

To: "committee on water and land/friday February 15, 2008, 2:45pm"
Regarding: the proposal to prohibit the operation of sailboards within 200 feet of swimmers and surfers.

LATE TESTIMONY

Regarding: Safe operation of Sailboards and Kiteboards.

My name is David Dorn, I have been a certified watersports instructor for over 25 years. Teaching windsurfing for 25 years and Kiteboarding for over ten years. I hold master instructor status in both Windsurfing and kiteboarding, I am also a surfing instructor and do surfing instructor training too. I am responsible for Instructor certification in both disciplines. I have experience in teaching on Kitesurfing and Windsurfing in schools on Oahu and Maui and internationally, and I have run kiteboarding instructor training courses on Oahu and Maui, including lifeguard training on kite rescue & recovery skills, on Oahu and Maui as well.

I am also an owner operator of Action Sports Maui watersports school (teaching the sports of Surfing, Windsurfing, and Kiteboarding) and have been active in water sports safety education in Hawaii for over 11 years full time.

My experience is specific to the safe operation of sailboards, and the safe operation of kiteboards. I have also participated in the formation of the Maui kiteboarding associations, and I am intimately familiar with the concerns of mixed user groups and The federal, state and county regulations. My activities also include training with lifeguards to perform Kite rescues and to establish working rules for different user groups.

With regards to the proposal to prohibit the operation of sailboards within 200 feet of swimmers and surfers.

This proposed rule should not be put into effect.

Because not only is this proposed rule overreaching and restrictive, it is also ill-advised and has many hidden problems.

There are also many situations where this rule (200ft) would actually decrease the safety of the operators and other water users.

1. Making such a restrictive rule puts the Sailboarder and Kiteboarder at risk, Because it limits the ability of the person to operate their craft safely.
2. When you restrict the maneuverability of the craft, you limit the options of the operator, and impair his ability to operate the craft.
3. This could put them in greater jeopardy.
4. Both sailboards and Kiteboards are wind powered sailing craft, and must navigate & make judgments based on wind direction, strength, and other factors.
5. There are many situations where the operator of these sail powered craft must come within this limit when operating in public waters, and accessing the water from public beaches. This does not necessarily increase the risks to swimmers or surfer.

6. In many situations we use our sailboards as our rescue craft. We rescue swimmers, and surfers, and other boardsailors, using our sailboards.
7. We use our surfboards as rescue craft and as a teaching tool for our kitesurfers and students.
8. Over the years we have performed countless rescues, on beaches where there are no lifeguards. When there are no lifeguards, we become the default rescue craft.
9. Kiteboards are also used as rescue craft for students, and for other water users,
10. Kiteboards can be operated safely in conjunction with other water user types.
11. We have a long track record of safe operation (20 years for windsurf, 10+ years for Kitesurfers).
12. Finally this proposed rule will unfairly restrict the available areas to conduct these sports. And could essentially eliminate all existing areas from being accessed by these two user groups.
13. The basis for the 200 ft rule is because sailboards and kiteboards travel at high speed and pose a risk to Swimmers and Surfers.
14. Using this logic, this rule should apply to all high speed watercraft of any kind, including sailing boats, sailing canoes, personal watercraft, racing kayaks, etc.
15. You cannot single out these two user groups based on speed. It would be more sensible to recommend a speed reduction when riding close to surfers/swimmers. Sailboards and kiteboards are capable of reducing speed when necessary.
16. Sailboards and kiteboards are perceived as extreme sports, but this is not the case. We have families that windsurf and kitesurf together, sometimes three generations at once. We teach children under ten years old to kitesurf and 5years old to windsurf. These sports are not necessarily fast or extreme. There are family sports. They are often conducted close to swimmers and surfers.
17. Windsurfers and Surfers have coexisted for several decades. Examples like Ho'okipa on Maui and Diamond Head on Oahu.
18. Kitesurfers and Surfers coexist and share the same areas, at beaches all over the world. And they have coexisted at Hawaiian beaches for more than a decade.

No need for the proposed (200ft) rule:

- There are already courtesy guidelines and self policing in any special situations, that are being used effectively to avoid any problems and manage high traffic areas.
- There is no need for a statewide rule restricting sailboards and kiteboards from being 200 feet from swimmers and surfers.
- The need for such a far reaching and damaging rule has not been demonstrated or proven.

Proposed rule unfair:

- This rule would also not stand up under a legal challenge based on the following:
- Sailboards and kiteboarders have equal right to access ocean areas, as well as swimmers and surfers.
- Sailboards and kiteboarders have equal right to access public beaches, as well as swimmers and surfers.
- Except where special use areas like swim zones exist, there must be equal access.

- Any rule that restricts a sailboard from operating within 200feet of a swimmer, must also prevent a swimmer from approaching the sailboard within 200feet.
- In a situation where a sailboard launches from a beach first, and then a swimmer then goes in the water, this (“rule”) would effectively prevent the sailboard from being able to egress across the beach or make a safe exit from the ocean the until the swimmer left.
- Therefore to protect the safety of a sailboarder (and swimmer), no swimmer would be allowed to block their safe egress. Swimmers should not deliberately put themselves in the vicinity of sailboards that are in operation.
- Such a rule would also have to restrict a swimmer or a surfer from approaching a sailboarder or kiteboarder, if they were at the location first.

Impacts of proposed (200ft) rule:

This rule would Eliminate Windsurfing at Hookipa Beach Park.

This rule would prevent kitesurfers and windsurfers from riding a Lanes if there was one surfer out.

This would devastate windsurfing and kiteboarding at virtually all of Kanaha Beach park.

This rule would prevent Windsurfers from riding at Peahi (Jaws) when tow in Surfing was being conducted.

This rule would eliminate kitesurfing and windsurfing at Diamond Head Oahu, when there is just one single surfer present.

This rule would prevent all kitesurfing and windsurfing access to any beach if there is even just one swimmer present in the launch area.

Summary:

As you can see by all the preceding examples, this proposed rule is impractical, unfair and unworkable. I sincerely hope that common sense prevails. And that this proposed rule should be rejected.

The current guidelines, swim zones, and lifeguard directives that we already have, are adequate to address any user conflicts at the majority of the state’s beaches. Any other areas of high use and user conflicts should be addressed individually on a case by case basis.

Regards,
David Dorn
(808) 871-5857

testimony

From: Judy and Dave Hanson [judyanddave@gorge.net]
Sent: Friday, February 15, 2008 1:50 PM
To: testimony
Subject: Re:Bill SB2091

LATE TESTIMONY

To the State Legislature of Hawaii;

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.

Judy Hanson
1302 Avalon Place
Hood River, OR 97031

LATE TESTIMONY

testimony

From: Elon Wong [windfinder9@yahoo.com]
Sent: Friday, February 15, 2008 1:47 PM
To: testimony
Subject: For: Committee on Water and Land : Ocean Recreation; Sailboards S.B. No. 2091

Re : Ocean Recreation; Sailboards S.B. NO. 2091 COMMITTEE ON WATER AND LAND
DATE: Friday, February 15, 2008
TIME: 2:45 p.m.

Dear Sir,

As both a surfer and windsurfer, I would like to voice my opposition to the bill above.

I have been a long time surfer and windsurfer on Maui.

In my time here, I have never experienced, seen or heard of a collision between a surfer, windsurfer or swimmer. However, I am aware of collisions between surfers. Once on a wave, a surfer is capable of causing serious injury to another surfer or swimmer, just as a windsurfer may.

It is more likely that a surfer will collide with another surfer than a windsurfer would collide with a surfer. This is because there are far more surfers riding waves in close proximity to other surfers than there are windsurfers and surfers close together.

I am often at Hookipa surfing or windsurfing. As a surfer my experience is that windsurfers have always kept a safe enough distance out of respect for surfers and their safety. When I am windsurfing I do the same and so do all the other sailors I know.

Generally the conditions that favor surfing do not favor windsurfing and vice versa, and so the chances of surfers and windsurfers being in the same place at the same time is not very great. Admittedly, this situation does sometimes arise at a place like Hookipa. But there is already a posted rule at Hookipa keeping windsurfers out of the water when there are more than ten surfers surfing. Even before this rule was posted, most or all of the windsurfers would head to shore as the wind died.

To impose any distance minimum, especially one of 200 feet is unrealistic. This is more than half a football field. Fast moving surfers on a wave often come within feet and sometimes even inches of other surfers who are paddling out, yet there is no law against this. It therefore seems unreasonable that under this bill, windsurfers are expected to keep more than half a football field away from surfers. Can any windsurfer or surfer reliably judge what 200 feet is on the water? I have been in the water as a surfer at distances far closer than 200 feet and there has never been a problem.

There is also the potential for significant economic loss to Maui as a result of the passing of this bill.

But I am sure you have already received that email or letter.

I ask that you reject this bill on the grounds of unjust discrimination against windsurfers.

Truthfully,

Elon Wong
P.O. Box 698,
Wailuku, Hi 96793

Looking for last minute shopping deals?
Find them fast with Yahoo! Search. <http://tools.search.yahoo.com/newsearch/category.php?>

testimony

LATE TESTIMONY

From: Adam Monaghan [adam@gorge.net]

Sent: Friday, February 15, 2008 1:52 PM

To: testimony

Subject: proposed 200 foot ban of Sailboards and Kitesurfers from surfers and swimmers

COMMITTEE ON WATER AND LAND

DATE: Friday, February 15, 2008

S.B. NO. 2091

The proposed 200 foot ban of Sailboards and Kitesurfers from surfers and swimmers would effectively kill both sports on Maui and Oahu. I will never vacation in Hawaii or return for any other leisure/personal trip if this 200 foot ban is passed.

The oceans are one of nature's best treasures and should be enjoyed by many user groups and stakeholders, not just surfers and or swimmers. This is a terrible mistake both economically and politically because it will discourage so many other wind & water users from ever visiting simply due to the unnecessary increased regulations. Please reconsider this proposition because the supposed benefits far outweigh the negative consequences it is surly to have. Furthermore any supposed benefits regarding safety towards swimmers and surfers will not have any marked effect as windsurfers and kite boarders are taught from the very beginning to yield to ALL other water users as well as constantly maintain a safe distance between you and all those around you. There is no need for a strict ban of 200 feet as the aforementioned practice of maintaining a safe distance from others is more than adequate and fully supported and community enforced which is the most effective way of putting forth safe practices to follow; or rules if you wish to call them that.

Sincerely,
Adam Monaghan

testimony

From: Carol Bolstad [carol.bolstad@1sis.com]
Sent: Friday, February 15, 2008 1:42 PM
To: testimony
Subject: RE: S.B. 2091 - Committee on Water and Land

LATE TESTIMONY

COMMITTEE ON WATER AND LAND

DATE: Friday, February 15, 2008

TIME: 2:45 p.m.

