me, but not here! (I noticed that Hawaii State Senator Les Ihara introduced this legislation, and he represents Oahu, so perhaps this would be more appropriate as a \*local\* law where he lives/swims/surfs.)

My wife is employed at a windsurfing shop, and this would make them and the other windsurfing stores go out of business, which would also negatively affect the tourist industry here on Maui.

So, please get rid of this legislation!

Mahalo!

--Haydn

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Haydn Huntley  
[haydn.huntley@gmail.com](mailto:haydn.huntley@gmail.com)

voice: 808-575-2571  
cell: 808-283-5173



## testimony

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**From:** Ala Huntley [ala@hotsailsmaui.com]  
**Sent:** Thursday, February 14, 2008 11:25 AM  
**To:** testimony  
**Subject:** Testimony to bill SB 2091 COMMITTEE ON WATER AND LAND hearing of Friday February 15, 2008 2.45pm

A law like the proposed bill SB2091 would mean a huge damage to the windsurfing related industry (shops, tourists), that in Maui is pretty remarkable.  
With a 200 feet limit, in fact, a single surfer on the break will virtually mean no sailboards on the break. And that'll be the end of wavesailing at Hookipa or Kanaha when there's waves and it's windy.  
At Kanaha there's already the 11 o'clock rule (no windsurfing before 11am) that leaves plenty time to surfers to enjoy the less windy hours of the day.  
At Hookipa there's already the 10 man rule (no windsurfing if more than 10 surfers in the water) that protects the surfers' safety.  
A rule like the proposed bill SB2091 will not be fair towards windsurfers and kitesurfers.  
Please, don't pass it. Thanks.

--

Ala Huntley  
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## testimony

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**From:** Anders Björkqvist [anders@volvoinhouse.se]  
**Sent:** Thursday, February 14, 2008 11:18 AM  
**To:** testimony  
**Subject:** Testimony to bill SB 2091 COMMITTEE ON WATER AND LAND hearing of Friday February 15, 2008 2.45pm

Please understand that there are 100.000 of people around the world that see Mauis north shores as the Mecca of Windsurfing.

I have only been there for 6 weeks myself in 1989, but I always want to make the trip back to Maui, just to windsurf at Hookipa and Kanaha again.

Please, don't pass this stupid rule!

Regards

Anders Bjorkqvist

Manager

Volvo Advertising Agency

Volvo Car Corporation

S-405 31 Goteborg

Sweden

**testimony**

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**From:** Geoff Wood [geoff.wood@profilecomposites.com]  
**Sent:** Thursday, February 14, 2008 11:38 AM  
**To:** testimony  
**Subject:** Testimony to bill SB 2091 COMMITTEE ON WATER AND LAND hearing of Friday February 15, 2008 2.45pm

Honoured Members of Committee

I am writing to express my strong opposition to SB 2091.

I am a long-time visitor to Maui, Hawaii, Kauai, and Oahu. My trips to islands other than Maui are for golf extensions of Maui Windsurfing vacations. These have numbered approximately 15 vacations in the 1985 to 2007 period and a scheduled trip for summer 2008 as well. Trips are from 15 days to 35 days in length. The involvement with Maui has typically included travel with direct family (4 of us) and also extends to promoting and travel with other family (several large family reunions in conjunction with our windsurfing trips).

I have strong intentions and plans to retire to Maui within the next few years. Over the time I have come to Maui I have seen the large growth and development of many companies and individuals involved in the sport of windsurfing, from small operations into international businesses. People like myself are one of the driving forces behind this economic engine, returning to spend significantly not only in the direct tourist market, but in product from Maui businesses for windsurfing and other activities, and ultimately in bringing our investment capacity to the islands.

Passage of your SB 2091 will ensure that I will not return to Maui (and thus likely the Hawaiian Islands) as it puts windsurfing activities in jeopardy, and you can be certain that I represent a significant number of like-minded people.

I believe SB 2091 is inappropriate and misguided, and will result in very detrimental economic conditions to Maui's windsurfing corporate and travel community, I urge you to reject it forthright.

Yours Sincerely, Geoffrey Wood

\*\*\*\*\*  
Geoffrey M. Wood, MASc.  
Profile Composites Inc  
2071B Malaview Avenue West  
Sidney, BC Canada V8L 5X6  
250-655-7142  
250-655-7148 (fax)  
\*\*\*\*\*

## testimony

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**From:** Sunya Ince-Johannsen [sunya.ij@gmail.com]  
**Sent:** Thursday, February 14, 2008 11:42 AM  
**To:** testimony  
**Subject:** Testimony to bill SB 2091 COMMITTEE ON WATER AND LAND hearing of Friday February 15, 2008 2.45pm

To whom it is concerned,

A law like the proposed bill SB2091 would mean a huge damage to the windsurfing related industry (shops, tourists, vacation rentals), which would include a huge portion of tourism on the Island of Maui.

With a 200 feet limit, in fact, a single surfer on the break will virtually mean no sailboards on the break. And that'll be the end of wavesailing at Hookipa or Kanaha when there's waves and wind.

At Kanaha the 11 o'clock rule (no windsurfing before 11am) already leaves plenty time to surfers to enjoy the less windy hours of the day, while windsurfers enjoy the windy afternoons.

At Hookipa there's already the 10 man rule (no windsurfing if more than 10 surfers in the water) that protects the surfers' safety.

A rule like the proposed bill SB2091 will not be fair towards windsurfers and kitesurfers, and will be devastating to the windsurfing fueled tourist economy on Maui. Thousands of windsurfers from around the world visit the island of Maui each year drawn to it's reliable trade winds, waves, and exquisite natural beauty. If such a law were to be passed, it would undeniably lead to a dramatic decrease in money brought in by the windsurfing industry and tourism on the island. This law is unnecessary and extremely unfair.

Please, don't pass it! Thanks for taking my input into account, and I trust you will make the right decision.

Sincerely,

Sunya Ince-Johannsen

## testimony

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**From:** lisa.thomas80@hawaiiantel.net  
**Sent:** Thursday, February 14, 2008 11:24 AM  
**To:** testimony  
**Subject:** SB2091

To Whom it may concern,

I am a windsurfer, surfer, ocean swimmer, and resident of Maui for 13 years. I am opposed to this bill. It will limit access to the ocean and recreational waters of the state of Hawaii. It is very rare that kite and windsurfers use the recreational areas at the same times as swimmers and surfers, since very windy conditions are required for the former, and not desirable for the latter. At Kanaha Beach, a popular windsurfing area on Maui, a swimmers area has always been roped off (until recently when the lifeguard station was moved), and I have never seen wind or kite surfers violate this area.

We must all be able to coexist.

Please don't pass this bill.

Sincerely,  
Lisa Thomas  
26 S. Laelua Pl.  
Paia, HI 96779  
(808) 283-1536

## testimony

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**From:** barry spanier [bspanier@maui.net]  
**Sent:** Thursday, February 14, 2008 11:27 AM  
**To:** testimony  
**Subject:** SB2091

to whom it may concern

the substance of this bill (SB2091) creates a nightmare of enforcement that can drive legitimate ocean recreation users into a state of criminal behavior simply by enacting this into law.

there are far too many years of peaceful coexistence between ocean recreation users for this to be necessary. if someone smacks into someone swimming, the smacker deserves to be responsible for the damage caused by that action, but certainly there is no need for this stupid law and any enforcement costs associated.

why aren't you doing more to deal with the homeless on the beaches, the terrible road maintenance, the decrepit harbors, and quit trying to run everyone's lives.

thanks  
barry spanier  
hawaii resident and voter since 1978  
maui

2/14/2008

## testimony

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**From:** windwiner@comcast.net  
**Sent:** Thursday, February 14, 2008 12:14 PM  
**To:** testimony  
**Subject:** Testimony to bill SB 2091 COMMITTEE ON WATER AND LAND hearing of Friday February 15, 2008 2.45pm

To the State Legislature of Hawaii,  
As a former resident of the State of Hawaii and now frequent visitor I urge you not to pass the current bill you are considering # SB2091. The Hawaiian Islands and the Island of Maui in particular have become the benchmark locations for windsurfers all over the world to visit and celebrate the amazing wind and water conditions that are available. As a surfer and windsurfer who spent many days paddling and riding waves at Diamond Head, not only one of Hawaii's most famous landmarks but also one of the most beautiful windsurfing and surfing locations on the Island of Oahu, I have seen how windsurfers, surfers and boogie boarders can coexist in a confined area, while enjoying the gifts of the island. These same conditions exist in numerous locations on Maui and the bill that you are considering would pretty much wipe windsurfing out as an activity to enjoy in Hawaii. This new law combined with the current enforcement and focus on the ban on vacation rentals on the north shore of

Maui

would surely be nothing but a painful blow to the capture of tourist revenue to local business's and state tourism.

Please consider another option to this bill and consider working with a group of local windsurfers, surfers, swimmers and fisherman to find an alternative to this crippling bill.

Thank you for your consideration from a previous resident who cherishes his time spent with family in the Aloha state.

Sincerely,

Dave Gifford

San Francisco, CA

--

Dave Gifford

windwiner@comcast.net

(415) 806 7480

## testimony

---

**From:** Niclas Cederlund [niclas@familjencederlund.se]  
**Sent:** Thursday, February 14, 2008 11:16 AM  
**To:** testimony  
**Subject:** Testimony to bill SB 2091 COMMITTEE ON WATER AND LAND hearing of Friday February 15, 2008 2.45pm

To the State Legislature of Hawaii,

I am a Swedish resident, planning a 4 week trip to of Maui this year, and I'm writing to voice concern over SB 2091, Relating to Sailboards.

Passage of the bill as presented would mean elimination of sailboarding from virtually all Hawaiian waters where it is currently practiced, with grave consequences to individual freedom and to economic vitality.

This would make me and lots of other possible visitors to Maui or other Hawaiian islands to consider other alternatives, such as Australia, Sout Africa etc. The same goes for the windsurfing manufacturing industry. Are you really willing to risk that income from tourists? And the bad publicity thatgoes with in? Where's the friendliness that Hawaii is known to have? If thing like this will pass, then associations of Hawaii will be other than of the word friendliness.

Most people I know go to Hawaii for at least 3-4 weeks, sometimes twice and triple that. All to enjoy the relaxed Hawaiian life, the beautiful islands, the waves both to windsurf them and to learn surfing. Such long stays genereate quite a tourist income, with all car rentals, renting houses, buying food etc that comes with long stays...

Please reject this bill, as its consequences are damaging and harmful.

Thank you for your consideration. I was hoping to finally be able to visit the place of my dreams, bu unfortunately this past 6 months, with the stopping of 2nd hand renatlas and now this, I doubt I will ever go there. Unfortunately for me. And unfortunately for you, my money will end up somewhere else. So please, reject the bill.

Niclas Cederlund  
Sandviksvägen 25  
Ronneby, Sweden



**testimony**

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**From:** Luke Mathison [lukemathison@hotmail.com]  
**Sent:** Thursday, February 14, 2008 12:18 PM  
**To:** testimony  
**Subject:** bill SB 2091 COMMITTEE ON WATER AND LAND

Wow!

