

# LATE TESTIMONY

## testimony

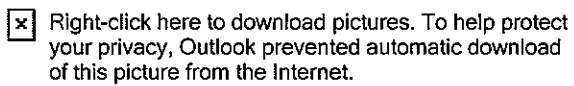
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**From:** Henning Voges, liquid-store [henning@liquid-store.com]  
**Sent:** Thursday, February 14, 2008 9:52 PM  
**To:** testimony  
**Subject:** Ocean Recreation; Sailboards

Dear Ladies and Gentleman,

I dont´agree with the "S.B. 2091" see attached.

Regards,



**Henning Voges**  
C/Miguel de Cervantes, 36  
E - 11550 Chipiona  
Tel. +34 687 89 94 87  
[henning@liquid-store.com](mailto:henning@liquid-store.com)

### **Report Title:**

*Ocean Recreation; Sailboards*

### **Description:**

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

# LATE TESTIMONY

## testimony

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**From:** jeff tobias [jefftobizzle@hotmail.com]  
**Sent:** Friday, February 15, 2008 11:01 AM  
**To:** testimony  
**Subject:** Committee on Water & Land (Sailboard ban issue)

COMMITTEE ON WATER AND LAND  
DATE: Friday, February 15, 2008  
TIME: 2:45 p.m.  
S.B. NO. 2091  
To Whom it may concern:  
The proposed 200 foot ban of Sailboards and Kitesurfers from surfers and swimmers would effectively kill both sports on Maui and Oahu. I am a professional kiteboarder. I am also a Kailua resident/home owner, born and raised. I grew up surfing, diving, sailing and participating in almost every other ocean sport that exists in Hawaii. The sport of kiteboarding was also born and raised in Hawaii. To my knowledge there have been few to no accident 's resulting in injury between surfer/swimmers and kiteboarders. This is a wind derived NATURAL sport that encompasses all that is Hawaii. The sport has been self regulating itself in the islands for over 10 years, and has done an excellent job at it. We cannot let the access to our waters be taken away by a few wealthy beachfront home owners that think they can buy the ocean. We see it happening with beach access, and now with ocean access! When will it stop? I urge you take a close look at this issue. I'm sure you will see that we can all share the ocean as we have for so long. Feel free to contact me for more info on our side of this issue.  
Jeff Tobias  
180 Alala rd.  
Kailua, HI.  
96734  
(808) 295-0916

Need to know the score, the latest news, or you need your Hotmail®-get your "fix".  
<http://www.msnmobilefix.com/Default.aspx>

# LATE TESTIMONY

## testimony

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**From:** Victor Ching [vching@hpsi.net]  
**Sent:** Friday, February 15, 2008 11:02 AM  
**To:** testimony  
**Subject:** Testimony to bill SB 2091 COMMITTEE ON WATER AND LAND hearing of Friday February 15, 2008 2.45pm

Aloha Legislators,

I am a responsible windsurfing enthusiast voicing my opinion against HB #2222.

This law is recklessly worded and does not address verifiable concerns. Windsurfers do not collide with surfers nor swimmers and there is no need to enact such a law.

Specifically, Diamond Head is my windsurfing playground and is one of the few breaks available to a wave sailor where the wind direction and wave direction are ideal. In my years of experience, the windsurfers and surfers coexist. If anything, the dynamics of windsurfing mean that windsurfers are "on the wave" dozens of feet before any paddle surfer can catch the wave, and yet surfers constantly "drop in" on windsurfers. That is, if anyone has a right to complain, it would be the windsurfers.

In practice, the best windsurfing is when the wind is 15+ knots and the waves are "blown out" anyway from a surfer standpoint.

Please vote down this Bill.

Thank You for reading,

Victor Ching  
341-8756

# LATE TESTIMONY

## testimony

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**From:** Rick Iossi [flkitesurfer@hotmail.com]  
**Sent:** Friday, February 15, 2008 10:57 AM  
**To:** testimony  
**Subject:** OPPOSITION TO S.B. #2091 - Ocean Recreation; Sailboards

Senator's:

I am shocked that this bill has been proposed to heavily restrict and virtually ban both windsurfing and kiteboarding in Hawaii. Hawaii has been globally recognized as the prime destination for both windsurfing and kiteboarding for a very long time. Both sports were either started or in large measure developed and expanded through the marvelous ocean environment and culture of strong watermanship bound to your islands.