S.B. NO. 2091

I am concerned about S.B. 2091 and it's proposed 200 foot ban of sailboards and kitesurfers from surfers and swimmers.

Kites and windsurfers can not fly or move without wind and need at least 10 mph of wind for the kite to stay in the sky. Once the winds reach 10 mph, the sea becomes choppy and unsafe for an inexperienced swimmer. So kiteboarders can physically be on the water when swimmers should be and swimmers shouldn't be on the water in the choppy seas unless they are extremely experienced. It already a natural balance. In the calm morning, go swimming, when the wind picks up, go to wind sports.

There are starting to be more cases where kiteboarders are rescuing distressed swimmers. Because we can go out in bad seas and have good visibility and can carry or drag people in, lifeguards themselves are turning to the sport. Why would you ban a sport that could save lives, is eco-friendly, and fun to watch and allow a swimmer to enter the water in dangerous conditions. Windsurfers and kiteboarders are usually seen on beaches when the yellow caution signs for rough seas are up. They can not be seen glassy, sunbathing, windless, beaches where most people swim and where most resorts are built. It is just not physically possible. Kites need wind to stay in the air.

I am disappointed that the legislature is considering banning a very eco-friendly sport (we ride the wind and waves after all!!!). Surfers, swimmers, kiteboarders, and windsurfers can co-exist and the beaches should not be reserved just for one of these groups. If there are safety issues at certain beaches they can be addressed without having to ban either sport. Certainly, education is a better option. Currently, the 11 am ban seems to be agreeable to most kites and swimmers as the wind and water conditions change around that time.

The bill does not clarify whether or not a kiter who is on the water would have to leave if a swimmer jumps in or a surfer paddles over. What is mechanism for enforcement? Shouldn't the bill read that a swimmer must not enter the water within 200 feet of an established kiteboarding launch point? I also think that surf boards cause more injuries to swimmers and other surfers than kiteboards or windsurfers ever have. Should surf boards be banned within 200' of swimmers?

Over the last 4 years I have traveled to Maui and Kauai two or three times a year, for one to two weeks each trip, just to go kiteboarding. If this ban passes I will spend my travel and recreation dollars in a more welcoming spot and I will not return to Hawaii.

Sincerely,

Carol Bolstad

2/15/2008

testimony**LATE TESTIMONY**

From: Haydn Huntley [haydn.huntley@gmail.com]
Sent: Friday, February 15, 2008 1:41 PM
Cc: suziej@maui.net; 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).

If you think about this a little bit, it makes sense. Swimmers usually stay close to shore and in flat water -- within 50 meters, while windsurfers and kitesurfers usually sail much further from shore, or occasionally ride waves which break close to shore (but where no swimmers would like to swim).

Also, windsurfers and kitesurfers need lots of wind in order to practice their sport. However, the wind produces ripples on the waves, which surfers don't like, so when it gets windy, the surfers come in and the windsurfers and kitesurfers go out.

On Maui we have adequate protection for everyone: the 11 o'clock rule at Kanaha (the wind doesn't usually start up until 11am, so swimmers, divers, surfers, and fishermen have priority before 11am, and windsurfers and kitesurfers have priority from 11am until sunset), and the 10 man rule at Ho'okipa (where if there are 10 or more surfers on the waves, then the surfers have priority, otherwise the windsurfers have priority). This also acts to prevent a single surfer with a bad attitude from playing dog-in-the-manger and preventing many other people from having their fun.

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

Another problem with this law is that it would make it illegal for windsurfers and kitesurfers to help or rescue people who have become separated from their equipment!

Another problem with this law is that teaching a new kitesurfer typically requires having one person kiting and the other swimming or paddling a surfboard and coaching the beginner. Do we wish to outlaw teaching kitesurfing?

A further problem with this law is that it is common for families to go to the beach and some members might windsurf or kitesurf, while the children or elderly go for a swim. Passing a law like this would break up family gatherings at the beach.

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, because visiting windsurfers and kitesurfers would be detrimentally impacted.

If you are a surfer, another way of putting the shoe on the other foot would be to re-word the law so that it prohibits surfing withing 200' of swimmers and body surfers. It is obvious that surfboards are dangerous to everyone in the water. In fact, surfers could potentially be a danger to one another -- surfers should be required to wear helmets and protective vests and not be allowed to be within 200' of one another in the water. :-) Has the inappropriateness and ridiculousness of this law become obvious? :-)

2/15/2008

So, please get rid of this legislation!

Mahalo!

--Haydn Huntley
Haiku, HI
808-575-2571

--
Haydn Huntley
haydn.huntley@gmail.com

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

testimony

From: Pablo Martin [elcanario5@yahoo.es]
Sent: Friday, February 15, 2008 9:47 AM
To: testimony
Subject: Ocean Recreation; Sailboards S.B. NO. 2091

LATE TESTIMONY

COMMITTEE ON WATER AND LAND

DATE:

Friday, February 15, 2008

TIME: 2:45 p.m.

To Whom it may concern,

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.

Sincerely,

M.CA

testimony

From: Brennan, Dee [dbrennan@sunriverrealty.com]
Sent: Friday, February 15, 2008 1:30 PM
To: testimony
Cc: Jim Brennan
Subject: SB 2091- COMMITTEE ON WATER AND LAND

LATE TESTIMONY

Windsurfers have brought tourism dollars to your state for many years. My family alone has been coming to Maui for this sport for the pass 20 years and have spent thousands of dollars on lodging, food, rental cars, equipment rentals and other forms of entertainment in your state. We have even purchased a second home on Maui so we can come to windsurf more often, so now we are paying property taxes to your state as well.

If this Senate Bill passes you will be driving away a very good source of income for many of the businesses in your state.

There is already a rule in place in Maui, where windsurfers cannot launch prior to 11:00 Am. This takes care of divers, swimmers and other water users until 11:00.

Will this also apply to kite boarders???
This make NO sense. Who will be monitoring this and how will I know if I am two hundred feet from a swimmer or surfer?.

I have been windsurfing for 20+ years and have NEVER come close to hitting a swimmer or surfer.

Don't let this happen, it will be disaster for your state.

Dee Brennan

Broker, GRI, ABR
Sunriver Realty
800-547-3920 toll free
541-593-7000 office
541-480-7362 cell



testimony

From: Karen & Dan Damyanovich [sunshine754@earthlink.net]
Sent: Friday, February 15, 2008 12:22 PM
To: testimony
Subject: S.B. No. 2091 Sailboarding Restriction Bill

LATE TESTIMONY

To whom it may concern,

My husband and I have been frequent visitors to Maui for the purpose of enjoying the wonderful access you have for the sport of windsurfing. We've always felt that the beach and water use was very friendly and shared by all users, primarily due to the fact that when conditions are good for windsurfing or kiteboarding, the water is usually too turbulent for swimmers and surfers, and there are plenty of beaches that provide access for those activities, are protected from the wind and not conducive to wind sports.

If this bill passes, we feel it will have a definite effect on our decision to spend the substantial amount of money that it costs for us for air fare, car rental, accommodations, food and other spending that are all a part of our windsurfing based vacations in Maui. We would most likely take our vacations elsewhere.

I would like you to consider the financial impact the new regulation would have on your local economies.

Sincerely,
Karen Damyanovich
PO Box 909
Dillon, CO 80435

testimony

LATE TESTIMONY

From: Randy Kato [randy@kato.com]
Sent: Friday, February 15, 2008 1:07 PM
To: testimony
Cc: Sen. Clayton Hee; Sen. Russell Kokubun; Sen. Jill Tokuda; Sen. Paul Whalen
Subject: S.B. #2091 - NO!

To Whom It May Concern,

I have been a kiteboarder for seven years, practicing and teaching the sport all over the world (East Coast U.S., West Coast U.S., South Coast U.S., Caribbean, Mediterranean, mid-Atlantic, Southeast Asia, etc.). In my experience, kiteboarders and windsurfers have been able to coexist with surfers and swimmers very well. Where there are concerns, such as very crowded beaches, high-traffic snorkeling areas, and such, simple boundaries/rules have dealt with the situations quite sufficiently.

I believe this bill overshoots it's intent in a massive way. Such an act would essentially be an outright ban on these sports... which, by the way, were basically born in Hawaii. I don't believe the bill has been properly thought through or developed in conjunction with the relevant parties. There is no other community that is more concerned with kiteboarding safety - including the safety of bystanders and fellow watermen/women - than kiteboarders themselves.

I urge you to meet with the local kite associations and schools to come to a more proper resolution. We are watermen/women, people whom are greatly respected in the Hawaiian community, and this bill is an unjust punishment and disrespect. I don't believe it was meant to be.

Please revisit the issue with the relevant parties.

Since my passion and addiction to this sport began seven years ago - when I would pore over video, photos, and news from the forefront in Hawaii - I have dreamed of visiting your islands to sail those (I know it sounds corny, but...) sacred waters. I have finally booked a trip with family and friends for this June, but if this bill passes, I'll have to cancel that trip. What would be the use? Kiteboarding has become one of the key factors in my travel decisions.

Thank you for your consideration.
Randy Kato

testimony

LATE TESTIMONY

From: Marc & Jennifer Benesis [mjbenesis@gmail.com]
Sent: Friday, February 15, 2008 1:21 PM
To: testimony
Subject: OPPOSITION TO S.B. #2091 - Ocean Recreation; Sailboards

Dear Sir or Madam,

I'm a kiteboarder. If your law passes, I will take my family somewhere else on vacations, like South Padre Island, TX or Mexico. Hawaii is the best, but it will be hard to comply with the proposed regulations.

Regards,
Marc Benesis
Pacifica, CA

testimony

LATE TESTIMONY

From: May Yam [may@yamable.net]
Sent: Friday, February 15, 2008 12:36 PM
To: testimony; Sen. Clayton Hee; Sen. Russell Kokubun; Sen. Russell Kokubun; Sen. Russell Kokubun; Sen. Paul Whalen
Cc: Sen. Jill Tokuda
Subject: OPPOSITION TO S.B. #2091 - Ocean Recreation; Sailboards

Dear Sir/Madam,

I wish to express my strong opposition to the proposed bill. I own property on Maui and have been a visiting for years. I choose to come to Hawaii for the specific purpose of these sports and I will be forced to take my tourism dollars elsewhere if this passes. Furthermore, I will no longer consider Hawaii as a potential place to open a business, invest in Real Estate and/or retire to.

Aside from the obvious issues of the unnecessary restriction on one's civil liberties, and the huge loss of tourist revenue and closer of local businesses who depend both directly and indirectly on revenue generated by these sports, please take a look a the bigger picture here. While accidents can happen, I believe the risk to swimmers and other water users is minimal, and is very likely born out in the existing safety record. People have been windsurfing and kiteboarding in Hawaii for more than thirty years.....