I don't think you have thought this threw. This ban will pretty much wipe out the windsurfing/kiting community. Think of the rules in place already. Cant sail at all before 11. So from 6:30-11 (4 and 1/2 hours) they (surfers,, swimmers, divers) have it all to them selves. Then the wind comes up at around 11 or 12 which makes it bad for surfing anyway. then in the evening around 4 or 4:30 the wind usually dies and windsurfers come in and many go out and join with regular surfing. so from 4:30-6:30 (2 hours) they have the beach again. so thats at least 6 and 1/2 hours/day by them selves and thats only on the days that are windy. Mind you theres many days that its not sailable. the windsurfing time from 11-4 or 5 (thats 5 or 6 hours) so its makes it even right, actually more time for the surfers and swimmers. By the way Most windsurfers surf when its good for surfing, not when its blowing 20 mph. Not to mention that when the surfers come out and its still windy at ho'okipa or Kanaha ot wherever, if theres 10 surfers or any surfers we usually start going in out of respect, and now theres even a rule in place at Ho'okipa that when theres 10 sailers we cant sail anyway. I think the existing system works well. You do realize that a large majority of the tourists which support this economy come for windsurfing. Maui is the Mecca of the world. Many dream of this paradise. Especially Europeans. I'm included. Thats why I came from Oregon. It will self destruct the islands (especialy Maui) with this ban. PLEASE DON" T DO IT!!

I write this with all due respect

Sincerely

Luke Mathison

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## testimony

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**From:** Neil McMonagle [neil@mcmonagle.com]  
**Sent:** Thursday, February 14, 2008 12:19 PM  
**To:** testimony  
**Subject:** Testimony to SB 2091

COMMITTEE ON WATER AND LAND  
Date: Friday, February 15, 2008  
Time: 2.45pm

I am writing to voice concern over SB 2091, relating to sailboards and prohibiting operators of sailboards from approaching within 200 feet of a swimmer or surfer in the ocean.

I am not a resident of Hawaii, but have been a frequent visitor to Maui from the United Kingdom every year since 1998.

The issue of segregation in the ocean is faced by authorities world-wide, and typically solved by the establishment of zones to ensure safe ocean access by all.

On Maui such systems are already apparent, for example:

- No windsurfing before 11am allowing surfers unrestricted access to the breaks and swimmers open access while the winds are generally light and the waters calmer
- A zoned swimming area at Kanaha Beach Park
- No windsurfing from Baldwin Beach
- The '10 man rule' at Ho'okipa Beach Park, prohibiting windsurfing if more than 10 surfers are on the break

A 200 feet exclusion zone of any surfer or swimmer in any waters across the state as this bill proposes will effectively prohibit the sport of windsurfing across Hawaii.

Maui in particular is well regarded as the capital of windsurfing; the majority of R&D is carried out here thanks to the consistent trade winds and waves.

In addition Maui is a very popular windsurfing vacation destination - both from the US mainland and further afield.

The passage of this bill would have severe economic and tourism consequences.

Please reject this bill. It is unfairly restrictive and discriminatory, and the consequences are damaging and harmful.

Thank you for your consideration.

Neil McMonagle  
United Kingdom

## testimony

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**From:** Bergman Geoscience [Bergman\_Geoscience@telus.net]  
**Sent:** Thursday, February 14, 2008 12:27 PM  
**To:** testimony  
**Subject:** Testimony to bill SB 2091 COMMITTEE ON WATER AND LAND hearing of Friday February 15, 2008 2.45pm

Hello,

I would like to send an opinion on the matter of proposed bill SB2091.

The bill simply makes no sense. When I sail at Kanaha my wife and son like to play in the water. I cant recall an issue with them ever being endangered by windsurfers. Now if they or someone else is swimming in the water I cant even launch? What if i am already out sailing, now i cant even sail in? The 200 foot number makes no sense either, a windsurfing mast is only 15 feet long.

At Kanaha there's already the 11 o'clock rule (no windusrfing before

11am) that leaves plenty time to surfers to enjoy the less windy hours of the day.

At Hookipa there's already the 10 man rule (no windsurfing if more than 10 surfers in the water). Now you could have a situation where one surfer sitting outside at Hookipa can keep fifty sailors sitting on the

beach. Most surfers understand that wind-blown waves are not that

great anyway so they go early in the morning. Many days the wind does not even blow and

surfers can go anywhere. Thats what i do when the wind isnt blowing. A rule like the

proposed bill SB2091 will not be fair towards windsurfers. Please, don't pass it.

Thanks!

Dave Bergman

3654 Princess Ave, Cobble Hill BC V0R1L3

office/fax: 250 733 2379 cell: 250 710 4776

bergman\_geoscience@telus.net

## testimony

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**From:** hot@hotsailsmaui.com  
**Sent:** Thursday, February 14, 2008 10:34 AM  
**To:** testimony  
**Subject:** Oppose S.B. NO. 2091

To Whom it may concern:

Please note as a resident and business owner in the state of Hawaii, I strongly oppose the S.B. NO. 2091 of the TWENTY-FOURTH LEGISLATURE, 2008

This will kill the windsurfing business of 23 years I have built on Maui.

Aloha, Jeffrey Henderson  
Maui, Hawaii

## testimony

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**From:** Sergey Andreev [erlenmil@gmail.com]  
**Sent:** Thursday, February 14, 2008 10:47 AM  
**To:** testimony  
**Subject:** Testimony to bill SB 2091 COMMITTEE ON WATER AND LAND hearing of Friday February 15, 2008 2.45pm

I understand that the state of Hawai'i is considering bill SB2091, which would ban windsurfing within 200 feet of surfers or swimmers.

While I do believe in the importance of providing safety for surfers and swimmers, I'm also worried that such a bill if approved would make some of the best windsurfing locations in the world (Hookipa beach park, Kanaha beach park) unaccessible to windsurfers.

Me and many of my friends visited Maui in last few years and were planning to come back many more times to enjoy windsurfing. If the rules regulating windsurfing in the State of Hawaii would change, it is likely that we will pick some other windsurfing destination.

The impact of such a restriction will likely affect other industries beside tourism, as Maui is home to many companies producing windsurfing equipment.

I urge you to consider other ways of protecting surfers and swimmers and to reject this bill.

Sergey Andreev

## testimony

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**From:** Tim Bamford [timbamford@gmail.com]  
**Sent:** Thursday, February 14, 2008 10:51 AM  
**To:** testimony  
**Subject:** Re: Ocean Recreation; Sailboards Testimony Friday, February 15, 2008 2:45 p.m.

Ref:

[http://www.capitol.hawaii.gov/session2008/hearingnotices/WTL\\_02-15-08\\_.htm](http://www.capitol.hawaii.gov/session2008/hearingnotices/WTL_02-15-08_.htm)

[http://www.capitol.hawaii.gov/session2008/bills/SB2091\\_.htm](http://www.capitol.hawaii.gov/session2008/bills/SB2091_.htm)

<http://www.capitol.hawaii.gov/session2008/lists/getstatus2.asp?billno=SB2091>

I am writing to object to the proposed legislation regarding windsurfers and kite surfers. Windsurfing was effectively born and grown in Hawaii and hence a lot of business and tourism reflects this, many people visit the islands and make them their homes to be able to practice these sports in some of the best recognized locations in the world. At the very least a thorough assessment of the economic and social impact of this legislation should be made before even considered for approval.

There is no doubt however for a concern of safety amongst swimmers and surfers when mixed with windsurfers or kite surfers but there is already legislation in place to accommodate these users; namely windsurfing and kite surfing banned before 11 am at Kanaha beach park this allows adequate time for surfers to be able to enjoy the light morning winds. Also Hookipa Beach Park also uses the "10 man surfer" rule to good effect to segregate water users. Typically very little windsurfing takes places in the morning hours which is the ideal time for surfing when the wind is light, in my opinion this works well and accommodates all users well.

I am not sure where the figure of 200' came from, perhaps in relation to kite surfers and their long kite lines, if this is true a distinction between windsurfing and kite surfing should be made as the windsurfer is a much more compact unit and does not take up nearly as much room as a kite surfer. More consideration to this distance should be made and perhaps separate rules for kite surfing and windsurfing if this legislation has to be made.

I am interesting into the reasoning behind this legislation, windsurfing and kite surfing only operates from a select few beaches on the islands leaving many, many more for surfing, swimming or any other water recreation. I do not see how this legislation could be healthy for the islands from a social or economic point of view.

**testimony**

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**From:** Kogan, Alexander [kogan@ptc.com]

**Sent:** Thursday, February 14, 2008 9:19 AM

**To:** testimony

**Subject:** Testimony to bill SB 2091 COMMITTEE ON WATER AND LAND hearing of Friday February 15, 2008 2.45pm

Dear Sir or Madam,

A law like the proposed bill SB2091 would mean a huge damage to the windsurfing related industry (shops, tourists), that in Maui is pretty remarkable.

With a 200 feet limit, in fact, a single surfer on the break will virtually mean no sailboards on the break. And that'll be the end of wavesailing at Hookipa or Kanaha when there's waves and it's windy.

At Kanaha there's already the 11 o'clock rule (no windsurfing before 11am) that leaves plenty time to surfers to enjoy the less windy hours of the day. At Hookipa there's already the 10 man rule (no windsurfing if more than 10 surfers in the water) that protects the surfers' safety.

A rule like the proposed bill SB2091 will not be fair towards windsurfers and kitesurfers.

Please, don't pass it. Thanks.

Alexander Kogan, (781) 370-5172

## testimony

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**From:** Frank Saab [frank.saab@yahoo.com]  
**Sent:** Thursday, February 14, 2008 9:11 AM  
**To:** testimony  
**Subject:** Testimony to bill SB 2091 COMMITTEE ON WATER AND LAND hearing of Friday February 15, 2008 2.45pm

To the State Legislature of Hawaii,

I am a resident of the state of Hawaii, writing to voice concern over SB 2091, Relating to Sailboards.

Passage of the bill as presented would mean elimination of sailboarding from virtually all Hawaiian waters where it is currently practiced, with grave consequences to individual freedom and to economic vitality.

Sailboarding and kitesurfing are practiced at a select number of suitable locations, for example, Kanaha Beach Park, in Maui County, and Ho'okipa Beach Park, also in Maui County. These locations present appropriate conditions of wind, waves, and access, that permit the safe and proper practice of these sports.

The majority of sailboarding activity in Hawaii takes place within a very concentrated area of just a few hundred feet, at just a few select locations like the ones mentioned. There are no other alternate areas available which present the proper conditions for practice of the sport.

In these locations, voluntary self-regulation and County Statutes are already in force to ensure that the waters are shared in a safe and harmonious way with other recreational users.

Passage of the bill would mean that the presence of just a single swimmer or surfer within 200 feet of these areas would require cessation of all windsurfing activity. This makes the proposed law unfairly restrictive and discriminatory.