I have visited Hawaii on multiple occasions as have numerous friends. Our primary reason for these visits often several weeks to months in duration was to practice windsurfing and kiteboarding. Substantial revenues were earned to local businesses in these visits. If Hawaii legislates against these sports, ironically against global activities largely born and nurtured in these islands, many avid tourists some who vacation in Hawaii several times per year will have to travel elsewhere. This decision would not be voluntary but would be forced upon them by the Hawaiian Legislature in an ironic twist. Numerous Hawaiian businesses dependent upon windsurfing and kiteboarding will also suffer and may fail as a consequence of this measure if passed.

Kiteboarding can coexist with other water activities. Hawaii has a rich and long tradition of surfing, fishing, swimming, canoeing and more. These activities can be reconciled with windsurfing and kiteboarding through effective management. Such management has been successfully called upon to reconcile surfing, fishing, swimming and canoeing through responsible practices hundreds of times across the globe. Good management can improve the safety at which many things are practiced from automobile and aircraft operation to even windsurfing and kiteboarding. Does government exist to serve the people or to harm commerce, livelihoods and beneficial tourism?

I strongly request that you not support this bill which will not only cost Hawaii well deserved tourist and retail revenues but also potentially destroy a decades long global reputation as a primary birthplace of windsurfing and kiteboarding.

Sincerely,  
Rick Iossi

Director  
Florida Kitesurfing Association, Inc.

2/15/2008

# LATE TESTIMONY

## testimony

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**From:** Goodrich, Peter [PGoodrich@wmco.com]  
**Sent:** Friday, February 15, 2008 10:46 AM  
**To:** testimony  
**Subject:** COMMITTEE ON WATER AND LAND , S.B. NO. 2091

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.

Thanks  
Pete

# LATE TESTIMONY

## testimony

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**From:** John Gouk [johngouk@gmail.com]  
**Sent:** Friday, February 15, 2008 10:04 AM  
**To:** testimony  
**Subject:** Committee on Water & Land: Testimony against Bill SB2091

### Committee

It has come to my attention that you are proposing to ban the use of sail- and kiteboards within 200ft of swimmers. I appreciate greatly your concern for the safety of swimmers, who often operate their "craft" with little attention to their whereabouts or personal safety, but such a blanket ban is extremely likely to have the effect of effectively banning sail- and kiteboarding on the world-famous beaches of your wonderful islands. I can understand the need for some kind of regulation to protect swimmers etc., but rather than pursuing such a drastic course of action, might I suggest looking at how this is handled in different places e.g. here in the UK, where simple segregation ensures safety and enjoyment for all water users. Finally, it is surely the responsibility of all water users to ensure their own safety as well as that of others - eternal vigilance is the price of freedom!

Regards  
John Gouk

# LATE TESTIMONY

## testimony

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**From:** Suzie Cooney [suziecooney@hawaii.rr.com]  
**Sent:** Friday, February 15, 2008 8:09 AM  
**To:** testimony  
**Subject:** S.B. No. 2091 Sailboarding Restriction Bill

Dear Sirs and Madams,

A ban or restriction on this sport would cripple the island financially and cause many to leave the island. My dream in 1980 was to come to Maui and windsurf here. Most windsurfers are very courteous and cautious. There are a few rotten apples at Hookipa that do not respect the act of common courtesy and they should be directly punished, not the masses. People fly from all over the world to vacation here and to windsurf.

I agree that there needs to something done, but please do it carefully. The lifeguards need more assistance. First it would be nice to clean up the drug dealing and public drunkenness at all of the parks. It's not nice to step on needles and broken bottles in the parking lots.

Please consider a smart approach.

Thank you!

**Suzie Cooney**  
**PO BOX 791017**  
**Paia, HI. 96779**

**Home Loan Consultant**  
**Countrywide Home Loans**  
[suzie\\_cooney@countrywide.com](mailto:suzie_cooney@countrywide.com)  
**Direct: 808-283-2121**

**Piikea Shopping Center**  
**215 Piikea Ave Ste 73**  
**Kihei, HI. 96753**

# LATE TESTIMONY

## testimony

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**From:** Joshua Sampiero [Josh.Sampiero@bonniercorp.com]  
**Sent:** Friday, February 15, 2008 6:49 AM  
**To:** testimony  
**Subject:** Testimony to bill SB 2091 COMMITTEE ON WATER AND LAND hearing of Friday February 15, 2008 2.45pm

Greetings,

As the Editor of *WindSurfing* magazine, I can attest that a law like the proposed bill SB2091 would mean a huge damage to the windsurfing related industry (shops, tourists), that drives much of the North Shore tourism industry in Maui. With a 200 feet limit, in fact, a single surfer on the break will virtually mean no sailboards on the break.