I am certain that cars injure and kill far more people than these sports have or ever will, and no one is proposing to ban or limit them from the islands. "

Thank you for your time,

May Yam
may@yamable.net

2/15/2008

testimony

From: Alain Enault [aenault2000@yahoo.es]
Sent: Friday, February 15, 2008 6:09 AM
To: testimony
Subject: Committee on Water & Land

LATE TESTIMONY

To the Committee on Water & Land,

With this e-mail, I wish to express my disagreement with the proposed bill SB 2091 (Notice of Hearing Friday February 15, 2008 at 2:45 pm) that would prohibit operators of sailboards from approaching within 200 feet of a swimmer or surfer in the ocean.

Kind regards,

Alain Enault

testimony

From: Gonzalo Martin [gonmartin1973@yahoo.es]
Sent: Friday, February 15, 2008 9:56 AM
To: testimony
Subject: Ocean Recreation Sailboards S.B. NO. 2091

LATE TESTIMONY

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

Please, you no write this law

Thank You

Gonzalo

testimony

From: Molly Sanders [molly.sanders@ocean4hawaii.com]
Sent: Friday, February 15, 2008 10:28 AM
To: testimony
Subject: S.B. NO. 2091 **** NO!

LATE TESTIMONY

To Whom it may concern,

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.

I vote against this bill.

Sincerely,

Aloha,

Molly Sanders
Ocean 4 Hawaii Inc.
PO Pox 882
Haiku, HI 96708
Ph: (808) 575-2200
Fax: (808) 575-9790

No virus found in this outgoing message.
Checked by AVG Free Edition.
Version: 7.5.516 / Virus Database: 269.20.6/1280 - Release Date: 2/15/2008 9:00 AM

testimony

From: Jeff Sutherland [jeffreysutherland@hotmail.com]
Sent: Friday, February 15, 2008 1:14 PM
To: testimony
Subject: Strongly oppose new anti-windsurfing bill.

LATE TESTIMONY

I read about the attempt to keep windsurfers from surfing areas (http://www.capitol.hawaii.gov/session2008/bills/SB2091_.htm), such as Ho'okipa, arguably the best beach in the WORLD for windsurfing, and would like to state that I am strongly against it. I am a Canadian citizen who travels regularly to Maui for the sole purpose of windsurfing on waves, and I believe this would deter me and many other windsurfers from coming to the Hawaiian Islands.

Sincerely,

Jeffrey Sutherland

testimony

From: Mike Kirnak [Mike@SportsSafetyDesigns.com]
Sent: Friday, February 15, 2008 12:47 PM
To: testimony
Subject: Unfair Kiteboarding Ban

LATE TESTIMONY

COMMITTEE ON WATER AND LAND

DATE: Friday, February 15, 2008

TIME: 2:45 p.m.

S.B. NO. 2091

The proposed 200 foot ban of Sailboards and Kitesurfers from surfers and swimmers would effectively kill both sports on Maui and Oahu. I vacation every year in Hawaii and will not return if this 200 foot ban in passed.

The oceans are one of nature's best treasures and should be enjoyed by many user groups and stakeholders, not just surfers.

The bill does not clarify whether or not a kiter who is on the water would have to leave if a swimmer jumps in or a surfer paddles over. What is mechanism for enforcement? Shouldn't the bill read that a swimmer must not enter the water within 200 feet of an established kiteboarding launch point? I also think that surf boards cause more injuries to swimmers and other surfers than kiteboards or windsurfers ever have. Should surf boards be banned within 200' of swimmers? Kiteboarding and Windsurfing launch points take up a very tiny fraction of available beachfront. For instance, on Kailua Beach on Oahu, the Kiteboarding launch spot takes up only about 40 meters of the beach. This 40 meters is shared with all other beach users in a friendly fashion, indeed the launch area atmosphere could be described as "Aloha Spirit".

A reasonable alternative to this bill might be to define the rules of "Right Of Way" for all water users waiting in the line up for a wave.

As a former resident of the great state of Hawaii, I urge you to abandon this onerous bill that would create such feelings of ill will in and towards Hawaii. This bill does not embrace the spirit of Aloha, it mocks that spirit. I beg you to reconsider. As an Airline pilot I, I travel to Hawaii constantly. I have always felt that Hawaii was a magical place, both the land and her people. I share that feeling with many Kamaaina and visitors. Please keep Aloha alive in Hawaii.

Mahalo for your time.

Regards,
Mike Kirnak
A330 Pilot

2/15/2008

testimony

LATE TESTIMONY

From: mpgmaui@aol.com
Sent: Friday, February 15, 2008 2:24 PM
To: testimony
Subject: Against bills S.B. NO.2091

To whom it may concern,

The safety of all those enjoying our ocean waters is in serious jeopardy when implementing the suggestions in this new bill. The access for everyone has always been respected among kites, surfers, divers, swimmers and windsurfers as most all of us enjoy participating in each type of water activity. The suggestions would make it virtually impossible for anyone other than an old lady to dip her feet in the shore break while remaining 200 feet away from any craft mentioned in the bill.

In my 28 years of visiting and living on Maui and enjoying all the above mentioned sports, never have I witnessed or heard of, an accident between any of these mentioned sport activists.

We urge you to remove this bill and continue to allow fair access and enjoyment for all those to enjoy our ocean waters.

Thank you.

Aloha,
Scott Sanchez

Scott Sanchez
Founder Team MPG
Tel # USA 001 808 283 6121
mpgmaui@aol.com
www.teammpg.com

More new features than ever. Check out the new [AOL Mail!](#)

testimony

From: Brenda Bidwell [brenda.barry@sympatico.ca]
Sent: Friday, February 15, 2008 1:51 PM
To: testimony
Subject: Ocean Recreation;sailboards S.B. No. 2091

Committee on Water and Land
Date: Friday, Feb. 15, 2008
Time: 2:45 p.m.

To Whom it May Concern:

I do not agree with this bill and hope that it will not be passed!

Brenda J. Bidwell

LATE TESTIMONY

testimony

LATE TESTIMONY

From: Jane S. Sebastian [jane@betatetra.com]
Sent: Friday, February 15, 2008 12:38 PM
To: testimony
Subject: Disagreement with S.B. NO. 2091 regarding sailboards and kiteboards

I do not agree with this bill. I believe there are more effective and fair methods to ensure the safety and enjoyment of the water by all users. I only have limited vacation time and money and could never consider vacationing in a place that does not allow kiteboarding and I know many of my acquaintances feel the same. I had planned to go to Maui, but not if this bill is enacted.

Thank you.
-Jane S. Sebastian

LATE TESTIMONY

testimony

From: Marty.BELLEVILLE@impressusa.net
Sent: Friday, February 15, 2008 12:07 PM
To: testimony
Subject: SB 2091 Relating to Sailboards

Senate Bill 2091:

This Bill must never be passed as it is written.

Although the spirit of the Bill is meant as a safety measure there is no basis to support this ruling anymore than it would be to ban cars from moving anywhere within 200 feet of pedestrians, golfers not swinging clubs, bicyclists not pedaling, skateboarders, in-line skaters and any other moving sport near spectators.

This is a matter of human common sense and although that seems lacking all too often, does not need the enactment of another law on our books.

I implore you that this Bill will not only be difficult to enforce but will only result in our courts being clogged with more needless and wasteful cases.

Your NO vote on this Bill is just not appreciated, it's Expected.

Marty Belleville
4029 E. Theresa St.
Long Beach, Ca. 90841
562-987-0235

Discover Impress on <http://www.impressgroup.com>

The information contained in this e-mail and any attachments is strictly confidential and may be legally privileged. It is intended solely for the use of the individual or entity to whom it is addressed. If you are not the named addressee, you are hereby notified that it is prohibited and may be unlawful to disclose, distribute, store, copy the information in any medium or usage for another purpose.

LATE TESTIMONY

testimony

From: Chris Giles [chris@a1fence.com]
Sent: Friday, February 15, 2008 12:21 PM
To: testimony; Sen. Clayton Hee; Sen. Carol Fukunaga; Sen. Paul Whalen
Subject: Report Title: Ocean Recreation; Sailboards **SB 2091**

Dear Hawai State Leislature,

I am writing in reference to the potential ban of kiteboarding on the island of maui. I travel to the islands many times a year for the sole purpose of kiteboarding. I have done so safely and without incident for over 4 years.

Kitesurfers are, as a whole, extremely aware of the potential dangers of the sport. We take precautions to keep ourselves and others safe by being aware of our surroundings and understanding how to safely use our equipment.

If kiteboarding were to be cancelled or require a 200' non-kiteboarding zone around all swimmers, surfers, etc., I would have no choice but to visit alternate locations. This would be a huge disappointment to myself, my friends and my family since we see the Hawaiian Islands as a paradise for us all to escape to several times a year and to enjoy our favorite activities, of which kiteboarding is #1.

Thank you for your time and consideration.

Chris Giles
113 Glendora Ave.
Long Beach, CA 90803
(714) 393-1864

LATE TESTIMONY

testimony

From: Kevin Gratton [keving@WindPowerWindsurfing.com]
Sent: Friday, February 15, 2008 11:37 AM
To: testimony
Subject: capitol.hawaii.gov/sessio...ls/SB2091

Dear,
COMMITTEE ON WATER AND LAND
Re : Ocean Recreation; Sailboards S.B. NO. 2091
DATE: Friday, February 15, 2008 2:45 p.m.

As a tourist and Windsurfing Dealer that promotes windsurfers to come to your state for the main purpose of Windsurfing I ask the you vote against the following bill.

http://www.capitol.hawaii.gov/sessio...ls/SB2091_.htm

The STATE of HAWAII is proposing a bill will kill the windsurf business and could shut down sailing from your beaches, private land or public!

The State of Hawaii is the focal point of research and development, training, retail, rental, and image capturing for the sport of windsurfing.

I sincerely hope you understand the consequences of this bill and use unbiased judgment in voting on it.

Kind Regards

Kevin Gratton

Wind Power Windsurfing & Kitesurfing

920-922-2550

www.windpowerwindsurfing.com

testimony

From: Nayra Alonso [nayraalonso@nayrae4.com]
Sent: Thursday, February 14, 2008 9:46 PM
To: testimony
Subject: Ocean Recreation; Sailboards S.B. NO. 2091

LATE TESTIMONY

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

To whom it may concern,

I am a tourist, from Spain, that usually goes to Hawaii. In the past four years, me and my friends have gone to Maui more than 10 times just to be able to windsurf on its beaches. I hope you understand how bad that bill could be to the windsurf sport and to all the windsurf tourist that go there every year...

Best Regards.