As an added downfall, the law would have significant economic consequences, especially in Maui County, where windsurfing tourism and the windsurfing manufacturing and retail industries account for millions of dollars of annual revenue to the State and County. Restriction of windsurfing as per the bill would mean a decline in these revenues.

Please reject this bill, as its consequences are damaging and harmful.

Thank you for your consideration.

Frank Saab  
PO Box 970431  
Paia, HI 96779



## testimony

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**From:** patrik@lind.gs  
**Sent:** Thursday, February 14, 2008 9:11 AM  
**To:** testimony  
**Subject:** Testimony to bill SB 2091 COMMITTEE ON WATER AND LAND hearing of Friday February 15, 2008 2.45pm

A swedish view on SB 2091

A law like the proposed bill SB2091 would mean a huge damage to the windsurfing related industry (shops, tourists), that in Maui is pretty remarkable.

With a 200 feet limit, in fact, a single surfer on the break will virtually mean no sailboards on the break. And that'll be the end of wavesailing at Hookipa or Kanaha when there's waves and it's windy.

At Kanaha there's already the 11 o'clock rule (no windsurfing before 11am) that leaves plenty time to surfers to enjoy the less windy hours of the day.

At Hookipa there's already the 10 man rule (no windsurfing if more than 10 surfers in the water) that protects the surfers' safety.

A rule like the proposed bill SB2091 will not be fair towards windsurfers and kitesurfers.

I'm currently planning to visit the hawaiian islands in the summer of 2009. If I will have difficulties to windsurf I will have to invest my hard earned money in some other holiday destination like Cape Verde. As of now my familys holiday totals at something like 15.000 - 20.000 USD.

Please, don't pass it. Thanks.

Best regards

Patrik Lind

Tulpanvägen 118  
585 64 Lingham  
Sweden

## testimony

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**From:** Nathan Corridon [ncorridon@gmail.com]  
**Sent:** Thursday, February 14, 2008 10:02 AM  
**To:** testimony  
**Subject:** Ocean Recreation; Sailboards Testimony Friday, February 15, 2008 2:45 p.m.

Ref:

[http://www.capitol.hawaii.gov/session2008/hearingnotices/WTL\\_02-15-08\\_.htm](http://www.capitol.hawaii.gov/session2008/hearingnotices/WTL_02-15-08_.htm)

[http://www.capitol.hawaii.gov/session2008/bills/SB2091\\_.htm](http://www.capitol.hawaii.gov/session2008/bills/SB2091_.htm)

<http://www.capitol.hawaii.gov/session2008/lists/getstatus2.asp?billno=SB2091>

I am writing to object to the proposed legislation regarding windsurfers and kite surfers. Windsurfing was effectively born and grown in Hawaii and hence a lot of business and tourism reflects this, many people visit the islands and make them their homes to be able to practice these sports in some of the best recognized locations in the world. At the very least a thorough assessment of the economic and social impact of this legislation should be made before even considered for approval.

There is no doubt however for a concern of safety amongst swimmers and surfers when mixed with windsurfers or kite surfers but there is already legislation in place to accommodate these users; namely windsurfing and kite surfing banned before 11 am at Kanaha beach park this allows adequate time for surfers to be able to enjoy the light morning winds. Also Hookipa Beach Park also uses the "10 man surfer" rule to good effect to segregate water users. Typically very little windsurfing takes places in the morning hours which is the ideal time for surfing when the wind is light, in my opinion this works well and accommodates all users well.

I am not sure where the figure of 200' came from, perhaps in relation to kite surfers and their long kite lines, if this is true a distinction between windsurfing and kite surfing should be made as the windsurfer is a much more compact unit and does not take up nearly as much room as a kite surfer. More consideration to this distance should be made and perhaps separate rules for kite surfing and windsurfing if this legislation has to be made.

I am interesting into the reasoning behind this legislation, windsurfing and kite surfing only operates from a select few beaches on the islands leaving many, many more for surfing, swimming or any other water recreation. I do not see how this legislation could be healthy for the islands from a social or economic point of view.

Any further questions or information please contact me below.

Regards

Nathan Corridon

Tel. 808 989 5542

691a Hana Hwy  
Paia  
HI  
96779

2/14/2008

## testimony

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**From:** Morley [morley@millennia-research.com]  
**Sent:** Thursday, February 14, 2008 10:05 AM  
**To:** testimony  
**Subject:** Testimony to bill SB 2091 COMMITTEE ON WATER AND LAND hearing of Friday February 15, 2008 2.45pm

It was with great distress I read about the proposed legislation. I first visited Hawaii in 1990, and was planning to return again this year. At that time of my first visit, I was a beginner windsurfer and wasn't able to sail surf. Now my skills are sufficient to sail Kanaha, and perhaps Ho'okipa on a small day. I understand the proposed legislation to restrict any windsurfing or kiting within a 200 ft buffer of any surfer. This would essentially kill off any surf sailing on most breaks.

Windsurfing waves only works when conditions are much less than ideal for surfing (i.e., when its windy and choppy). I understand that there are already limits on sailing Kanaha, and perhaps other venues, before 11 AM, giving the surfers unhindered access to waves when they are likely to be best (before the winds generally come up enough for shortboard windsurfing or kiting). Surely this is sufficient, and the water can be shared in the afternoon?!

If this passes, I will not return to Hawaii, but instead go to other destinations which have a more sailor-friendly structure and culture. Many of my friends regularly visit Hawaii for extended vacations because of the surf sailing. I doubt they will continue to do so with other venues such as Baja offering similar conditions, cheaper living expenses, and a friendlier regime.

Yours sincerely,

Morley Eldridge, MA, RPCA  
President, Millennia Research Limited  
morley@millennia-research.com  
510 Alpha Street  
Victoria, BC, V8Z 1B2  
Phone: 250 360-0919  
Cell: 250 216-6470

**testimony**

---

**From:** M & C [skida@privat.utfors.se]  
**Sent:** Thursday, February 14, 2008 9:54 AM  
**To:** testimony  
**Subject:** Testimony to bill SB 2091 COMMITTEE ON WATER AND LAND hearing of Friday February 15, 2008 2.45pm

Dear Sirs,

A law like the proposed bill SB2091 would mean that we cancel our yearly trip to Maui (2 months every year).

There are already sufficient rules on Kanaha and Hoókupa Beach Park, and virtually no problems in the water.

This March we are 10 families with children from Sweden come to Maui to windsurf these beaches, but if the rules changes we will not go. The money we spend will be spend somewhere else. Not in Maui. And this is just my personal friends, from a small European country with 9 million inhabitants. All in all appr 300 swedish windsurfing tourists every year sailing these beaches will consider, or be forced, to go somewhere else. Calculate the numbers coming from Great Britian (55m), Japan (200m) Germany (90m) etc. The decision is yours... but please do not make a decision that is not needed.

Yours Sincerely,  
Mrs Carin Wengelin, Sweden

**testimony**

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**From:** alexanderkogan@gmail.com on behalf of Sasha Kogan [sashakogan@comcast.net]  
**Sent:** Thursday, February 14, 2008 9:23 AM  
**To:** testimony  
**Subject:** Testimony to bill SB 2091 COMMITTEE ON WATER AND LAND hearing of Friday February 15, 2008 2.45pm

Dir Sir or Madam,

I understand that the state of Hawai'i is considering bill SB2091, which would ban windsurfing within 200 feet of surfers or swimmers.

While I sympathetic to the idea of protecting swimmers and surfers from higher speed windsurfers and kites, I believe that this bill is both unnecessary and will likely damage the Maui economy, which attracts thousands of kites and windsurfers from around the world.

Why do I think it is unnecessary? Well, because there are already designated areas for windsurfers and kites in Hawai'i. For example, Kanaha has safe, roped areas for swimmers; the windsurfers stay well outside this area; and there is already an "11am rule" in effect which keeps windsurfers and kites off the water during the time when surfers are more likely to find good swells anyway.

At Ho'okipa, there is already a "10 man rule" that stacks the decks in favor of surfers. It seems unreasonable to add a further law that says that a \*single\* swimmer can override the rights of dozens of windsurfers and kites.

Furthermore, in my years of windsurfing, I have not witnessed a single collision between a windsurfer or kiter and a swimmer. And I have never seen such a collision involving a surfer, either, although I have heard rumors of them. I have, however, seen many collisions between surfers, and seen many swimmers "run over" by surfers. If you are trying to protect swimmers, a law banning surfers from practicing their sport near swimmers would be far more effective, but I can't honestly think that anyone would propose this.

I urge you to reject this bill.

Sincerely yours,  
Sasha Kogan.  
7 Nassau Dr, Winchester MA 01890, USA

## testimony

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**From:** aculliney@gmail.com on behalf of Aaron Culliney [asc@deadc0de.org]  
**Sent:** Thursday, February 14, 2008 1:15 PM  
**To:** testimony  
**Subject:** testimony for SB2091

Hello-

I am writing to testify AGAINST SB2091.

I am an avid kitesurfer and have had no problems controlling my equipment when sharing the water with swimmers, surfers, windsurfers, and other kitesurfers.

We have had thousands of days of kitesurfing since the sport was invented on Maui's North Shore in the 90's with proportionately few incidents of collisions.

This bill is very vague. There are times when a kitesurfer will have an equipment malfunction and need to "self-rescue" by swimming in.

Are we to assume that other kitesurfers must stay away from this person now because he is a swimmer? Not only is this stupid, but it is actually dangerous to keep kitesurfers from the water. The best kitesurfers often OFFER AID for other downed kitesurfers, windsurfers, swimmers, and surfers, before lifeguards are made aware of a situation.

Personally, I have aided numerous folks when I was kitesurfing. On a big day at Kanaha (North Shore Maui), I helped drag an injured surfer in who was obviously over his head in the conditions. Are you really going to ban me from helping out my fellow watermen and waterwomen?

How will this rule be enforced? Are we to require that lifeguards join the fray out there on jetskis to play policemen? How are all the yearly visitors who come to Hawai'i to go kiteboarding going to know or follow this rule?

The various spots on Maui's North Shore already have county rules that work well, allowing times of day, and places, where wind sports are not allowed. We don't need an ill-informed state rule that will worsen the situation.

Aloha-

Aaron Culliney  
Maui Kite Patrol

## testimony

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**From:** Jimmy Diaz [jidiaz@attglobal.net]  
**Sent:** Thursday, February 14, 2008 1:21 PM  
**To:** testimony  
**Subject:** Committee on Water & Land: Ocean Recreation; Sailboards S.B. NO. 2091

COMMITTEE ON WATER AND LAND  
DATE: Friday, February 15, 2008  
TIME: 2:45 p.m.

To Whom it may concern,

On behalf of the Professional Windsurfers Association, I would like to say we oppose the passage of this bill.

This bill would greatly affect in a negative way a very active windsurfing industry that has a significant economic impact on the state of Hawaii.