And that'll be the end of wavesailing at Hookipa or Kanaha when there's waves and it's windy.

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

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

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

Surfers and windsurfers both respect the rules like proper watermen – actual incidents involving windsurfers and kites are few.

At the very least, the specifics of this bill must be examined so that proper areas for sailboarders, kites, and swimmers are clearly defined.

Please, don't pass this bill. Thanks.

Josh Sampiero  
*WindSurfing Magazine*



# LATE TESTIMONY

## testimony

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**From:** nacho Laa McCrory [cyberbush83@hotmail.com]  
**Sent:** Friday, February 15, 2008 8:11 AM  
**To:** testimony  
**Subject:** Ocean Recreation; Sailboards S.B. NO. 2091

COMMITTEE ON WATER AND LAND

DATE:

Friday, February 15, 2008

TIME:

2:45 p.m.

Hello,

I'm writting from Spain. I'm a windsurfer and surfer user and more people say me here that the windsurfing in Hawaii will be prohibited. This is a tragedy for me and my windsurf & surf compatriots. Anybody goes to this beatiful islands to practice this sports, many people from Europe. Hawaii is the place that all started, is history for this sport and eliminated it's a bad idea for all men because you erase a part of your history. I want to go Hawaii to practice windsurfing but surfing also. I don't understand this law, the harmony between this two sports is normal here.

Sorry for my English but I wanna help the sport that's make me feel healthy every day,

Ignacio Roberto Laa Mc Crory  
Spain

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Sigue de cerca las últimas tendencias y lo que más rompe [MSN Vídeo](#)

# LATE TESTIMONY

## testimony

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**From:** Jonathan Alstead (Launch Site) [jona@launchsite.co.uk]  
**Sent:** Thursday, February 14, 2008 9:02 PM  
**To:** testimony  
**Subject:** Strongly Oppose

**Importance:** High

To whom it may concern,

Please rethink your proposal today to unfairly legislate against sailcraft and kitesurfers.

I strongly oppose bill S.B. NO.2091.

regards

Jonathan Alstead

--

Launchsite.co.uk Ltd  
Web Design and Hosting

address:

127 Rose Street South Lane  
Edinburgh  
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billing address:

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Edinburgh  
EH3 5AQ

tel: 0131 208 1755  
mob: 07779 663632  
skype: launchsite1  
email: jona@launchsite.co.uk  
web: <http://www.launchsite.co.uk>

# LATE TESTIMONY

## testimony

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**From:** John Skye [john@johnskye.com]

**Sent:** Friday, February 15, 2008 2:11 AM

**To:** testimony

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

Over the past 10 years I have visited Maui nearly 20 times for windsurfing, and spent a lot of my UK pounds in your country. It is the best place in the world and that's why the industry has developed so much over there. If this law is passed it will basically mean the end of windsurfing at Hookipa and Kanaha and therefore the end of windsurfing in Maui. I certainly will not be coming back if this law is passed and I suspect many thousands more will do the same.

Think carefully before passing this law. Windsurfing in Maui and Hawaii may be a lot bigger than you think and the consequences to many businesses will be huge.

Please don't pass this law, so I can come back and sail in your seas.

John Skye

# LATE TESTIMONY

## testimony

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**From:** John Bryja [john@sbcmedia.com]  
**Sent:** Friday, February 15, 2008 7:24 AM  
**To:** testimony  
**Subject:** SB NO 2091

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 natures best treasures and should be enjoyed by many user groups and stakeholders, not just surfers.

Regards.

John Bryja  
--  
John Bryja  
Editor  
SBC Kiteboard Magazine  
<http://www.sbckiteboard.com>

Phone # (519) 370-2334

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# LATE TESTIMONY

## testimony

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**From:** John Black [johnblack@insitusolutions.co.uk]  
**Sent:** Friday, February 15, 2008 12:04 AM  
**To:** testimony  
**Subject:** Regarding a Bill for an Act No. S.B. No. 2091

Dear Sir,  
Regarding a bill for an act SB No. 2091, to be heard by:

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

I write to suggest that this bill should be rejected as the ultimate act of a nanny state. If passed, the act would:

- be virtually impossible to administer
- lead to endless argument about 'force majeure'
- codify the irrational enmity between some surfers and other water users
- endorse a form of 'beach-based snitching' that would make Hawaii a worldwide laughing stock

At the moment Hawaii has an iconic status as the heart of worldwide windsurfing. If you pass this bill, windsurfing will irrevocably be measured in metres and litres and Hawaii's considerable windsurfing industry will dwindle into obscurity.