Nayra

<http://www.nayrae4.com>

testimony

From: Nick Harford [nicholasharford@hotmail.com]
Sent: Friday, February 15, 2008 3:13 AM
To: testimony
Subject: Committee on Water & Land

LATE TESTIMONY

ATTENTION: COMMITTEE ON WATER AND LAND

HEARING DATE: Friday, February 15, 2008

Dear Sir / Madam,

I am writing to confirm that I do not agree with the following proposed act within the state of Hawaii:

Report Title:

Ocean Recreation; Sailboards SB 2091

Description:

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

Yours sincerely,

Nick Harford

testimony

From: Rosa Josa [rosajosa@telefonica.net]
Sent: Friday, February 15, 2008 3:47 AM
To: testimony
Subject: COMMITTEE ON WATER AND LAND

LATE TESTIMONY

Friday, February 15, 2008. Time: 14:30.

I'm not agree with the proposing bill S.B. NO. 2091 , that says: "*Prohibits operators of sailboards from approaching within 200 feet of a swimmer or surfer in the ocean.*" Because it is not correct to eliminate the windsurfing, that sport has been practicing since 1960's and it has never produced damage to any surfboarder or swimmer. The state of Hawaii is considered the Mecca of that sport and it would be catastrophically the prohibition of that practice. Although it would be bad for the tourism economy of the island of Maui, because the practice of windsurfing generates the biggest part of that.

I hope that words would be listened,

Pol Baltà Josa

testimony

From: Richard Thomas [Richard.Thomas@specialized.com]
Sent: Friday, February 15, 2008 1:02 AM
To: testimony
Subject: STOP ACT - S.B. number 2091
Importance: High

LATE TESTIMONY

Ladies and Gentlemen,

Being a keen windsurfer, visitor of Hawaii and having worked in the watersports and sports industry I want to voice my view regarding the new act you want to introduce.

I work globally and know that a vast number of people specifically travel to Maui not only to Windsurf but to watch Windsurfing.

Every sport enthusiast in Europe knows Hookipa Beach Park as a destination to watch the best windsurfers in the world.

Your bill would kill the sport as it needs to be carried out close to the beach in the braking waves.

I would very much like to add that we never had an experience in the industry that I can remember where a windsurfer injured a swimmer.

And on the water between surfers, kitesurfers and windsurfers are unwritten rules which regulate our sports better than any ski slope in the alps.

Please consider this thoroughly and don't kill this most beautiful watersport in the world!

Richard Thomas
Dorfstr. 15
82544 Egling
Germany

testimony

LATE TESTIMONY

From: Raoul Joa [raoul.joa@north-sails.org]

Sent: Friday, February 15, 2008 7:29 AM

To: testimony

Subject: COMMITTEE ON WATER AND LAND - Ocean Recreation; Sailboards S.B. NO. 2091

Dear Ladies and Gentlemen,

In the name of the Windsurfing brand North Sails, I would like to ask you to 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 North Sails Windsurfing, I ask you to vote against this bill. North Sails does an annual photo shoot each year on Hawaii which promotes the state and the sport. Plus we do most of our product testing on Maui throughout the whole year. The passing of this bill will force us to choose another location.

Thanks a lot for your support.

Kind regards

Raoul Joa
Line Manager NORTH SAILS Windsurfing
Boards & More GmbH, Operating Office
Keltenring 9
82041 Oberhaching, Germany
tel +49-(0)89-66655-270
fax +49(0)89-66655-220
cell +49-(0)172-8525187

mailto: raoul.joa@north-sails.org
<http://www.north-windsurf.com>

*** The contents of this email and any ***
*** attachments are confidential. ***
*** It is intended for the named ***
*** recipient(s) only. If you have ***
*** received this email in error ***
*** please notify the system manager ***
*** or the sender immediately and do ***
*** not disclose the contents to any ***
*** one or make copies. ***
*** BM - Viruswall scanned this email ***
*** for malicious content ***

testimony

From: Pablo Ruiz Vivancos [killerfish_custom@hotmail.com]
Sent: Thursday, February 14, 2008 11:11 PM
To: testimony
Subject: Ocean Recreation; Sailboards S.B. NO. 2091

LATE TESTIMONY

COMMITTEE ON WATER AND LAND

DATE:

Friday, February 15, 2008

TIME:

2:45 p.m.

I'm Oppose to this bill. I'm a windsurfer who enjoy this sport since more than 20 years and I know mostly of time we sail the conditios on the watter are to confortables to swim to any persons and we are not an aposition to the people on the watter.

If this law progress out of hawaii to the rest of the world colub be the destruction of those sports even in the places were the watter is to cold to the swimmers but not for the sporters.

Pablo Ruiz.
22998436T
Spain.

testimony

From: Patrik Hrdina [p.hrdina@volny.cz]
Sent: Friday, February 15, 2008 3:50 AM
To: testimony
Subject: Committee on Water & Land

LATE TESTIMONY

Dear Sirs,

I was very suprised by receiving informations about operations of windsurfing and kitesurfing in state Hawaii.

http://www.capitol.hawaii.gov/session2008/bills/SB2091_.htm

I am 40 years old, visited Maui 4 times. In 1991, 1997, 2006 and 2007. I alway brought my friends and last time also my whole family. I am recreational windsurfer. I never had feeling, that windsurfing is dangerous sport.

Me, my friends and my wife very enjoyed staying in Maui. We would be very dissapointed, if regulations to windsurfing and kitesurfing would be applied. This would very limit our desire to visit Maui again. Comming to Maui from Europe is very diificult and travel is very long. Lot of islands in the world have great scenery. Hawaiian islands have a lot more, than only scenery. Except beauty of islands they have also great conditions for windsurfing.

We hope, that windsurfing will not be cancelled in Maui.

With very best regards

Patrik Hrdina

Czech Republic

testimony

From: Paolo Pezzi [pezzi@valvotubi.it]
Sent: Friday, February 15, 2008 5:32 AM
To: testimony
Subject: To Whom it may concern,

LATE TESTIMONY

COMMITTEE ON WATER AND LAND
DATE: Friday, February 15, 2008

To Whom it may concern,

I would like to say I oppose the passage of this bill.
http://www.capitol.hawaii.gov/session2008/bills/SB2091_.htm

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.

I ask you to vote against this bill.

Sincerely,

Paolo Pezzi
Viale Reno, 33
48100 PORTO CORSINI (RA)
ITALY

LATE TESTIMONY

testimony

From: peggy giesenschlag [peggygiesenschlag@yahoo.com]

Sent: Friday, February 15, 2008 3:54 AM

To: testimony

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

To: testimony@capitol.hawaii.gov

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

My husband and I spend thousands of dollars each year purchasing windsurfing gear from Maui. I am very concerned that this bill will have a negative effect on the windsurfing's industry's ability to research, demo., test and promote their produced. Please vote NO on this bill.

Sincerely, Margaret Giesenschlag

Looking for last minute shopping deals? [Find them fast with Yahoo! Search.](#)

testimony

From: Noa and Kiva Herrera [noaandkiva2@hotmail.com]
Sent: Thursday, February 14, 2008 10:56 PM
To: testimony
Subject: re:SB2091

LATE TESTIMONY

Hello,

We are sending this email to state our views that SB2091 is too broad in scope and will create more problems than it solves regarding water and beach access. While the waters on our shores have become much more crowded in recent years, we feel this bill will not address the specific issues at specific locations in regards to ocean recreation. We feel these restrictions should be time based per location for ease of enforcement, as well as clarity for all parties involved.

Divers, swimmers, and fishermen should always have priority access. Surfers and bodyboarders should have access in the morning and evening hours when the wind does not blow out the surf. Afternoons should be relegated to sailing and kiting when the surf is junk.

It would be a shame to pass a bill with such a wide scope over the entire state. We feel more research and time is needed to address all of the issues. Hawaii is like a big family, and we all need to be considerate of each other in regards to ocean access.

Thank you!

Shed those extra pounds with MSN and The Biggest Loser! [Learn more.](#)

testimony

From: Ongaro Giampaolo [Giampaolo.Ongaro@matrix.it]
Sent: Friday, February 15, 2008 1:39 AM
To: testimony
Subject: SB2091: do not approve it!
Importance: High

LATE TESTIMONY

The intentions of this bill are good but the proposed solution is too unbalanced and unfair in disfavor of windsurfers or kitesurfers.

It also seems quite difficult to judge if your distance from a swimmer or surfer when ailing.

Please do not approve it.

Mahalo,
Giampaolo Ongaro

ITALY – 24068 Seriate (BG)

testimony

From: Andre Nasser [nasser@secrel.com.br]
Sent: Friday, February 15, 2008 8:55 AM
To: testimony
Subject: sb 2091

i dot not agree. Maui has to much to lose with that.

LATE TESTIMONY

testimony

From: chilibears [chilibears@yahoo.com]
Sent: Friday, February 15, 2008 9:13 AM
To: testimony
Subject: in opposition to SB 2091 (Committee on Water & Land)

Committee on Water & Land

I oppose SB2091

It is a bad idea, a bad bill, and should be immediately scrapped.

Respectfully,

Peter A. Sullivan
112 Hoopalua Dr.
Pukalani, HI 96768
808-572-9698

LATE TESTIMONY

Never miss a thing. Make Yahoo your home page.
<http://www.yahoo.com/r/hs>

LATE TESTIMONY

testimony

From: Gary Mitchell [garyemitchell@verizon.net]
Sent: Friday, February 15, 2008 9:24 AM
To: testimony
Subject: Testimony to bill SB 2091 COMMITTEE ON WATER AND LAND hearing

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

Please do not pass this bill that requires windsurfers and kitesurfers to stay 200 ft away from swimmers and surfers. I vacation annually to Maui. I enjoy the great weather and I am a windsurfer and enjoy the north shore of Maui for it's world class windsurfing. This Bill will negatively impact the reputation of Maui as a windsurfing destination.

I think this will allow surfers to exclude windsurfers from access to good wave breaks. All they would have to do is paddle in the break area and that would prevent windsurfers from sailing there. Wave breaks should be a resource for everyone. Rather than a general law allow local jurisdiction to establish rules for sharing such resources. If a windsurfer or kiter is sailing in an unsafe manner and endangering the safety of surfers and swimmers allow local enforcement, not a general rule of 200 feet which would prevent access to good wave spots anytime a surfer was present.

Please vote against the proposed bill.

Gary Mitchell
Portland Oregon
Cell: 503-522-6608

testimony

From: james savage1@googlemail.com on behalf of James Savage
[james.savage@studentwindsurfing.co.uk]
Sent: Friday, February 15, 2008 9:05 AM
To: testimony
Subject: BILL: SB2091

LATE TESTIMONY

To whom it may concern,

As an avid windsurfer and supporter of the windsurfing industry and community in the UK I am very disappointed to see this new bill being proposed that will destroy windsurfing not only in Hawaii, but will have a devastating effect on the international windsurfing industry. Maui is the home of windsurfing and a central focus for the world windsurfing media and industry.