This impact is not only in the form of tourism, but also in the form of businesses that have established Hawaii as a focal point of research and development, training, retail, rental, and image capturing for the sport of windsurfing. All of these businesses help perpetuate Hawaii as a tourist destination to millions worldwide.

On behalf of the members of the Professional Windsurfers Association, I ask you to vote against this bill.

Sincerely,

Jimmy Diaz  
President - Professional Windsurfers Association

P.O. Box 791656  
Paia, HI 96779  
Tel. (808) 283 4628

----- End of Forwarded Message

## testimony

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**From:** Jeremy [jeremy@paribus.com]  
**Sent:** Thursday, February 14, 2008 1:17 PM  
**To:** testimony  
**Subject:** Testimony to bill SB 2091 COMMITTEE ON WATER AND LAND hearing of Friday February 15, 2008 2.45pm

Dear Chair and Members of the Committee

I am writing to offer my opinion on the proposed legislation banning the sport of windsurfing within 200 feet of any swimmer or surfer on the ocean within the State of Hawaii.

There are many valid arguments that I could advance to point out the damage to the economy, reputation and world-renowned goodwill of the Islands that passage of this bill would cause. These are all valid and important. However, I would like to leave these to others, and myself raise just two points: Firstly that of impracticability, and secondly of unmitigated discrimination against wind-powered sportspeople.

Firstly, passage of this bill will ensure that all windsurfers become lawbreakers the second any person steps into the ocean to swim or surf near where they are (already) sailing. In fact, such a law could lead to the invidious situation of a sailor having to choose between breaking the law or drowning out to sea, if the empty beach they launched from became populated with even a small number of swimmers or surfers. An analogy that might help illustrate this would be a law that made operation of an automobile an offence if anyone was walking or standing within 200 feet. Would this be an appropriate measure to improve road safety? No. Would drivers brake to a screeching halt and turn off their engines at the mere sight of a pedestrian? No. Any such proposal would be laughed out of court as complete nonsense. There are many other lesser measures that would and could be taken to address the issue. Segregation of the different classes of road-user is the obvious and commonly-implemented measure. If additional measures to improve on-water safety are indeed necessary, I would urge the committee to consider an approach based on these principles rather than a blanket ban.

Secondly, this bill discriminates against those practicing wind-powered sports. If a bill were proposed that discriminated against surfers in this way, there would be an uproar - and windsurfers and kiteboarders would be in there supporting the rights of surfers to enjoy their sport. The State of Hawaii is better than this, and should not sully its good name with such overt discriminatory measures.

Please, I would ask you to consider a far less blunt instrument than this ill-conceived proposal if you wish to retain the well-deserved reputation that the State of Maui has for tolerance and love of the ocean.

Yours Sincerely

Dr. Jeremy Johnson



## testimony

---

**From:** Sharon Paley [sharon@tpmaui.com]  
**Sent:** Thursday, February 14, 2008 1:28 PM  
**To:** testimony  
**Subject:** Rejection of sail boarding bill.

Aloha:

I am a resident of the state of Hawaii, writing to voice concern over SB 2091, Relating to Sailboards.

Passage of the bill as presented would mean elimination of sailboarding from virtually all Hawaiian waters where it is currently practiced, with grave consequences to individual freedom and to economic vitality.

Sailboarding and kitesurfing are practiced at a select number of suitable locations, for example, Kanaha Beach Park, in Maui County, and Ho'okipa Beach Park, also in Maui County. These locations present appropriate conditions of wind, waves, and access, that permit the safe and proper practice of these sports.

The majority of sailboarding activity in Hawaii takes place within a very concentrated area of just a few hundred feet, at just a few select locations like the ones mentioned. There are no other alternate areas available which present the proper conditions for practice of the sport.

In these locations, voluntary self-regulation and County Statutes are already in force to ensure that the waters are shared in a safe and harmonious way with other recreational users.

Passage of the bill would mean that the presence of just a single swimmer or surfer within 200 feet of these areas would require cessation of all windsurfing activity. This makes the proposed law unfairly restrictive and discriminatory.

As an added downfall, the law would have significant economic consequences, especially in Maui County, where windsurfing tourism and the windsurfing manufacturing and retail industries account for millions of dollars of annual revenue to the State and County. Restriction of windsurfing as per the bill would mean a decline in these revenues.

Please reject this bill, as its consequences are damaging and harmful.

Thank you for your consideration.

Name Sharon Paley  
Address 55 Mokuahi Street, Makawao, HI 96768

## testimony

---

**From:** Richard Page [richpage@pwaworldtour.com]  
**Sent:** Thursday, February 14, 2008 1:17 PM  
**To:** testimony  
**Subject:** Committee on Water & Land: Ocean Recreation; Sailboards S.B. NO. 2091

### Committee on Water & Land

**Ref: THE SENATE S.B. NO.2091  
TWENTY-FOURTH LEGISLATURE, 2008**

### **STATE OF HAWAII A BILL FOR AN ACT RELATING TO SAILBOARDS.**

To Whom It May Concern:

This concept is both unfair and damaging to the clean use of many of Hawaii's natural resources. Windsurfers are no more dangerous than surfboards and I am sure that statistics will prove that ***IF*** any accidents do occur from time to time, involving swimmers, then they are just as, if not more, than likely to involve surfers as windsurfers.

Windsurfing does not take place in areas reserved for swimming and in general takes place farther out than swimmers would be. Windsurfers are conscientious people with respect for the ocean, our natural environment and the rights of all to enjoy them safely. They are not prone to acts of antisocial behavior on the water that repress the rights of others to exercise their own personal freedoms.

Additionally, Ideal conditions for surfing are not conducive to windsurfing, so it is rare that the 2 should cause conflict. The existing gentleman's rules for deciding whether surfers or windsurfers take priority when conditions do overlap, have worked well for years and do not need to be changed.

This proposed bill would make windsurfing practically impossible in many of the worlds prime locations. This is not a new sport that suddenly appeared on Hawaii's shores without notice, it has been here for over thirty years. To limit windsurfing in Hawaii would be akin to limiting Catholicism in the Vatican!

The above comments focus purely on the primary issues surrounding this bill that invalidate it through common sense, but in addition there are considerable secondary economic issues to consider. The impact on tourism would be enormous and perhaps this is obvious, but beyond the surface impact of vastly diminished tourism, it would also drastically affect the windsurfing industry whose major manufacturers all have serious design and development operations on Maui providing employment for hundreds of people.

In summary, to implement the proposed bill would be a flawed decision based on flimsy, unsubstantiated concepts, which could only damage the economy and personality of Hawaii and, in particular, Maui.

Yours truly

Richard Page

**testimony**

---

**From:** Vivienne Masters [vivienne@pwaworldtour.com]  
**Sent:** Thursday, February 14, 2008 1:15 PM  
**To:** testimony  
**Subject:** Ocean Recreation; Sailboards

SB 2091

**COMMITTEE ON WATER AND LAND**

**DATE:**

**Friday, February 15, 2008**

**TIME:**

**2:45 p.m.**

To pass this bill would be devastating to both the tourist industry and to the windsurfing/kiting industry in Hawaii. It will also adversely affect property values of beachfront residences, where there is currently windsurfing/kiting accessibility.

There have been no incidents occurring between these factions and to deprive sailors of their right to use the water is a grossly unfair and discriminatory.

This bill is unjust and completely uncalled for.

Best Regards,  
Vivienne  
Professional Windsurfers Association  
vivienne@pwaworldtour.com  
<http://www.pwaworldtour.com>

## testimony

---

**From:** nicolas dramisino [nikwave@yahoo.com]  
**Sent:** Thursday, February 14, 2008 1:04 PM  
**To:** testimony  
**Subject:** Testimony to bill SB 2091

Email subject:

Testimony to bill SB 2091 COMMITTEE ON WATER AND LAND hearing of Friday February 15, 2008 2.45pm

a friend just send me a link to this bill and even though it looks like a joke im sure there is people with enough time to propose a bill like this.

i have been a surfer for 25 years,windsurfer for 20 years and kite-surfer for 6 years.i think i know enough about beach life.

so this is how i see this bill:lets ban windsurfing 200 ft from shore,next year lets ban surfing 100ft from shore and kitesurfing from lauching from public beaches.

lets just ban humans from getting into the ocean,it's bound to happen due to polution anyway.

i would agree in a bill that pays people who propose bills such as this one, trips to different countries to see what the real world is.

when i have friends coming from other countries ,the first thing they say when we go to the beach is "i can't believe they sold beach front properties,look how small the beach is!"

and they are right .beaches are dirty,county only cleans public parks,hundreds of beaches are covered in trash and junk cars with homeless people.

politicians don't go to this beaches,i do.

it's easier to spend a bounch of money in lifeguard towers and senseless bills than saying no more beachfront properties and fixing the homeless issue.

i think there should be a law that bans people to propose bills like this,which waste my time,my taxes and my faith in a good future for humanity.

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## testimony

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**From:** Marc A. Lefebvre (US-775) [lefebvre@iwavesolutions.com]  
**Sent:** Thursday, February 14, 2008 1:03 PM  
**To:** testimony  
**Cc:** Jimmy Diaz; 'Richard Page'  
**Subject:** S.B. NO.2091

I vehemently oppose this legislation! Windsurfing, Kiting, Surfing, and other water sports have shared the waters for decades without incident with swimmers and other water users. To enact this legislation would effectively kill the sport of windsurfing in the state of Hawaii, which is the premier windsurfing destination in the world. This is unjust legislation and should NOT be supported.

--

Marc A. Lefebvre  
327 Ku'ualoha Street  
Kahului, HI 96732  
Phone: (808)871-1555, Ext 100  
Fax: (808)877-6150, Mobile: (808)298-3560  
Email: lefebvre@iWaveSolutions.com  
WWW: <http://www.iWaveSolutions.com/>

**testimony**

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**From:** Patrick Bergeron [patsurf@hotmail.com]  
**Sent:** Thursday, February 14, 2008 12:40 PM  
**To:** testimony  
**Cc:** Giampaolo Cammarota; Glenn Haslbeck  
**Subject:** Testimony to Bill SB2091

To whom it may concern,

This bill has just come to my attention, and as a full-time employed tax-payer, I am outraged at the limitations proposed.

Growing up as a kid in cold Eastern Canada, I could only dream of one day being able to come to Maui to windsurf (aka: sailboarding) like all the people I used to see in the magazines. Never would I have ever imagined in my wildest dreams of one day moving here and earning an honest living as an Architect so I could enjoy my free time to go out and practice the sport that I love so much, it made me leave my family and friends behind and learn a completely foreign language.

I have now been living on Maui for 10 years, and have developed an entire life around the sport of windsurfing. I have also become an international journalist with many of the specialized publications throughout the world (Japan, Canada, USA, France, Spain, England, Russia, Poland, Italy, Germany and many more).