Your attention would be better directed towards improving understanding of different watersports by water users, better policing of adequate insurance and ensuring that all those who take recreation out-of-their-depth have sufficient local knowledge of that particular beach location (a form of licence).

Yours sincerely

John Black

24 Ludgate Drive,  
East Bridgford,  
Nottingham, NG13 8NW  
phone 01949 21379  
mobile 07940 586674  
private 01949 20764

Internal Virus Database is out-of-date.

Checked by AVG Free Edition.

Version: 7.5.516 / Virus Database: 269.19.21/1263 - Release Date: 06/02/2008  
20:14

# LATE TESTIMONY

## testimony

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**From:** Jochen [info@windsurftenerife.com]  
**Sent:** Friday, February 15, 2008 2:19 AM  
**To:** testimony  
**Subject:** Complain about S.B. NO. 2091

Dears madams and Sirs,

I am absolutely not agreed with the new law that you are planning to push through that would affect Windsurfing at the "Best spots" in the world. You know, surfers and swimmers they find beaches and water and waves nearly everywhere, but the constellation with the wave, beach wind direction, wave direction and so on is so difficult to find worldwide that I moved from Germany to the Canaries, that places like Hookipa, Diamond Head, Kanaha, Sprecks and many more are the most famous and important for around 50 Million Windsurfers worldwide. If you close them for Windsurfing and Kiting you will not only loose thousand of tourists monthly but as well destroy and neighborhood relation that surfing and windsurfing have now since the first day of our sport, over 25 years ago...

Please stop this absolutely no necessary ley and leave the windsurfers and kitesurfers there best spots in the world in Hawaii.

Many Greets from Tenerife, Canary Islands, where millions of tourists, surfers, windsurfers and kitesurfers live together peacely and don't need any of that leys. U DON'T NEED THAT EITHER...

Cheers, Jochen Stolz

Editor WindsurfingOnline Magazine

WindsurfingTenerife.com

# LATE TESTIMONY

## testimony

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**From:** Jem Hall [hugeforwards@hotmail.com]  
**Sent:** Thursday, February 14, 2008 11:45 PM  
**To:** testimony  
**Subject:** http://www.capitol.hawaii.gov/session2008/bills/SB2091\_.htm

Dear sirs,

Reagrndg the following proposed Legislation:

THE SENATE **S.B. NO.**

2091  
TWENTY-FOURTH LEGISLATURE, 2008  
STATE OF HAWAII

I wish to express my disagreement with the above legislation. I have made the long journey from England to Maui twice at great expense. The reason for the trip to windsurf. The Island is blessed with some of the best conditions in the world. This legislation would rob the world of one of the greatest sailing spots globally and certainly the most iconic. I also made a windsurfing technique movie there that has helped to spread the healthy and fun pastime of windsurfing, whilst also promoting your great island. Many movies are made in Maui and I think you would lose a lot of windsurfing tourism should this act go through. Windsurfers can live in harmony with swimmers /bathers and do throughout the world. You will find that when windsurfers are using the water bathers probably will not want to swim due to the extreme wind and rough water state. We have crowded conditions here in the uk and still have no problems with windsurfers and surfers sharing the water, indeed when it is windy the swimmers and surfers evaporate. Windsurfing is a large tourist attraction on Maui as well as a large local employer with a global focus. Do you really want to jeopardise this unique selling point for another piece of over protectionist legislation ?

Please reconsider

Regards

Focus, believe and enjoy  
Jem

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Cape Verde/ Adv – Feb 28, 7nts – FULL  
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Rhodes / Ints. / Adv / Looping - June 11 FULL, 18 FILLING UP & 25 GOOD  
& Sept 3 & 10 – 7nts BOOKING UP  
Ireland – Sept 27 - October 4th – Waves & Adv.  
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# LATE TESTIMONY

## testimony

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**From:** Stefan [pavcovich@tin.it]  
**Sent:** Friday, February 15, 2008 8:05 AM  
**To:** testimony  
**Subject:** Committee on water and land

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](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,  
Stefan Pavcovich - Italy



# LATE TESTIMONY

## testimony

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**From:** Jean-Se (pontapreta.com) [jean-se@pontapreta.com]  
**Sent:** Friday, February 15, 2008 1:31 AM  
**To:** testimony  
**Subject:** Testimony to bill SB 2091 COMMITTEE ON WATER AND LAND hearing of Friday February 15, 2008 2.45pm

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

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

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

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

A rule like the proposed bill SB2091 will not be fair towards windsurfers and kitesurfers. Please, don't pass it. Thanks.