Many of the worlds top brands and sailors conduct their r&d there. Unless such a bill is accompanied by rules at beaches (such as Hookipa) to prohibit swimmers and surfers from being allowed in the water during certain periods of the day when windsurfers are out then this law has the potentially devastating outcomes for the windsurfing community.

I strongly urge you to reconsider the impact of your actions.

Many thanks

James Savage

testimony

From: kturek@volny.cz
Sent: Friday, February 15, 2008 9:03 AM
To: testimony
Subject: S.B. NO. 2091: do not approve, please

LATE TESTIMONY

Hello,

please do not approve restriction described in this bill for an act:
http://www.capitol.hawaii.gov/session2008/bills/SB2091_.htm .

It's a very bad way to constrain freedom of people with such restrictions. Please try to find another solution for problem described: education, allow kiteboarding only in selected areas (kites are much more dangerous and space-hungry than ws).

For us, windsurfers, Hawaii is the Mecca of windsurfing. Do not kill the place with this restriction, please.

Best regards

Karel Turek

Czech Republic

testimony

From: Marco Balbi [i_2000@libero.it]
Sent: Friday, February 15, 2008 9:15 AM
To: testimony
Subject: COMMITTEE ON WATER AND LAND

LATE TESTIMONY

COMMITTEE ON WATER AND LAND
DATE: Friday, February 15, 2008

To Whom it may concern,

I would like to say I oppose the passage of this bill.
http://www.capitol.hawaii.gov/session2008/bills/SB2091_.htm

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.

I ask you to vote against this bill.

Sincerely,

Marco Balbi

Italy

Information from ESET NOD32 Antivirus, version of virus signature database 2847
(20080204)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

testimony

LATE TESTIMONY

From: Tom Albert [tom_albertus@yahoo.com]
Sent: Friday, February 15, 2008 9:13 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 regard that Maui is the most popular windsurfing spot in the world.

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

Thank you for your consideration.

Torsten Erhardt

Kulaiwi dr.#507
Wailuku, HI, 96793

Be a better friend, newshound, and know-it-all with Yahoo! Mobile. Try it now. http://mobile.yahoo.com/;_ylt=Ahu06i62sR8HDtDypao8Wcj9tAcJ

testimony

From: ..tato | fotocontato [tato.ferreira@gmail.com] on behalf of ..tato | fotocontato [tato@fotocontato.com.br]
Sent: Friday, February 15, 2008 3:49 AM
To: testimony
Subject: S.B. NO. 2091

LATE TESTIMONY

TO
COMMITTEE ON WATER AND LAND
DATE: Friday, February 15, 2008

Please don't approve this:

"§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.

testimony

From: A Ryu [ar_ny1@hotmail.com]
Sent: Friday, February 15, 2008 8:36 AM
To: testimony
Subject: in re: S.B. NO. 2091

LATE TESTIMONY

To Whom It May Concern:

I wish to express my strong opposition to the proposed bill S.B. NO. 2091. I have been a visiting tourist on and off for years. I choose to come to Hawaii for the purpose of these sports which we can all enjoy in the beautiful nature and ocean which Hawaii has.

Aside from the obvious issues of the unnecessary restriction on one's civil liberties, and the huge loss of tourist revenue and closer of local businesses who depend both directly and indirectly on revenue generated by these sports, please take a look a the bigger picture here. While accidents can happen, I believe the risk to swimmers and other water users is minimal, and is very likely b orn out in the existing safety record. People have been windsurfing and kiteboarding in Hawaii for more than thirty years.....

I am certain that cars injure and kill far more people than these sports have or ever will, and no one is proposing to ban or limit them from the islands. "

Sincerely

R Aizu

Hotmail□\$B%f!<%6\$NH>?t6a\$/\$,;HMQ\$7\$F\$\$\$^\$9!#□(JWindows Live□\$B%a%C%;%s%8%c!
<http://messenger.live.jp/>

testimony

From: Richard Salem [rsalem@windhorsegroup.com]
Sent: Friday, February 15, 2008 8:54 AM
To: testimony
Subject: Re: SB 2091 Committee on Water & Land Feb. 15, 2008 2:45 pm

LATE TESTIMONY

From: Richard Salem <rsalem@rmi.net>
Date: February 15, 2008 11:52:37 AM MST
To: testimony@capitol.hawaii.gov
Subject: SB 2091

I write to express my profound concern and objection to the proposed SB 2091. I am a sailboarder who consistently practices safety and awareness for all swimmers, boogie boarders, surfers, etc. In my many years of enjoying the sport of sail boarding, I have never seen or experienced any conflict or safety danger with others in the water. Sail boarders are extremely considerate of others and are always striving to learn more including being courteous and safe around others in the water and on the beach. The primary reason I live in and own a residence in Hawaii is to enable my sail boarding. If such legislation were passed, it would have huge negative consequences for people like me and certainly for the many businesses and employees focused on the sport of sail boarding.

Please reject such an unreasonable and harsh piece of legislation.

Thank you for your attention.

--Rich Salem
320 Paani Place
Paia, HI 96779

testimony

From: Len Cappe - Hawaiian Island Surf & Sport [len@hawaiianisland.com]
Sent: Friday, February 15, 2008 2:02 PM
To: testimony
Subject: Fw: Committee of Water and Land

LATE TESTIMONY

----- Original Message -----

From: Len Cappe - Hawaiian Island Surf & Sport
To: suziej@maui.net
Sent: Friday, February 15, 2008 1:48 PM
Subject: Committee of Water and Land

Dear Committee Member

Having reviewed the proposed bill S.B. 2091. I would like to recommend that the committee reconsider immediate action. This bill would have a devastating effect on windsurfing and kiteboarding on Maui. Because we have a significant number of kiteboarders and windsurfers here on Maui we have already addressed the issue of conflicts of the different user groups. We have found that by identifying the situation on a case by case basis we could better make rules for minimizing conflicts. For example at Hookipa Beach Park there is a state law prohibiting Windsurfing at the surf break known as Middles if more than 5 surfers are out surfing that break. At a surf break known as H'Poko Point windsurfing is prohibited if more than 10 surfers are surfing that surf break. At Sprekelsville in a very large area Windsurfing is prohibited at all times. At Kanaha Beach Park the most popular windsurfing beach in the state of Hawaii, Windsurfing is prohibited until after 11am every single day! There are several swim zones that windsurfing is prohibited from at all times.

Kitesurfing is even more restricted on Maui. On Maui's northshore kitesurfing is restricted to only an area known as Lower Kanaha and a surf break known as Lanes.

These rules have been in effect for more than 20 years and there are no known complaints on file with regards to user conflicts since their adoption. If in fact user conflicts are occurring else where in the state perhaps these above examples prove the case by case solution works. I have been the president of the Maui Boardsailing Association for the past 25 years, I helped author the current DLNR rules sighted above, our association has approximately 2500 members. Please feel free to contact me should you have any questions my cell phone number is (808) 281-1326.

Mahalo,

Len Cappe
President, Maui Boardsailing Association

testimony**LATE TESTIMONY**

From: Mike Abrams [mikeabrams@msn.com]
Sent: Friday, February 15, 2008 2:36 PM
To: testimony
Subject: FW: Out of Office AutoReply: S.B. No. 2091 Sailboarding Restriction Bill

Dear Hawaii State Government,

This proposed law would restrict our entry into the Maui waters, and it would cause our windsurfers to be dangerously grouped too close together traveling and jumping at high speeds. Many injuries would result. Please do not pass this proposed bill. Mahalo for your Kokua, Mike Abrams Creator of Windsurfing Talk Story Radio at KOPO-LP 89.5FM, broadcasting most Wednesday evenings from the Paia Maui Youth & Cultural Center.

From: suziecooney@hawaii.rr.com
To: wagnerm007@hawaii.rr.com; synneve@verizon.net; harrys@hawaii.rr.com; greg@mauianalysis.com; gjbbailey@yahoo.com; DENNISMAUI1@aol.com; cballew@firevision.com; chris@c7partners.com; charles@thexconcept.com; carlamcjalbert@hawaii.rr.com; bart@otmaui.com; amy@stonesplace.com; kstonemd@stoneclinic.com; us3kp@attglobal.net; krismochi@hotmail.com; lindamcbride@hawaii.rr.com; mauijalinda@yahoo.com; sbm@maui.net; mattus10@compuserve.com; info@mauisurfandturf.com; mikeabrams@msn.com; secwind@maui.net; rspork@bigfoot.com
Subject: FW: Out of Office AutoReply: S.B. No. 2091 Sailboarding Restriction Bill
Date: Fri, 15 Feb 2008 07:57:00 -1000

Thanks,
 Suz

From: Todd MacFarlane [mailto:tmacfarlane@hotmail.com]
Sent: Friday, February 15, 2008 7:42 AM
To: & Dan Damyanovich Karen; bwooding@woi.edu; christina; CHRISTINA; dave dalgetty; dick a; dick ashenfelt; doug whiting; fred; fsaab80303@yahoo.com; jeff fagerholm; jeff FAGERHOLM; Jeff Paula Fagerholm; jerry misner; Jim Curcio; John Gerry; Ken Walsh; Ken Walsh; malcolmwhy@yahoo.com; mark jackson; mark melisa; norah@roarocket.com; Paul MelGeorge; Reardal@aol.com; rgreene10@aol.com; sherry reed; slick willie; steve robinson; suezie; Suzie Cooney; terryalkemade1@hotmail.com; toni; Torsten; Villani Dan; Wahl Dennis
Subject: FW: Out of Office AutoReply: S.B. No. 2091 Sailboarding Restriction Bill

Please send an email to testimony@capitol.hawaii.gov This bill would restrict our entry and use of the water in an unnecessary fashion. It may cause the elimination of our sport in the islands. Please help today. Thanks Todd
 It bans windsurfing anywhere within 200' of swimmers and surfers. The person who sponsored this bill must be a surfer. The purest of the wave users.

Subject: Out of Office AutoReply: S.B. No. 2091 Sailboarding Restriction Bill
Date: Fri, 15 Feb 2008 07:34:12 -1000
From: testimony@capitol.hawaii.gov
To: tmacfarlane@hotmail.com

Thank you for your testimony.

This is an automated response to acknowledge receipt of your email. Due to the high volume of

testimony

From: Glenn Woodell [letsrig@cox.net]
Sent: Friday, February 15, 2008 1:53 PM
To: testimony
Subject: S.B. No. 2091

LATE TESTIMONY

I'm concerned about the ramifications of S.B. 2091 and the impact it will have on beach activities there. The way it is worded it seems that a number of surfers or windsurfers, etc. could be displaced by even one person deciding to get into the water at any of the many beaches popular around the state.