Simply put, the proposed bill SB2901 would basically ban windsurfing from the ocean at all the popular beaches and only allow for offshore sailing where there are no waves, and where it is impossible to teach people or practice the sport in a safe manner. In the grand scheme of things, there are very few beaches where windsurfing is already allowed by current restrictive regulations. There has been a natural order of things that has established itself over the years and cohabitation has been very efficient amongst all beach/ocean users at all the local beaches, and I do not see anything accomplished by passing this bill. Many windsurfers are surfers themselves, I am one, and I can speak of experience when I say this bill will only have for effect to ban windsurfing from all the current locations, put thousand of people out of work, and make Hawaii look bad to the entire world.

There are thousands of people who live and earn (read: pay taxes!) around the sport of windsurfing on Maui and in the Hawaiian islands. From the shop owners and employees, the windsurfing schools, the numerous windsurfing companies who have their headquarters located here in Hawaii and so many more services and businesses also directly and indirectly depend on this sport. Maui and Hawaii are the epicenter of this sport, and people come from all corners of the world to windsurf, thus supporting the tourist industry. Hawaii has seen one of its most acclaimed international athlete with 13 world titles in Windsurfing in the person of Robby Naish. Such international waterman legends and big wave pionners such as Dave Kalama, Laird Hamilton and Pete cabrinha are windsurfers themselves. The reasons can go on and on, but one thing is for certain, it is not just a few thousands of us, but the whole world is looking upon you to make the right decision in not passing such a one-sided bill.

Here in Hawaii, we all live on small islands where respect and cohabitation are a must and is taught to our children. Also, it is all about the aloha spirit in sharing the ressources available, and the proposed bill SB2901 shows no aloha spirit, nor does it accomplish anything productive other than put thousands of people out of business by rendering the practice of windsurfing impossible at the current locations where it has already been practiced for more than 30 years.

**PLEASE DO NOT APPROVE SUCH AN UNREASONABLE AND ILL-DEFINED BILL.**

Best regards,

Patrick Bergeron  
[patsurf@hotmail.com](mailto:patsurf@hotmail.com)

2/14/2008

## testimony

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**From:** Nils Rosenblad [nils@naishsails.com]  
**Sent:** Thursday, February 14, 2008 12:33 PM  
**To:** testimony  
**Subject:** Testimony to bill SB 2091 COMMITTEE ON WATER AND LAND hearing of Friday February 15, 2008 2.45pm

Aloha

As a surfer, windsurfer and swimmer who has been a full time Maui resident since 1987, I take exception to bill SB 2091. When applied to any of Maui's multi-use surf spots, SB 2091 gives absolute priority to surfing over all other board sports. Let's be very clear - this is NOT a safety issue. To the best of my knowledge, there has not been a single injury to or fatality of a surfer in 25 years of coexisting with these other sports at places like Hookipa.

This seems like an attempt by a group of surfers to 'claim' a few spots that in fact ALL ocean users have equal rights to - canoes, windsurfers, kayaks, etc. Of course with rights come responsibilities, but as I have noted above, so far the record has been good, and a little awareness can make it even better.

1) If the objective of SB 2091 is to promote the safety of swimmers, then surfboards and bodyboards also need to abide by the 200 ft limit.

ALL types of boards are a potential danger to swimmers, regardless of whether there is a sail or kite attached. These regulations should NOT apply to known surf spots, as these are simply not swimming venues.

2) If the objective of SB 2091 is to resolve crowding issues at specific breaks, then the communities involved need to develop a set of rules that is fair to ALL ocean users, rather than favoritism to one group at the expense of all others. Each break has it's own issues, and in each case, if everyone brings a little kokua to the table, a solution can be found that works for everyone.

I sincerely hope this bill can be rewritten in a way that benefits the entire community, rather than a select few.

Aloha and Best Regards

Nils Rosenblad

Haliimaile, Maui

**testimony**

---

**From:** Liza Mitchell [liza@bestmedia.com]  
**Sent:** Thursday, February 14, 2008 12:36 PM  
**To:** testimony  
**Subject:** SB 2091: Proposed Sailboard Ban

Dear Sirs:

Please reject the passage of SB2091, the proposed ban of kiteboards and sailboards in Hawaii.

As a tourist who comes to Hawaii for the windsurfing and related activities, I would change my travel plans, and the spending my tourist dollars, to a location other than Hawaii if this law is enacted or approved.

Why are you wasting your constituents tax dollars to enact a law concerning an incident that rarely happens?  
Please reject SB2091.

Respectfully,

Liza

-----  
Liza Mitchell  
Master Communication  
445 West 7th Street  
San Pedro, CA 90731

-----  
Phone 310.832.3303 X231  
Fax 310.832.0296  
eMail liza@bestmedia.com  
Web <http://www.bestmedia.com>



**testimony**

---

**From:** Ray Masters [ray@friendlybeach.com]  
**Sent:** Thursday, February 14, 2008 12:26 PM  
**To:** testimony  
**Subject:** SB No 2091

To whom it may concern.

I urge you to reconsider the bill No 2091.

This is a very serious issue which will have a devastating impact on the Hawaii economy and the thousands of people in the Local Windsurfing and Kiting industry.

Please do not pass this bill.

aloha.....Ray Masters  
[ray@friendlybeach.com](mailto:ray@friendlybeach.com)

<http://www.raymasters.com>  
<http://www.mauiwindcam.com>

## testimony

---

**From:** Glenn Haslbeck [glenn@hotsailsmaui.com]  
**Sent:** Thursday, February 14, 2008 12:02 PM  
**To:** testimony  
**Subject:** Testimony to bill SB 2091 COMMITTEE ON WATER AND LAND hearing of Friday February 15, 2008 2.45pm

To the State Legislature of Hawaii,

I am a resident of the state of Hawaii, writing to voice concern over SB 2091, Relating to Sailboards.

Passage of the bill as presented would mean elimination of sailboarding from virtually all Hawaiian waters where it is currently practiced, with grave consequences to individual freedom and to economic vitality.

Sailboarding and kitesurfing are practiced at a select number of suitable locations, for example, Kanaha Beach Park, in Maui County, and Ho'okipa Beach Park, also in Maui County. These locations present appropriate conditions of wind, waves, and access, that permit the safe and proper practice of these sports.

The majority of sailboarding activity in Hawaii takes place within a very concentrated area of just a few hundred feet, at just a few select locations like the ones mentioned. There are no other alternate areas available which present the proper conditions for practice of the sport.

In these locations, voluntary self-regulation and County Statutes are already in force to ensure that the waters are shared in a safe and harmonious way with other recreational users.

Passage of the bill would mean that the presence of just a single swimmer or surfer within 200 feet of these areas would require cessation of all windsurfing activity. This makes the proposed law unfairly restrictive and discriminatory.

As an added downfall, the law would have significant economic consequences, especially in Maui County, where windsurfing tourism and the windsurfing manufacturing and retail industries account for millions of dollars of annual revenue to the State and County. Restriction of windsurfing as per the bill would mean a decline in these revenues.

Please reject this bill, as its consequences are damaging and harmful.

Thank you for your consideration.

Glenn Hasselbeck

96 Amala Place, Kahului, Hi, 96732

**testimony**

---

**From:** Marc Breuers [mbreuers@yahoo.com]  
**Sent:** Thursday, February 14, 2008 12:54 PM  
**To:** testimony  
**Subject:** Testimony to bill SB 2091 COMMITTEE ON WATER AND LAND hearing of Friday February 15, 2008 2.45pm

PLEASE DO NOT ENACT THIS LAW!!

THE AREA UNDER SCRUTINY IS WHY WE COME TO MAUI, AND IT IS AND SHOULD CONTINUE TO BE SELF REGULATING!!!!!!

THANK YOU FOR YOUR CONSIDERATION

MARC BREUERS

A law like the proposed bill SB2091 would mean a huge damage to the windsurfing related industry (shops, tourists), that in Maui is pretty remarkable.

With a 200 feet limit, in fact, a single surfer on the break will virtually mean no sailboards on the break. And that'll be the end of wavesailing at Hookipa or Kanaha when there's waves and it's windy.

At Kanaha there's already the 11 o'clock rule (no windsurfing before 11am) that leaves plenty time to surfers to enjoy the less windy hours of the day.

At Hookipa there's already the 10 man rule (no windsurfing if more than 10 surfers in the water) that protects the surfers' safety.

A rule like the proposed bill SB2091 will not be fair towards windsurfers and kitesurfers.

Please, don't pass it. Thanks.

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## testimony

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**From:** surf@kanahakai.com  
**Sent:** Thursday, February 14, 2008 12:46 PM  
**To:** testimony  
**Subject:** BILL SB2091

To whom it may concern,

If bill SB2091 passes it will effectively KILL our locally owned business and put an end to over twenty jobs. Over 60% of our income comes from windsurfing rentals which have already been affected by the ban on Vacation Rentals and the recent passing of the 10 surfer rule at Ho'okipa. We have managed to keep our head above water, but we've already recorded losses of over U\$ 11,000 since the Vacation Rental Ban. This bill comes as a shock to all of us because there have been no incidents between surfers, swimmers, windsurfers, or kitesurfers. Maui has been for the past three decades the epicenter of high performance windsurfing. Many visitors from around the world make the pilgrimage over to Maui for a windsurfing vacation only to feel, lately, like they are criminals. These visitors will stop coming and renting cars, eating at our restaurants, staying in our hotels, spending in our retail stores, and taking in and spreading the Aloha spirit. In a time when so many kids are picking up the sports it would seem foolish to take away any incentive to continue practicing it, even more to create restrictions. These are kids that will turn to the ocean instead of drugs, crime, and violence in years to come.

Windsurfers and kitesurfers alike respect others and would never risk injuring them selves or any body else. If anything they are always ready to cooperate and rescue anyone in distress making us all life savers.

Please don't pass this bill.

Mahalo

Kanaha Kai Maui  
808 877 7778  
96 Amala Place, 96732, Kahului, Hawai'i

**testimony**

---

**From:** Tom Hammerton [tom@hotsailsmaui.com]  
**Sent:** Thursday, February 14, 2008 12:58 PM  
**To:** testimony  
**Cc:** Ala Huntly; Glenn Haslebeck  
**Subject:** SB 2091

To whom it may concern,

I am a resident of Maui and a windsurfer for 25 years. I regularly sail in waters used by a variety of beach users including surfers and swimmers. In 25 years of daily or weekly windsurfing, I have never collided with any surfers or windsurfers. To my knowledge no-one has ever been killed on Maui due to a collision with a windsurfer or kiteboard. I can see no reason to assume that windsurfers and kiteboarders pose a hazard to other water users. It is in fact a complete fallacy with absolutely no evidence to back up this determination.

To ban windsurfing within 200 feet of another person swimming or surfing would effectively ban windsurfing altogether. It would not be possible to maintain 200 feet as the legislature is apparently requesting. Hawaii's beaches are popular and often have many people within a 200 foot radius. Further, the vast majority of windsurfing and kiting takes place in offshore waters or waves where there are few, if any, swimmers.

Maui is a tourist destination for windsurfers and kites who support a large industry with a very large financial contribution to Maui's economy. If this law is passed it will discourage large numbers of tourists from coming to Maui. It would be a complete disaster for the windsurfing/kiting industry and all those who benefit from them. The economic impact of such a law on Maui's economy would be staggering!

There is absolutely no justification for this law which unfairly discriminates against windsurfers and kites. Someone has merely suggested there is a hazard with no proof to show any kind of hazard or any need for further regulation. Surfers collide with each other on a regular basis, yet no one would contemplate imposing severe restrictions on surfing. Many different crafts including Hawai'ian canoes, kayaks, jet-skis have successfully shared and enjoyed our ocean for decades. Swimmers and surfers using our island waters encounter a variety of risks including marine life, ocean conditions, and other ocean users. These same risks exist for windsurfers and kites. Every ocean user must exercise caution and good judgment. An overly broad regulation that would effectively eliminate two of Hawaii's most popular sports is completely uncalled for.

Yours appalled,

**Tom Hammerton**

Hot Sails Maui - Designer

96 Amala Place

Kahului, HI 96732

808 893 0001

Skype:tom.hammerton

2/14/2008

**testimony**

---

**From:** Kyla Barker [la\_goes\_mauai@hotmail.com]

**Sent:** Thursday, February 14, 2008 1:34 PM

**To:** testimony

I want to take the time to tell you that I oppose s.b.#2091 for the following reasons. This would impact many peoples lives that rely on the windsurfing and kiteboarding to make a living. It is impossible to not affect in a dramatic way if this passes. There are already rules that are followed here on Maui by all windsurfers and kiteboarders and so what is the problem? I think it is unfair if there has not been a problem with the swimmers and the above as far as physical danger to impose something of this magnitude. It singles out one group over another and gives all rights to one group of people only. Who decides who should have more power and why if there isn't a problem? That takes away rights of one and gives all to the other. NOT FAIR! If you pass this then what is next with the limitations and to who else? This will truly cause a segregation of people who all love one thing alike, THE WATER, but only one group will pay the ultimate price, their livilihood and their passion. Windsurfing has been around for a long time. Why now?????? And if we really want to be fair here then why don't you put limitations on surfers who could harm the snorkelers and swimmers and snorkelers who harm the coral and sea turtles and boogieboarders who harm the swimmers and skimmers who harm the children on the beach? DO NOT PASS THIS ACT!!!!!!!!!!!!

---

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**testimony**

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**From:** Kevin Pritchard [us3kp@mac.com]  
**Sent:** Thursday, February 14, 2008 1:33 PM  
**To:** testimony  
**Subject:** Bill 2091

## **COMMITTEE ON WATER AND LAND**

**DATE:**

**Friday, February 15, 2008**

**TIME:**

**2:45 p.m.**

**Dear Committee,**

**Please do not approve this bill. We need windsurfing tourism here on our island and this would drastically effect windsurfers both local and visitors. There has never been any deaths or injury due to windsurfing and kiteboarding with surfers and it is discriminatory to tell people who are doing the same thing but one has a sail on it vrs not a sail. We are all riding waves, and trying to enjoy the water. Lets keep it that way.**

**sincerely,**

**Kevin Pritchard**

-----  
Kevin Pritchard  
<http://kevinpritchardwindsurfing.blogspot.com/>

## testimony

---

**From:** Kevin Ozee [info@neilprydemaui.com]  
**Sent:** Thursday, February 14, 2008 1:13 PM  
**To:** testimony  
**Subject:** Regarding S.B. #2091

Aloha,

I would like to offer my testimony in opposition to proposed bill #2091 in its current form.

In my opinion, this bill is discriminatory against windsurfers and kiteboarders in favor of surfers and bodyboarders. The onus of right-of-way is placed solely on the sail powered craft. While the sail powered craft clearly has a maneuverability advantage, I believe it is important in principle that any safety zone needs to be respected by all parties – and therefore, responsibility to stay a certain distance apart must be set for surfers and bodyboarders to stay away from the sail powered craft.

I would also testify that a 200 foot distance is unnecessary. Windsurfers are generally 8 feet long with a 12-14 foot mast length, so 20 feet is sufficient safe distance. Kiteboarding kites generally fly on 45 foot lines, so 50 feet is sufficient safe distance. 200 feet is clearly excessive.

Also, I do not believe windsurfers and kiteboarders should even be generalized in the same category. As I state above, their minimum safe distance is completely different. Or, conversely, if these are classified together, why do other sail powered craft – like personal sailboats or sailing canoes or even yachts – not get classified in the same category?

In my opinion, this bill is discriminatory against windsurfers and kiteboarders and needs to be revised or terminated.

Best regards, Kevin

Kevin Ozee / VP  
Neil Pryde Maui / Adventure Sports Hawaii, Inc.  
400 Hana Highway  
Kahului, HI, USA 96732  
Phone 808-877-7443  
Fax 808-877-2149  
Web <http://www.neilprydemaui.com>



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2/14/2008



**testimony**

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**From:** dolphyates@aol.com  
**Sent:** Thursday, February 14, 2008 1:35 PM  
**To:** testimony  
**Subject:** SB 2091

To All

I am a Maui resident, a practicing physician, 20 plus year windsurfer and surfer and open ocean swimmer. This bill is very poorly thought out and would essentially outlaw windsurfing in all the locations in the Hawaiian islands. This bill should not pass.

Safety is everyones business, all of the windsurfers I personally know are also surfers and are very aware of the dangers of both sports.

Please do not pass another poorly thought out bill that will be over turned at great expense to the community.

Mark R Yates,MD

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## testimony

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**From:** Mark Nelson [mnboard@mac.com]  
**Sent:** Thursday, February 14, 2008 1:08 PM  
**To:** testimony  
**Cc:** Richard Page; hot@hotsailsmaui.com; Marc A. Lefebvre (US-775); Lalo Goya  
**Subject:** State bill act 2091.

**Importance:** High

To whom this concerns;

This bill will effect the economy of both Maui and the state of Hawaii in a negative manor, and I am 100% opposed to this as it does not seem to be thought through!

I have a small business in Maui, and I employ 5 people, if this bill goes through, you will be putting all of us out of jobs, and you can expect lawsuits from myself and many other business throughout the state!

PLEASE reconsider how you have stated this bill, as the basic principal makes sense for water safety around major hotels and tourist beach's, but this will be too limiting for the rest of the island beaches.

Mark Nelson

Mark Nelson Sailboards LLC  
375 W Kuiaha ST. #19  
Haiku Hawaii

808-575-7667

I

## testimony

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**From:** Dan Bigelow [dan@mindsong.com]  
**Sent:** Thursday, February 14, 2008 1:21 PM  
**To:** testimony  
**Subject:** SB2091 testimony

To the Honorable Members of the 2008 State of Hawaii Legislature Honolulu, Hawaii February 14, 2008

Aloha,

I was distressed to just learn that there is an absurd bill (SB2091) under consideration by our state legislature that will prohibit kite-board/sailboarding within 200 feet of swimmers/surfers in Hawaii State waters.

Please let it be known that I vehemently oppose this bill, or any bills that resemble this bill in spirit.

While it may seem well-intended (reactionary?) on the surface, it is FAR too broad in spirit, and has the potential to permanently damage multiple industries within our State.

I do surf and swim, and do not actively Kiteboard or Windsurf, and I still consider this to be a very BADLY thought-out law.

Who the heck is proposing this kind of garbage? Are they getting paid my tax dollars to show such an incredible lack of vision and understanding of what goes on within our local culture(s)?

Thank You,

Daniel Bigelow  
1336 West Kuiaha Rd.  
Haiku, Hawaii 96708  
808-575-2089

## testimony

---

**From:** ChasGolf7@aol.com

**Sent:** Thursday, February 14, 2008 1:47 PM

**To:** testimony

**Subject:** Testimony to bill SB 2091 COMMITTEE ON WATER AND LAND hearing of Friday February

To whom it may concern,

A law like the proposed bill SB2091 would cause significant damage to the windsurfing related industry (shops, tourists), that in Maui is a sizable economy.

With a 200 feet limit, in fact, a single surfer on the break will virtually mean no sailboards on the break. And that'll be the end of wavesailing at Hookipa or Kanaha when there's waves and it's windy.

At Kanaha there's already the 11 o'clock rule (no windsurfing before 11am) that leaves plenty of time for surfers to enjoy the less windy hours of the day.

At Hookipa there's already the 10 man rule (no windsurfing if more than 10 surfers are in the water) that protects the surfers' safety.

A rule like the proposed bill SB2091 is not fair towards windsurfers and kitesurfers, a collective group making substantial financial impact on the Maui economy.

Please, vote against this legislation. Thank you.

---

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## testimony

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**From:** Ely Spivack [elysurf@bellatlantic.net]  
**Sent:** Thursday, February 14, 2008 1:01 PM  
**To:** testimony  
**Subject:** testimony@capitol.hawaii.gov

A law like the proposed bill SB2091 would mean a huge damage to the windsurfing related industry (shops, tourists), that in Maui is pretty remarkable.

With a 200 feet limit, in fact, a single surfer on the break will virtually mean no sailboards on the break. And that'll be the end of wavesailing at Hookipa or Kanaha when there's waves and it's windy.

At Kanaha there's already the 11 o'clock rule (no windsurfing before 11 am) that leaves plenty time to surfers to enjoy the less windy hours of the day.

At Hookipa there's already the 10 man rule (no windsurfing if more than 10 surfers in the water) that protects the surfers' safety.

A rule like the proposed bill SB2091 will not be fair towards windsurfers and kitesurfers.

Please, don't pass it. Thanks.

Ely Spivack

## testimony

---

**From:** Martin Kirk [martin@ksmaui.com]  
**Sent:** Thursday, February 14, 2008 2:00 PM  
**To:** testimony  
**Subject:** COMMITTEE ON WATER AND LAND/Friday, February 15, 2008 TIME: 2:45 p.m./SB NO.2091

**Attachments:** 11am\_sign.jpg; ATT172538795.txt



11am\_sign.jpg (87 KB)  
ATT172538795.txt (66 B)

Dear Senate members,  
Currently on Maui and on all other Hawaiian islands windsurfers and kiteboarders operate under long standing, self-regulating rules and have a vested interest in educating newcomers, tourists, and others of these rules, one of which is to keep 200 feet from fishermen, canoe paddlers, swimmers, free-divers and other non-participants (see attached sign). On Maui kiteboarders are already regulated by Federal Aviation Administration rules, which require we not fly kites over non-participants' heads, therefore, the proposed Senate Bill 2091 is ostensibly duplicative of existing federal rules. Furthermore, there is normally no user conflicts in the areas where wind sports are practiced as windy, choppy waters are undesirable to swimmers. Please consider not voting to approve this bill.