I fully understand the hazards that fast-moving watercraft can cause around swimmers but it seems that this bill is favoring swimmers over all other beach lovers. Several of the beaches there are world-renown among surfers, windsurfers, and kites and I am sure that these vacationers bring a lot of revenue to the state in the form of taxes. Many of my personal friends from the east coast travel to Hawaii specifically for the good windsurfing there. Just look in any windsurfing or surfing magazine and you will see a plethora of pictures shot from your shores.

It seems that something similar to that at Hookipa, where surfers have their time and windsurfers have theirs, is a better approach than allowing even one person to chase many others off the water, likely unknowingly even, just by stepping into the water near these activities.

Another alternative is like what we have here on the east coast - separate sections for swimming and board sports.

Please consider catering to all of your vacationers equally.

Glenn Woodell

testimony

From: David Marchant [dkmarchant@yahoo.com]
Sent: Friday, February 15, 2008 2:20 PM
To: testimony
Subject: SB 2091 RELATING TO SAILBOARDS

LATE TESTIMONY

Discrimination never solves anything! Near shore issues need to be resolved (we have known this for at least 20 years) but 200 foot zones everywhere are not a solution.

Kites, windsurfers, and other ocean users deserve more respect than this! One could also argue that if it is too dangerous to swim and surf maybe these activities should be banned!

This will not allow Kites and Windsurfers to leave the beach in many spots but motorboats and catamarans (who can do a pretty good job of running folks over) can? Once this is applied to kites and windsurfers where will it stop? Will outrigger canoes face the same restrictions, kayaks, maybe surf boards that are considered too big?

What should really be looked at by a task force (that holds public hearings on the topic around the state) are:

- 1) Launch zones for sailboats (including small catamarans), boats with outboard motors, windsurfers, and kites. These need to meet the needs of these sports and not be token locations.
- 2) Speed limits in certain areas close to shore (e.g., 50 yards from the beach). All of these vehicles have the ability to go slow until they are clear of the beach zone.
- 3) No swim zones - more than 50 yards from beach unless you tow a marker (dive flag or similar). Once you venture out this far the biggest danger I can see is an outboard motor.
- 4) Required Safety Equipment - If you venture into the surf zone you need to take care of yourself and there are a number of ways to do so It's just my observations (no statistics at all) but surfers seem to hurt themselves more than they are hurt by someone else.

One of the most logical things to wear in the waves is a helmet (see <http://www.gathsports.com/>) for an excellent set of products) but how many people do you see with these on? How many surfers are wearing Personal Flotation Devices (PFD) - shouldn't everyone? My apologies for rambling but this is what I really think is important if you want to talk safety! And yes I can hear people screaming already!

So please send defer and re-write this piece of legislation. Thank you very much for listening to my concerns.

Aloha - David

Never miss a thing. [Make Yahoo your homepage.](#)

testimony

LATE TESTIMONY

From: Eric Christianson [us44eric@yahoo.com]
Sent: Friday, February 15, 2008 2:22 PM
To: testimony
Subject: Re: Ocean Recreation; Sailboards S.B. NO. 2091, COMMITTEE ON WATER AND LAND

COMMITTEE ON WATER AND LAND
Re: Ocean Recreation; Sailboards S.B. NO. 2091
To Whom it may concern,

I, Eric Christianson, an avid windsurfer and prospective Maui tourist would urge you to:

PLEASE OPPOSE PASSAGE OF THIS BILL:

Re: Ocean Recreation; Sailboards S.B. NO. 2091

for the sake of tourists, windsurfers, and freedom everywhere!

Maui is the unofficial windsurfing capital of the world. Windsurfing brings safe, clean, fun and enjoyment as well as economic activity! **FOR THE SAKE OF EVERYONE, PLEASE DON'T KILL WINDSURFING!**

I second Jimmy Diaz's sentiments below:

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**

Looking for last minute shopping deals? [Find them fast with Yahoo! Search.](#)

testimony

From: Ka'au McKenney [kaaumckenney@hotmail.com]
Sent: Friday, February 15, 2008 2:44 PM
To: testimony
Subject: SB no 2091

LATE TESTIMONY

Maybe also add your letters to this thread.

COMMITTEE ON WATER AND LAND
DATE: Friday, February 15, 2008
TIME: 2:45 p.m.
S.B. NO. 2091

I am writing this testimony in absolute opposition to this legislation attempting to ban operation of windsurfing and/or kitesurfing within 200 yards of any other ocean user.

I am a local, born and raised, part Hawaiian, water sports enthusiast. I thrive on my participation in the sports of kitesurfing, windsurfing, surfing, canoe paddling, canoe surfing, bodysurfing....you name it.

I believe that this legislation unfairly singles out a sub grouping of the whole population who should all have the right to enjoy our oceans here in Hawaii. I think that this bill would adversely affect tourism and the tourists dollars, and set a bad precedent.

I feel passionate as a Native Hawaiian to be able to access the ocean and enjoy it in all ways. If there has been trouble with different users, perhaps those troubles should be dealt with in different ways short of a ban. Thank you.

Kaau McKenney, concerned citizen

Need to know the score, the latest news, or you need your Hotmail@-get your "fix". [Check it out.](#)

LATE TESTIMONY

testimony

From: derekfrasz@netscape.net

Sent: Friday, February 15, 2008 2:36 PM

To: testimony

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


If you have a couple of sailors and kites out on a break, and one surfer shows up, do all the sailors and kites have to leave? This bill is ridiculous.

Derek Frasz
Mililani

More new features than ever. Check out the new [AIM\(R\) Mail!](#)

testimony

From: trickeyan@aol.com
Sent: Friday, February 15, 2008 2:22 PM
To: testimony
Subject: Kite ban

LATE TESTIMONY006  Fri Feb 15, 2008 12:24 pm

260 Posts
 Stevenson,
 WA
 Obsessed

COMMITTEE ON WATER AND LAND
 DATE: Friday, February 15, 2008
 TIME: 2:45 p.m.
 S.B. NO. 2091

I am concerned about the broadness of S.B. 2091 with it's proposed 200 foot ban of sailboards and kitesurfers from surfers and swimmers. If there are safety issues at certain beaches they can be mitigated without having to ban either sport. I am disappointed that the legislature is considering banning a very eco-friendly sport (we ride the wind and waves after all!!!). Surfers, swimmers, kiteboarders, and windsurfers can co-exist and the beaches should not be reserved just for one of these groups.

The bill does not clarify whether or not a kiter who is on the water would have to leave if a swimmer jumps in or a surfer paddles over. What is mechanism for enforcement? Shouldn't the bill read that a swimmer must not enter the water within 200 feet of an established kiteboarding launch point? I also think that surf boards cause more injuries to swimmers and other surfers than kiteboards or windsurfers ever have. Should surf boards be banned within 200' of swimmers?

Over the last 4 years I have traveled to Maui and Kauai two or three times a year, for one to two weeks each trip, just to go kiteboarding. If this ban passes I will spend my travel and recreation dollars in a more welcoming spot and I will not return to Hawaii.

Sincerely,
 Andrew Trickey

More new features than ever. Check out the new [AOL Mail!](#)

LATE TESTIMONY

testimony

From: Brian.P.Lynch@marsh.com
Sent: Friday, February 15, 2008 2:23 PM
To: testimony; Sen. Clayton Hee; Sen. Russell Kokubun; Sen. Russell Kokubun; Sen. Jill Tokuda; Sen. Paul Whalen
Subject: Land and Water Committee - OPPOSITION TO S.B. #2091

To Whom It May Concern,

Please accept this letter as my strong opposition to S.B. #2091 which proposes banning the use of sailboards and kiteboards on many Hawaiian beaches. Although I understand that there may be some user conflicts at certain beaches; I feel that those issues are better dealt with through specific local management as opposed to a state-wide ban.

I have been visiting the islands of Hawaii for 2 to 3 weeks per year with my family for over 15 years - each trip specifically to enjoy windsurfing, kiteboarding and surfing. On these trips, we spend thousands of dollars per year on accommodations, restaurants, shopping and other miscellaneous tourist activities. If this ban were to pass, we would be forced to take our vacations and tourist dollars elsewhere.

Oahu and Maui are considered prime destinations for windsports enthusiasts worldwide. Not only would a ban or severe restriction cause thousands of others to choose alternate destinations, it would also dramatically affect a large windsports-based industry in Hawaii and other businesses dependant upon the dollars spent by windsurfers and kites while visiting. The economic impact to Hawaii would be significant.

I urge you to consider rejecting S.B. #2091 at this time in place of some real research on the perceived conflicts. I personally have enjoyed several hundred windsports sessions in Hawaii, and I have never once seen any injury inflicted by a windsurfer or kiter on others, nor have I witnessed and negative conflict with other enjoying the ocean.

Thank you for your consideration.

Sincerely,

Brian Lynch
Cell - 415-595-3858

This e-mail transmission and any attachments that accompany it may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law and is intended solely for the use of the individual(s) to whom it was intended to be addressed.
If you have received this e-mail by mistake, or you are not the intended recipient, any disclosure, dissemination, distribution, copying or other use or retention of this communication or its substance is prohibited. If you have received this communication in error, please immediately reply to the author via e-mail that you received this message by mistake and also permanently delete the original and all copies of this e-mail and any attachments from your computer. Thank you.

testimony

From: Garrett Sorensen [garrettsorensen@gmail.com]
Sent: Friday, February 15, 2008 2:53 PM
To: undisclosed-recipients
Subject: Opposition to Bill S.B. #2091 - Ocean Recreation; Sailboards

This bill is very unfortunate and must be stopped. If windsurfers or kiteboarders ride too close to swimmers or surfers and put them in harms way they must be dealt with individually. To essentially ban these two sports state-wide is unreal. If a driver strikes a pedestrian you don't ban motor vehicles, you deal with the offender. Self policing in the windsurf, kiteboarding communities goes far and is effective. More rules cannot hurt, but an all out ban definitely will. Maybe designate areas where it is allowed? It is amazing that the world views Hawaii as the go-to destination for sports like these and effectively an all out ban is being proposed. Hawaii is the birthplace of these two amazing sports. Kitesurfing is one of the fastest growing sports in the world. You should embrace this as an opportunity. It makes me wonder if some important players have an agenda and the ear of important people. If this bill passes Hawaii will no longer be on my list of vacation spots.