Respectfully and....  
Aloha, Martin Kirk  
22 Hana Hwy.  
Kahului, Hawaii 96732  
Ph: (808) 873-0015

## testimony

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**From:** morro baywwtp [mbwwtp@yahoo.com]  
**Sent:** Thursday, February 14, 2008 12:48 PM  
**To:** testimony  
**Subject:** Water and Lands committee

SB 2091

I am writing this letter to express my disappointment in the proposed legislation that would prohibit a windsurfer from going within 200 feet of a swimmer. I am a huge advocate of safe practices in all water sports. I have been a windsurfer for the past twenty five years, a surfer my entire life, a kayaker, sailor, and a water sports enthusiast, as are my children. I have windsurfed all over the world including Maui. As you know, windsurfing has been a huge sport on Maui, where windsurfers have coexisted with surfers and swimmers for years. There are currently regulations on both time (the 10am or 11am rule; and the number of surfers in the water rule (10, I believe) that prevent people from windsurfing or kiting. If you enact this legislation you will effectively eliminate windsurfing and kiting at both Hookipa and Kanah (dont know if I spelled it right). I urge you to reconsider the ramifications of this legislation prior to approval. Windsurfing and kiting are huge tourist attractions on Maui as well as other Islands, this legislation would effectively eliminate the windsurfing industry on Maui.

I recommend that you reconsider the rationale and goals behind the legislation, appoint a committee of stakeholders including windsurfers, kites, surfers, swimmers, lifeguards, etc and come up with a reasonable approach that allows all to safely and snely use and enjoy the unique ocean experience that the Islands have to offer. Please do not rush into a decision without hearing from all interested stakeholders. Thanks for this chance to comment, Bruce Keogh 400 Zanzibar, Morro Bay CA 93442

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**testimony**

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**From:** aurelien nicoul [aurelien.nicoul@hotmail.com]  
**Sent:** Thursday, February 14, 2008 1:28 PM  
**To:** testimony  
**Subject:** new proposed windsurfing limitation

SB 2091

opposed

I'm french, I live in Maui for 2 years now and of course I came for windsurfing....  
Your proposal is unfair, don't do it.

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**testimony**

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**From:** richard foster [richwave@gmail.com]  
**Sent:** Thursday, February 14, 2008 2:00 PM  
**To:** testimony  
**Subject:** Windsurf and Kite Surf

SB 2091

Dear Committee of Land and Water

Please do not pass this legislation and give the W/surf and K/surf community a chance to state their case.  
Best Regards

Richard Foster

**testimony**

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**From:** Graham Ezzy [gezzy@Princeton.EDU]  
**Sent:** Thursday, February 14, 2008 2:44 PM  
**To:** testimony  
**Subject:** Ocean Recreation; Sailboards S.B. NO. 2091

**COMMITTEE ON WATER AND LAND**

**DATE: Friday, February 15, 2008**

**TIME: 2:45 p.m.**

To Whom It May Concern:

As a resident of Hawaii, it is my duty to earnestly oppose this bill.

I am a Hawaiian and a current student of economics at Princeton University. Hawaii is one of the major centers of windsurfing in the world. This bill will ruin that. Not only will it affect the tourist economy, but it will also be detrimental to the windsurfing world (which is centered in Hawaii) as a whole. The bill will greatly hurt the economy of Hawaii.

Please vote against this bill.

Thank you,  
Graham Ezzy

## testimony

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**From:** Juan Pablo de Arteaga [juandearteaga@hotmail.com]  
**Sent:** Thursday, February 14, 2008 2:45 PM  
**To:** testimony  
**Cc:** Sen. Les Ihara, Jr.  
**Subject:** SB 2091

To the State Legislature of Hawaii,

I am a resident of the state of Hawaii, writing to voice concern over SB 2091, Relating to Sailboards.

Passage of the bill as presented would mean elimination of sailboarding from virtually all Hawaiian waters where it is currently practiced, with grave consequences to individual freedom and to economic vitality.

Sailboarding and kitesurfing are practiced at a select number of suitable locations, for example, Kanaha Beach Park, in Maui County, and Ho'okipa Beach Park, also in Maui County. These locations present appropriate conditions of wind, waves, and access, that permit the safe and proper practice of these sports.

The majority of sailboarding activity in Hawaii takes place within a very concentrated area of just a few hundred feet, at just a few select locations like the ones mentioned. There are no other alternate areas available which present the proper conditions for practice of the sport.

In these locations, voluntary self-regulation and County Statutes are already in force to ensure that the waters are shared in a safe and harmonious way with other recreational users.

Passage of the bill would mean that the presence of just a single swimmer or surfer within 200 feet of these areas would require cessation of all windsurfing activity. This makes the proposed law unfairly restrictive and discriminatory.

As an added downfall, the law would have significant economic consequences, especially in Maui County, where windsurfing tourism and the windsurfing manufacturing and retail industries account for millions of dollars of annual revenue to the State and County. Restriction of windsurfing as per the bill would mean a decline in these revenues.

Please reject this bill, as its consequences are damaging and harmful.

Thank you for your consideration.

Juan de Arteaga  
2455 Kokomo Rd, 96708, Haiku

## testimony

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**From:** George Haye [geohaye@yahoo.com]  
**Sent:** Thursday, February 14, 2008 2:44 PM  
**To:** testimony  
**Subject:** Testimony: SB 2091: Committee On Water And Land: Feb 15, 2008, 2:45PM

Honorable Committee,

The proposed ruling which would disallow use of sailboards within 200 feet of a surfer in Hawaiian waters:

(i.) is patently unjust

(ii.) would do irreparable harm to the significant and world-renowned windsurfing industry

(iii.) is against the spirit of Hawaiian culture which celebrates immersion in the natural ocean environment

-- not limited to just surfing with only a surfboard.

Honorable Committee Members and State Legislators, please oppose this bill. It would be very, very bad for Hawaii. My personal visits to the State would be much less frequent, if at all.

Thank you for your time.

George Haye  
13897 Long Ridge Road  
Los Gatos, CA, 95033

## testimony

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**From:** Cary Ritt - Maui Vacation Advisor [caryritt@mauivacationadvisors.com] on behalf of caryritt@gmail.com  
**Sent:** Thursday, February 14, 2008 2:20 PM  
**To:** testimony  
**Subject:** SB2091

There's no need for this over-reaching approach. Putting surfers in the same group as swimmers is ludicrous at worst, just plain dumb at best. Surfers endanger swimmers but the latter avoid the former, so should be now ban surfing within 200 feet of one swimmer, too? Everyone agrees that wind-powered craft don't need to be in "crowded" swimming areas, but to then jump to make it a state law about being within 200 feet of "a" single swimmer/surfer is just ridiculous, written obviously by someone who is anti-windsurf/kite industry, which contributes mightily to the local economy on Maui.

As with ALL other states in the country, ban ALL watercraft at "swimming beaches", as designated by the relevant park services, and institute a "no windcraft before 11am" rule (or make it 12 noon) along with "no windcraft w/ more than 10 surfers in the water within 200 feet" as well, which has worked with very few issues for years at Hookipa Beach Park on Maui. Then, we can all continue to share the resources with Aloha in Hawaii.

Mahalo,

[http://www.capitol.hawaii.gov/session2008/bills/SB2091\\_.htm](http://www.capitol.hawaii.gov/session2008/bills/SB2091_.htm)

Cary Ritt  
Paia, Maui

## testimony

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**From:** dani miquel [danimiquel@gmail.com]  
**Sent:** Thursday, February 14, 2008 2:42 PM  
**To:** testimony  
**Subject:** Committee on Water & Land

To Whom it may concern,

I just recieved the information that follows:

**"Report Title:***Ocean Recreation; Sailboards*

**Description:***Prohibits operators of sailboards from approaching within 200 feet of a swimmer or surfer in the ocean."*

THE SENATE  
TWENTY-FOURTH LEGISLATURE,  
2008  
STATE OF HAWAII

S.B. NO.

2091

-I can´t believe that what is supposed to be a free county is doing such a thing, prohibiting a sport, and specially one of the sports specifically more related to freedom.

I was in Hawaii two years ago, because of windsurfing, and never saw a problem concerning windsurfers with any other user of the sea, and I live in the Canary Islands (Spain/Europe) where is a lot of surfing and windsurfin cohabitaiting toghether and never heard of such a problem, collision or anything like that.

Prohibition of a sport is something a person who believes in freedom can´t understand.

## testimony

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**From:** giampaolo cammarota [cammar@cammar.net]  
**Sent:** Thursday, February 14, 2008 6:45 AM  
**To:** testimony  
**Subject:** testimony to bill SB 2091 COMMITTEE ON WATER AND LAND hearing of Friday February 15, 2008 2.45pm

A law like the proposed bill SB2091 would mean a huge damage to the windsurfing related industry (shops, tourists), that in Maui is pretty remarkable.

With a 200 feet limit, a single surfer on the break will virtually mean no sailboards on the break. And that'll be the end of wavesailing at Hookipa or Kanaha when there's waves and it's windy.

At Kanaha there's already the 11 o'clock rule (no windsurfing before 11am) that leaves plenty time to surfers to enjoy the less windy hours of the day.

At Hookipa there's already the 10 man rule (no windsurfing if more than 10 surfers in the water) that protects the surfers' safety.

A rule like the proposed bill SB2091 will not be fair towards windsurfers and kitesurfers.

Please, don't pass it. Thanks.

Giampaolo Cammarota  
PO Box 791273  
Paia, HI 96770

## testimony

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**From:** Stephen Sussman [Ssussman@mauimedical.com]  
**Sent:** Thursday, February 14, 2008 2:29 PM  
**To:** testimony  
**Subject:** proposed bill regarding windsurfing and kitesurfing sb 2091, COMMITTEE ON WATER AND LAND

I am in STRONG OPPOSITION to this proposed bill. This bill will make certain watersports illegal if anyone is swimming, surfing or body boarding within 200 feet of these watersports. I am a surfer, a windsurfer, and at times a body boarder.

There are multiple problems with the bill:

- 1) the distance proposed is excessive; kitesurfing and windsurfing can occur much closer than this, with no problems, as has occurred for years here on Maui
- 2) there is no recognition that the times when windsports occur are not prime time for swimming, surfing, or body boarding. This is why I can do all these sports. When the water is smooth, and the waves are good, I'll surf, or at certain beaches, body board. But when it is windy and blown out, I windsurf. It is ridiculous that this bill will allow one swimmer, or one person who wants to surf blown out waves, to interfere with hundreds of other people.
- 3) the islands have miles of beaches, and only a few are even suitable for windsports. This bill seeks to favor one water user over another. If it is windy, and people are doing windsports, a person wanting to swim can just go to a beach or area without wind (which means the far majority of beaches.)
- 4) if there are problems at specific beaches, or with the behavior of certain people, these should be addressed specifically, not be a blanket act prohibiting these activities.

Here on Maui, at Hookipa we have areas for surfers and others for windsurfers. This works out well. At Kanaha no one surfs when it is windy, and there is a roped off swimming area and the windsurfers launch right next to it, and have done so for years, with no problems. At places like Baldwin park, no windsports are allowed at all. This is an example of a specific rule that works, as opposed to a blanket rule. We also have a rule not allowing windsurfing before 11 am, which leaves the water during non windy times to other uses. So, there is ample space, time and places for all users.