Thanks for your attention,

Garrett Sorensen
Winnipeg, MB, Canada

LATE TESTIMONY

testimony

From: OKC [anne@kiteoahu.com]
Sent: Friday, February 15, 2008 12:54 PM
To: testimony
Subject: Testimony against SB 2091

LATE TESTIMONY

To whom it may concern,

My name is Anne Gasc, I am a board member of the Oahu Kite Club (OKC) and would like to give testimony in order to oppose the SB2091.

For the past 5 years members of OKC have adopted a self policing strategy to increase safety at the beach and on the water.

While there is no accident recorded between kiteboarders and water or beach users our safety guidelines available at <http://www.kiteoahu.com/default.asp?nc=3399&id=6> already mention the "on the water" section:

- Stay out of swim areas AT ALL TIMES, marked by white buoys
- Stay clear 200 feet from swimmers that are outside of the swim zone
- Stay clear 200 feet from all water users
- Respect local fishermen on land or boats at all times

We, the members of OKC are dedicated to ensuring that kiteboarding is kept safe and our safety guidelines are followed by resident as well as visiting kites that we keep informed.

Hawaii is a recognized world-wide location for ocean sports and economically benefits from oceans sports including windsurfing, kayaking, snorkeling, surfing, paddling, kiteboarding and tow-in surfing. I believe that the self-policing efforts of OKC members is enough to provide safety on the water and do not find any pertinent reason to pass a bill that will certainly have a negative impact onto Hawaii's economy.

Should you have any questions or require additional information, you can reach me by email at anne@kiteoahu.com or by phone at 341-3590

Sincerely,

Anne Gasc, Ph.D

testimony

From: Kim [kimh@lava.net]
Sent: Friday, February 15, 2008 9:07 AM
To: testimony
Subject: Bill 2091

LATE TESTIMONY

RE: 2091

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

This on first read sounds great, but there are many implications and problems that can occur when bills are not specific enough in detail. While I completely agree that all sailboarders should keep clear of swimmers and divers at ALL times, I am worried about the inclusion of surfing in this proposed bill.

I have been windsurfing on Maui for eighteen years at a beach called Hookipa. In the early days when everyone knew each other, and we all managed to share the ocean access with mutual respect and aloha. The increased population has brought about the need for more regulation in all areas of ocean recreation and access.

If this bill passes as written, I can provide you with a scenario that will likely take place at Hookipa. A few years ago an individual showed up at Hookipa from another state, and he was rumored to live in his car at the beach. He is unemployed, belligerent, and generally intoxicated by early afternoon. He enjoys confrontation, and will paddle out solo when the surf is blown out to attempt to learn to surf amongst the sailboarders. Hookipa is a small home break of about 400 feet. Will the break be ruled by the drunk guy that lives in his car? I firmly believe a time based access rule would be better for Hookipa.

The resident windsurfing population on Maui generally consists of older professionals who tend to be quiet in nature and avoid confrontation. There are many physicians, nurses, and educators that enjoy windsurfing in their spare time. We need access rules that can accommodate everyone in the family with respect. Please consider further research before passing a bill state wide without consideration of the individual beaches.

If you folks are on Maui, feel free to stop by to discuss these issues.

Thank you for taking the time to read this testimony,

Kim Herrera
Maui Computer Care
283 Lalo Street Suite D
Kahului, HI 96732
(808) 871-6098
(808) 573-0325 H (After 6:00PM)
kimh@lava.net
kimh@mauicompcare.com

2/15/2008

testimony

From: ACQUAMARINA [info.acquamarina@email.it]
Sent: Thursday, February 14, 2008 11:26 PM
To: testimony
Subject: COMMITTEE ON WATER AND LAND

COMMITTEE ON WATER AND LAND
DATE: Friday, February 15, 2008

LATE TESTIMONY

To Whom it may concern,

I would like to say I oppose the passage of this bill.
http://www.capitol.hawaii.gov/session2008/bills/SB2091_.htm

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.

I ask you to vote against this bill.

Sincerely,
Flavio Luciano

testimony

From: kai gilb [Kai@gilb.com]

Sent: Friday, February 15, 2008 5:25 AM

To: testimony

Subject: To the State Legislature of Hawaii, writing to voice concern over SB 2091, Relating to Sailboards.

LATE TESTIMONY

To the State Legislature of Hawaii, writing to voice concern over SB 2091, Relating to Sailboards.

I am from Norway, and have been coming to Maui regularly enjoying the island and windsurfing and surfing. I am very sad seeing the development at Hookipa beach park, and now SB 2091.

I normally stay from 1 to 4 weeks, and I am planning my next week from 19-28 march 2008.

I rent cars/hotels/windsurfing & surfing equipment.

I eat out every day, go to movies etc.

I bring family and friends.

If this (SB 2091) gets passed, I will not visit the island anymore:-)

Kai Gilb

www.gilb.com

kai@gilb.com

testimony

From: Steven Eagen [speagen@yahoo.com]
Sent: Friday, February 15, 2008 8:56 AM
To: testimony
Subject: Please do not pass SB2091

LATE TESTIMONY

To whom it may concern:

Regarding SB 2091, which would make it illegal to use a windsurfer or kiteboard within 200 feet of a swimmer: I believe this is a horrible proposal, which puts all the responsibility on the windsurfer and effectively makes them (us) the assumed guilty party as well as the lowest priority on the water.

This is very unfair, especially since the vast majority of windsurfers are careful and respectful adults. To put a 200 foot "safety zone" around every windsurfer would make it possible for 3 swimmers to go out at any beach and close it down to windsurfing. I'm sure you already know how many businesses depend on windsurfing in your state, and I can only assume that this bill was proposed by some disgruntled surfers who don't want anyone else on "their" waves.

If you pass this legislation say goodbye to Windsurfing tourism and the entire windsurfing business community which is based on Maui.

Sincerely,
Steven P. Eagen

Windsurfer and surfer and frequent Maui vacationer

Be a better friend, newshound, and know-it-all with Yahoo! Mobile. [Try it now.](#)

testimony

From: Vicario Communication [info@vicariocommunication.it]
Sent: Friday, February 15, 2008 7:21 AM
To: testimony
Subject: mail

LATE TESTIMONY

COMMITTEE ON WATER AND LAND
DATE: Friday, February 15, 2008

To Whom it may concern,

I would like to say I oppose the passage of this bill.
http://www.capitol.hawaii.gov/session2008/bills/SB2091_.htm

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.

I ask you to vote against this bill.

**Sincerely,
Marco Vicario**

Terni _ Italy

testimony

From: West Adrian [Adrian.West@uk.fujitsu.com]
Sent: Friday, February 15, 2008 12:23 AM
To: testimony
Cc: Jem Hall
Subject: FW: COMMITTEE ON WATER AND LAND SB No 2091

LATE TESTIMONY

Hearing date 02/15/2008
COMMITTEE ON WATER AND LAND
SB2091

Please see below. I have re-submitted as I neglected to state the hearing date. I would also like to add, that I have seen several cases, including at least 1 on Maui where windsurfing has helped keep individuals away from a life of drug abuse and crime. It is a healthy family activity and as such is a great way of giving individuals the chance to stay off the streets and do something constructive with their lives.

Many thanks for your attention

Regards

Adrian West

From: West Adrian
Sent: 15 February 2008 10:00
To: 'testimony@capitol.hawaii.gov'
Cc: 'Jem Hall'; 'Simon Bassett'
Subject: COMMITTEE ON WATER AND LAND SB No 2091

Dear Sirs

I have just read the proposed bill to limit the operation of windsurf and kitesurf craft in the waters off Maui. Whilst I wholeheartedly agree that swimmers or other water users must not be put in danger, I would like to point out that in the 18yrs I have been travelling to Maui with my family for the purposes of windsurfing, I have never seen any windsurfer cause a deliberate danger or hazard.

The need for wind in these sports usually means the surfers and swimmers do not find the water inviting and prefer less choppy conditions. Many of the popular windsurfing spots are not suitable for swimming. Around the world there is always a concern along the lines of what this bill is trying to achieve. In most cases such a blanket approach has been avoided by working with the local windsurfing communities to agree codes of conduct and dedicated areas for use. This is the case in my local windsurfing spot in the UK. The West Wittering estate has an extremely well run windsurfing club with published rules of conduct and a windsurfing launch zone.

That aside, Hawaii is considered the world's capital of windsurfing and has provided a huge impact on tourism to the Island. Look at the north shore of Maui on any windy day, the majority of people windsurfing are tourists. Please be aware that this will stop if windsurfing is restricted and valuable revenues which local communities rely on will cease. Additionally, as the capital of windsurfing there is a large infrastructure run by local residents including shops, manufacture and testing. Such business would be decimated by such a bill.

I implore you to seek a solution which does not alienate any community and which looks to encourage sport, in all its verities.

Best regards

Adrian West

testimony

From: Clyde Giesenschlag [clydepeggy@hotmail.com]
Sent: Friday, February 15, 2008 3:41 AM
To: testimony
Subject: Committee on Water and Land: SB 2091

LATE TESTIMONY

Say it Ain't So

Please reconsider this bill. In my opinion it will ruin the sport of windsurfing in Hawaii.

clyde

Need to know the score, the latest news, or you need your Hotmail®-get your "fix". [Check it out.](#)

testimony

From: massimiliano desanctis [m.desanctis@oasi-servizi.it]
Sent: Friday, February 15, 2008 5:59 AM
To: testimony
Subject: COMMITTEE ON WATER AND LAND

LATE TESTIMONY

COMMITTEE ON WATER AND LAND
DATE: Friday, February 15, 2008

To Whom it may concern,

I would like to say I oppose the passage of this bill.
http://www.capitol.hawaii.gov/session2008/bills/SB2091_.htm

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.

I ask you to vote against this bill.

Sincerely,
Massimiliano de Sanctis

testimony

From: Zimmer András [azimmer@mail.datanet.hu]
Sent: Friday, February 15, 2008 12:14 AM
To: testimony
Subject: To: Committee on Water & Land

LATE TESTIMONY

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

While understanding that Hawaii legislation has concerns on the possible dangers posed by kite- and windsurfers on surfers and swimmers, I find the Proposed Bill for an Act S.B. NO. 2091 goes too far and kill the windsurf business and could shut down sailing from Hawaii beaches. As a keen and enthusiastic windsurfer (and someone deeply moved by its Hawaiian traditions) ask you to revoke the Proposed Bill for an Act and find other ways to protect other ocean users should you find it necessary. (In many places worldwide swimmers and windsurfers share waters in peace, there are practices where different activities are allowed at separate designated areas, etc.)

I have not had the chance to sail Maui waters -- but it's one of my biggest windsurfing dreams. Please, don't take it from me -- and from thousands (if not tens of thousands) of others!

Regards,

Andras Zimmer

testimony

From: avv.siringo@tiscali.it
Sent: Friday, February 15, 2008 4:58 AM
To: testimony
Subject: capitol.hawaii.gov/session2008/bills/SB2091

LATE TESTIMONY

COMMITTEE ON WATER AND LAND
Friday, February 15, 2008

To Whom it may concern,

I would like to say I oppose the passage of this bill.
http://www.capitol.hawaii.gov/session2008/bills/SB2091_.htm

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.

I ask you to vote against this bill.

Sincerely,
Avv. Cristiano Siringo

Tiscali.Fax: ricevi gratis sulla tua email e invii a 12 cent per pagina senza scatto alla risposta <http://vas.tiscali.it/fax//>

testimony

From: Simone Spagarino [simospaga@tiscalinet.it]
Sent: Friday, February 15, 2008 5:03 AM
To: testimony
Subject: capitol.hawaii.gov/session2008/bills/SB2091

LATE TESTIMONY

I would like to say I oppose the passage of this bill.

http://www.capitol.hawaii.gov/session2008/bills/SB2091_.htm

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.

I ask you to vote against this bill.

**Sincerely,
Simone Spagarino**

testimony

From: ingebritsenj@bellsouth.net
Sent: Friday, February 15, 2008 5:03 AM
To: testimony
Subject: bill SB2091

LATE TESTIMONY

Please consider the economic impact on the North Shore of Maui. Worldwide windsurfing industry people flock there. Surfers, per capita, do not impact the area as monetarily strong as windsurfers. If you shut windsurfers out by passing a 200 foot restriction, you will have effectively ruined most windsurfing accesses and beaches for windsurfing. Additionally, there is a nearly physical impossibility that a windsurfer could run over any other water enthusiast if s/he is directly down wind of others. 200 feet downwind is as good as 15 (the length of most masts that might fall upwind, if the sailor falls at the crucially wrong moment).

Passing laws based on the hue and cry of the many at the total expense of the few smacks of Preconstitutional America. Mob rule would be a more crass term. This especially true when the laws are penned with little or no knowledge of the physics involved with said sports. Any inputs from surfing spokes persons may be fairly biased toward their views that all the beaches are their "turf". Maybe you've heard of fist fights and other rabble and rumble fights between surfers? Over what? Who gets the privilege of taking what waves? Not so from the windsurfing community.

Do you want to attract a larger (more problematic, I might add) amount of people by turning away the minority of more peace loving non-drug addiction folks? Doesn't make a whole lot of sense to me.

If you want to control this over crowding issue, perhaps there may be a better way? What do the more waterman/woman types have to say? One water enthusiast may look like another, at first, but there are stand out folks available there locally. Please take their advice on best solutions available de facto, or in their minds' eyes.

I, for one off islander, hope things can be resolved in a reasonable manner. I have visited Maui twice in my life and represent 1,000 or so fellow Floridians that eagerly await some sense of reason to encourage us to go there again.

Thank you

John Ingebritsen

testimony

From: Joe Dihl Ray [joe@davenportportsailsail.com]
Sent: Thursday, February 14, 2008 11:29 AM
To: testimony
Subject: Bill SB209

LATE TESTIMONY

Dear Honorable Committee on Land And Water;

Please do not pass Bill SB209 restricting Windsurfing.

Instead, please consider clarifying existing rights of way for water users in their proper sequences accordingly.

For example;

Boogie boarders and body surfers give right of way to swimmers.

Surfers give right of way to swimmers, boogie boarders and body surfers.

Windsurfers give right of way to surfers, swimmers, boogie boarders and body surfers.

Kiters give right of way to windsurfers, surfers,swimmers, boogie boarders and body surfers.

Kayaks, outrigger canoes and Stand-up paddleboards give right of way to.....

Sail boats give right of way to.....

Jet-skiis and boats give right of way to.....

When new sports or vehicles arise they can be added to their appropriate place in the mix.

Thank you,
Joe Dihl Ray

testimony

From: jens.madsen@risoe.dk
Sent: Thursday, February 14, 2008 11:17 PM
To: testimony
Subject: Bill against windsurfers S.B. NO. 2091

LATE TESTIMONY

Hi

Please do not ruin the best place in the world for windsurfing. I have been dreaming of coming to Hawaii to windsurf my whole life. I have been planning to come and work on the university but without windsurfing Hawaii is not a place for me.

This bill will kill our sport. Most R&D is on Hawaii!!

I have never heard of any windsurf related accidents in Denmark. I begin to suspect that this bill is formulated by surfers not willing to share the ocean with the windsurfers....

Kind Regards

Jens Madsen

testimony

From: Walter [waltergiusti@libero.it]
Sent: Friday, February 15, 2008 2:31 AM
To: testimony
Subject: SB2091

LATE TESTIMONY

COMMITTEE ON WATER AND LAND
DATE: Friday, February 15, 2008

To Whom it may concern,

I would like to say I oppose the passage of this bill.
http://www.capitol.hawaii.gov/session2008/bills/SB2091_.htm

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.

I ask you to vote against this bill.

Sincerely,
Walter Giusti

testimony

From: Alonso Cabrera, César [alonc@mapfre.com]

Sent: Thursday, February 14, 2008 10:31 PM

To: testimony

Subject: Ocean Recreation; Sailboards S.B. NO. 2091

COMMITTEE ON WATER AND LAND

LATE TESTIMONY

DATE:

Friday, February 15, 2008

TIME:

2:45 p.m.

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

testimony

From: andrea de cesaris [anddec@hotmail.com]
Sent: Friday, February 15, 2008 8:19 AM
To: testimony
Subject: bills sb 2091

LATE TESTIMONY

To whom it may concern,

dear Sir, it is since 1990 that I come to Maui and Ohau for windsurfing.

The conditions we go out with windsurf are normally not suitable for surfers or swimmer infact over the last few years accident between windsurfer and swimmer are virtually not been reported in my presence .

The case is more between surfers and windsurfers because they both like to ride waves.

In normal conditions it should be not a problem because when it is windy surf become choppy and not suitable for surfers and on the countrary the windsurfers should be on the water.

I think the issue has nothing to do with safety because if this is the case an accident between surfers or between windsurfer and surfer still would involve the same kind of boards or kiteboard and then there should be no surfers or windsurfers close to each other to avoid any risk of accident.

I guess most of the time it is windy around 11,30 am till 4 pm and I think on those hours should be given priority to the windsurfers before then and after them I think only surfers should be in the water, obviously if there is no wind then there will be no times schedule for surfers.

By doing this simple rules it would help everybody to have fun and be safe.

For what concern the swimmer I really do not see any major problem with windsurfer or surfer and normally they are concentrated in spot where there are no swimmer and aniway they launch from the beach and do not ride close to it.

I hope you can find a nice solution for everybody and let this sport run on the islands which are famous wordlwide also for that.

My Best Regards
A. De Cesaris

Express yourself instantly with MSN Messenger! [MSN Messenger](#)

testimony

From: Alejandro Mazzuca [amazzuca@hotmail.com]
Sent: Friday, February 15, 2008 5:44 AM
To: testimony
Subject: S.B. NO. 2091

LATE TESTIMONY

I do not agree with the proposal to prohibit the windsurfing in Hawaii.

Alejandro Mazzuca
Buenos Aires
Argentina.

_____ Information from ESET Smart Security, version of virus signature database 2879
(20080215) _____

The message was checked by ESET Smart Security.

<http://www.eset.com>

testimony

From: Alessandro Venezia [ale.venice@gmail.com]
Sent: Friday, February 15, 2008 1:19 AM
To: testimony
Subject: http://www.capitol.hawaii.gov/session2008/bills/SB2091_.htm

COMMITTEE ON WATER AND LAND
DATE: Friday, February 15, 2008

LATE TESTIMONY

To Whom it may concern,

I would like to say I oppose the passage of this bill.
http://www.capitol.hawaii.gov/session2008/bills/SB2091_.htm

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.

I ask you to vote against this bill.

Sincerely,

Alessandro Venezia

testimony

From: Alan & Wendy Sheasgreen [awsheas@hotmail.com]

Sent: Friday, February 15, 2008 7:46 AM

To: testimony

Cc: awsheas@hotmail.com

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

LATE TESTIMONY**TO: Committee on Water and Land****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

S.B. NO.

2091

TWENTY-FOURTH

LEGISLATURE, 2008

STATE OF HAWAII

Please register our opposition to SB No 2091 on the ground that it is unrealistic as well as unenforceable.

To wit: A boardsailor who has lost his rig in a wave - quite a common occurrence - is now a swimmer. This bill would prohibit other boardsailors to come to his or her aid such as checking for injuries or offering a tow to shore.

Furthermore: On sailable days the conditions for swimmers and/or surfers are mostly not very favorable. In our 15 years of sailing the North shore launching at Kanaha beach park we have seldom seen any swimmers around our launching area at Kanaha beach park and never in the break area. We have encountered an occasional surfer or paddle boarder and the occasional jet ski and have never witnessed or heard of any close encounters - let alone collisions - between swimmers and surfers and sail boarders.

Missing from this bill is a statistics of actual or near collisions between sail boarders , swimmers or surfers - taken from accident/incident reports over several years, a fact that should give pause to the legislature before acting

upon such an unrealistic and potentially economically destructive measure. A considerable number of visitors come to Maui specifically for its excellent sailing conditions. They will choose other locations if they are faced with arbitrary and unrealistic restrictions.

There are plenty of locations for swimmers and surfers that are not used by windsurfers because of blocked wind and unforgiving launch areas. Why are windsurfers being apparently "picked on" when sailing areas are at a minimum?

Finally the author of this bill should consider how this rule would be enforced. How many police officers on water craft would it take on an average sail day to patrol the sailing areas of the North Shore - just from Ho'okipa to Lower Kanaha to observe hundreds of sail boarders in the water - many of them in up to mast high + waves - wind blowing at 35 + mph?? If there are any swimmers out there - "endangered" by high speed sail boarders how would they spot them and ensure a measured 200 yard "safety zone" . How could they tell a "swimmer" from a sailor who lost his rig ?

Surely the community would be served better if our public parks were better patrolled to eliminate drug and alcohol use.

In comparison to the deplorable security situation in many of our parks the ocean is a very safe place !

Respectfully,

**Alan & Wendy Sheasgreen
808-891-0838
awsheas@hotmail.com**

testimony

From: Aie [aie@maranga.it]
Sent: Friday, February 15, 2008 4:40 AM
To: testimony
Subject: COMMITTEE ON WATER AND LAND

LATE TESTIMONY

COMMITTEE ON WATER AND LAND

DATE: Friday, February 15, 2008

To Whom it may concern,

I would like to say I oppose the passage of this bill.

http://www.capitol.hawaii.gov/session2008/bills/SB2091_.htm

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.

I ask you to vote against this bill.

Sincerely,

Dott. Alessandro Marangoni