Windsports on Maui are popular with those who live here and thousands of tourists a year, adding millions of dollars to our economy. Maui in fact is considered to be "Mecca" for windsurfing. Our wind here makes it often better for windsports than surfing.

Sincerely,

Stephen Sussman  
1500 West Kuiaha Rd  
Haiku, HI 96708



## testimony

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**From:** mauiguy@gmail.com on behalf of Gary Blumenstein [gary@fly.com]  
**Sent:** Thursday, February 14, 2008 2:26 PM  
**To:** testimony  
**Subject:** S.B. 2091

As a resident of Hawaii and an avid swimmer, surfer, and windsurfer, I strongly oppose S.B. No. 2091 for the following reasons:

This bill as written would have deleterious consequences if enacted into law. Of primary concern is the fact that recreational areas with conditions desirable for all activities mentioned in this bill are both limited in number and size. Prohibiting sailboards and kitesurfers from operating within 200 feet of a surfer or swimmer would have the unintended consequence of effectively prohibiting kitesurfers and windsurfing from being able to use and share numerous recreational areas with swimmers and surfers due to the limited space (i.e. 200 feet or less) of these areas where desirable wind and wave conditions exist. This constitutes an unfair and discriminatory restriction of one group versus another. Determining distances on the open water is highly subjective and will lead to conflicts and disputes, possibly tying up the courts with unnecessary litigation.

The proposed law is also difficult to enforce in areas where no lifeguards exist and turns into matters of he-said, she-said, as well as hearsay.

This proposed bill, while noble in nature due to concerns about ocean safety leaves too many questions in its present state. I would like to know who drafted it? There is no name on the bill. I feel a more comprehensive study should be made before enacting this bill.

Finally, I believe this bill is the antithesis of the spirit of Hawaii "aloha", where participants of all activities mentioned in the bill have been coexisting in peaceful friendly and above all SAFE harmony for many years if not decades. The bill, as written threatens to set off reactionary protest and will certainly exacerbate ill will between these groups.

The state of Hawaii should instead publish proposed guidelines for ocean safety, and not outright distance restrictions which are impossible to accurately measure and enforce.

Gary Blumenstein (Maui Masters Swimmer, surfer, windsurfer)  
20 N. Laelua Place  
Paia, HI 96779  
808-283-0966

**testimony**

---

**From:** Mary Jo Masters [maryjo@bestmedia.com]  
**Sent:** Thursday, February 14, 2008 12:37 PM  
**To:** testimony  
**Subject:** RELATING TO SAILBOARDS - S.B. NO.2091

Dear Sir/Madam,

Please note I am opposed to this enactment. There are so few places to sailboard or kite board that it is sad to think that sailboarders can not share the ocean's resources too.

There have not been issues between swimmers and windsurfers. For the most part, there has always been a respect and understanding. It would be unthinkable devastating to enact this senate bill into law.

Sincerely,

-----  
Mary Jo Masters  
590-E Stable Road  
Paia HI 96779  
808-871-1106

**testimony**

---

**From:** TanQ10 [tanq10@gmail.com]  
**Sent:** Thursday, February 14, 2008 2:26 PM  
**To:** testimony  
**Subject:** COMMITTEE ON WATER AND LAND - S.B. NO.2091

I ABSOLUTELY oppose this legislation! Windsurfing & Kiting are clean, environmentally-friendly, family activities that have shared the waters without incident with swimmers and surfers for decades. This is unjust, BIASED legislation and should NOT be supported.

A. Wadud  
Kahului, Hawaii

## testimony

---

**From:** Diane F Vogelman [vwa\_vail@juno.com]  
**Sent:** Thursday, February 14, 2008 2:18 PM  
**To:** testimony  
**Subject:** SB 2091

To Whom it May Concern,

Please do not take away any more access for windsurfing.  
Everyone has a right to enjoy the beach.

Sincerely,  
Diane Vogelman

**testimony**

---

**From:** Bernie Belandres [bbjmc corp@aol.com]

**Sent:** Thursday, February 14, 2008 2:16 PM

**To:** testimony

**Subject:** COMMITTEE ON WATER AND LAND DATE: Friday, February 15, 2008 TIME: 2:45 p.m.

**Dear STATE of HAWAII COMMITTEE ON WATER AND LAND,**

**We strongly OPPOSE the bill shown below that seeks to Prohibit operators of sailboards from approaching within 200 feet of a swimmer or surfer in the ocean. Please DO NOT pass such a bill.**

**Sincerely,**

**Bernie Belandres  
BBJMcorp@aol.com  
415-706-3301 ph  
415-221-1801 fax**

**Report Title:**

*Ocean Recreation; Sailboards*

**Description:**

*Prohibits operators of sailboards from approaching within 200 feet of a swimmer or surfer in the ocean.*

S.B. NO. 2091

THE SENATE  
TWENTY-FOURTH LEGISLATURE, 2008  
STATE OF HAWAII

---

A BILL FOR AN ACT

*RELATING TO SAILBOARDS.*

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

SECTION 1. The legislature finds that surfers and swimmers using Hawaii's oceans for recreation face a danger from operators of sailboards and kiteboards. Sailboarders and kiteboarders often operate their craft at high speeds in areas crowded with surfers and swimmers. Kiteboards and sailboards are much heavier and faster and could cause serious injury if they were to collide with a swimmer or surfer. The purpose of this Act is to ensure water safety by prohibiting the operator of a sailboard or kiteboard from approaching within two hundred feet of a swimmer or surfer in the water.

SECTION 2. Chapter 200, Hawaii Revised Statutes, is amended by adding a new section to part II to be appropriately designated and to read as follows:

**"§200- Operation of sailboards and kiteboards. No person shall operate a sailboard or kiteboard within two hundred feet of another person swimming or using a surfboard within the waters of the State.**

**For the purposes of this section, "sailboard or kiteboard" means any type of board that is propelled by a detachable sail or kite apparatus.**

**For the purposes of this section, "surfboard" means any type of board that is used for the sport of surf-riding and includes boards commonly known as "body boards".**

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 4. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY: \_\_\_\_\_

testimony

SB 2091

**From:** Michael Eacott [michael@eacott.org.uk]  
**Sent:** Thursday, February 14, 2008 1:56 PM  
**To:** testimony  
**Subject:** Testimony: COMMITTEE ON WATER AND LAND, Date: Friday, February 15, 2008 , Time: 2.45pm

To: COMMITTEE ON WATER AND LAND  
Date: Friday, February 15, 2008  
Time: 2.45pm

SB 2091

Dear Sirs,

I have been a frequent visitor with my wife to Maui to windsurf, staying on the island for a month at a time.

I am planning to visit Maui this year and in future years.

I was very suprised that there is an intent to prohibit windsurfing within 200 feet of a swimmer or surfer.

Please consider the following:

- It is not reasonable of practical for a windsurfer to be able to see a swimmer from a distance of 200 feet or even significantly closer.
- It is also highly unlikely that a windsurfer would be able to see a surfer at that distance.
- How does the intended prohibition compare with the probitions currentlt in effect for the use of powered water craft such as jet skis, personal water craft, water ski boats, etc.?

If the proposed prohibition comes into force I will never visit Maui again and I will take my UK sterling vacation monies elsewhere.

Yours faithfully  
Michael Hugh Eacott  
1 Regent Close  
Otterbourne  
Winchesteer  
Hampshire  
UK  
SO21 2DN

testimony

SB 2091

**From:** Pieter Bijl [pb@np-designcenter.com]  
**Sent:** Thursday, February 14, 2008 2:02 PM  
**To:** testimony  
**Subject:** Do not agree

Dear Committee,

I do not agree with this this act that will not allow windsurfers or kiteboarder to come any where nearer swimmers or surfers then 200ft. This would mean that all wind-sports could easily become illegal from most hawaiian beaches. This seems to be a little extreme don't you think. Specially as windsurfing is a born in Hawaii sport that is 100% environmentally friendly and absolutely doesn't cause any danger in any way to swimmers or surfers. Therefore I do not agree with this act, it makes no sence and is extremely selfish toward all surfers, there is plenty of space to all get a piece of the action.

Regards Pieter Bijl

Avid surfer and windsurfer.

THE PRYDE GROUP  
Neil Pryde Limited. - 20/F YKK Building Phase 2,  
No. 2 San Lik Street, Tuen Mun, N.T. Hong Kong SAR.  
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testimony

SB 2091

**From:** Michelle Crompton [crompton.michelle@gmail.com]  
**Sent:** Thursday, February 14, 2008 2:30 PM  
**To:** testimony  
**Subject:** COMMITTEE ON WATER AND LAND, Date: Friday, February 15, 2008, Time: 2.45pm

I am opposed to this Bill. I have been injured several times by surfers, but never from a windsurfer or kiteboarder. They operate their craft in conditions that do not suit swimmers or surfers ie. WINDY CONDITIONS. And thus, are no danger to surfers or swimmers. Ban the superferry, that will injure all of us if it runs us over!!

Michelle Crompton

S

**testimony**

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**From:** TimMaui@aol.com  
**Sent:** Thursday, February 14, 2008 2:46 PM  
**To:** testimony  
**Subject:** COMMITTEE ON WATER AND LAND

SB 2091

COMMITTEE ON WATER AND LAND  
Aloha,

Please reconsider the bill to ban windurfers from swimmers by 200'.  
This may sound reasonable, but in reality not practicable at all, as launching from a beach or returning to a beach without a swimmer within 200' is very unlikely.  
I own a restaurant on Maui, and started windsurfing three years ago. I sail out of Kahana which also has a swimming area, windsurfers are not allowed in that area at all. This bill would not even let us launch there, because it is within 200 feet of the swim area.  
Please do more research on this bill so it does not have unattended ramifications.  
Thank you  
Tim Ellison  
PO BOX 1196  
Makawao HI.96768

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## testimony

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**From:** Kim Ball [kimballmaui@hotmail.com]  
**Sent:** Thursday, February 14, 2008 2:44 PM  
**To:** testimony  
**Subject:** SB2091

Testimony for the Committee on Water & Land  
Feb. 15, 2008  
2:45 pm

To Whom it May Concern,

I just received notice of this bill and hearing 20 minutes ago. Had we known ahead of time, many of us involved in the industry or folks who just enjoy kiteboarding or windsurfing, would have arranged their schedules to testify in person at the hearing.

Passage of this bill would negatively affect our business and citizens of our state who enjoy these sports. We have dealt with the various ocean recreation users in the past when windsurfing was a huge industry, not like it is now.

I am opposed, and our 60 employees are opposed to this bill.

Kim Ball  
President, Hi-Tech Maui, Inc.

**testimony**

---

**From:** Ayesha Lefebvre [mrs\_lef@yahoo.com]  
**Sent:** Thursday, February 14, 2008 2:30 PM  
**To:** testimony  
**Subject:** COMMITTE ON WATER AND LAND - S.B. NO.2091

This is a terrible legislation!!! I am AGAINST S.B. NO.2091.

W. L.  
Maui

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**TESTIMONY**

**SB 2091**

**(END)**