Jean-Sebastien Lange

# LATE TESTIMONY

## testimony

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**From:** jeanpaul.robinson@att.net  
**Sent:** Friday, February 15, 2008 7:21 AM  
**To:** testimony  
**Subject:** Committee on Land and Water, SB2091

Please do not pass the SB2091, it is unfair, the waters of Hawaii should be available for the use of all citizens and all methods of recreation. Perhaps a bill punishing reckless behavior by sailboarders and kitesurfers would be more appropriate. A ban on these activities would have a negative effect on the economy of Hawaii. I vacation in Hawaii yearly and would not go if I could not windsurf or kitesurf.

Sincerely,  
Jean Paul Robinson

# LATE TESTIMONY

## testimony

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**From:** jason baney [jasonbaney@hotmail.com]  
**Sent:** Friday, February 15, 2008 8:00 AM  
**To:** testimony  
**Subject:** Opposition to S.B. No. 2091

To whom it may concern,

As a one who enjoys vacationing in the Hawaii Islands and would like to continue to do so, I am opposed to S.B. No. 2091. I am an avid surfer, windsurfer, fisherman and water sports enthusiast who would greatly consider spending my vacations and tourism money elsewhere than Hawaii if such a bill was implemented.

Sincerely,

Jason Baney  
Corpus Christi, TX

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Climb to the top of the charts! Play the word scramble challenge with star power. [Play now!](#)

# LATE TESTIMONY

## testimony

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**From:** Jan Frenzel [jf@worldofwindsurfing.org]  
**Sent:** Thursday, February 14, 2008 11:05 PM  
**To:** testimony  
**Subject:** COMMITTEE ON WATER AND LAND - Ocean Recreation; Sailboards S.B. NO. 2091  
**Importance:** High

### COMMITTEE ON WATER AND LAND

**DATE:**

Friday, February 15, 2008

**TIME:**

2:45 p.m.

To Whom it may concern,

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

Sincerely,

Jan Frenzel | Marketing

**World of Windsurfing e.V. (WOW)**  
 Steinerstr. 15 d | D - 81369 Munich  
 fon: +49 (0) 89 723 083 47  
 fax: +49 (0) 89 729 602 40  
 jf@worldofwindsurfing.org  
 www.worldofwindsurfing.org  
 skype: jan.frenzel.germany

worldofwindsurfing



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2/15/2008

# LATE TESTIMONY

## testimony

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**From:** Myron Hlady [windsurfmanitoba@hotmail.com]  
**Sent:** Friday, February 15, 2008 8:17 AM  
**To:** testimony  
**Subject:** SB 2091

To Whom It May Concern:

I wish to express my strong opposition to the proposed bill. I have been a visiting Hawaii for years and like many of my fellow windsurfers /kiteboarders, 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 you go ahead with this. 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.

Regards,

Myron Hlady  
Kiteboarding Manitoba  
kiteboardingmanitoba.com

172 Bannerman Avenue  
Winnipeg, Manitoba  
Canada R2W 0T4

204-582-3919

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Federal Tax ID: 20-0705913

**LATE TESTIMONY**

To: Committee on Water and Land  
by Fax : 1 808 586-6659

Kahului, HI Friday, February 15, 2008

RE: SB 2091

Dear Sir's,

Windsurfing has been around on Maui for the past 30 years. Industry leading windsurfing companies and professional athletes alike settled on Maui, and made Maui the one and only established capitol of windsurfing within the global windsurfing community – both from a business and spiritual standpoint .

Bill 2091 will inevitably destroy this achievement.

The committee deciding about bill 2091 must be aware that:

- more than 70% of all worldwide development and testing of windsurf equipment is done on Maui
- over 50% of all worldwide windsurfing photographs are taken on Maui
- most professional athletes are training on Maui
- all known windsurfing magazines report about Maui on a daily basis
- a far greater industry is revolving around windsurfing, such as photographers, helicopter operations, windsurfing rentals, car rentals, hotels, graphic designers, media etc.

boosting Maui watersports economy and drawing international attention to the island.

In the past 30 years, never had any accident between a windsurfer and swimmer has come to my attention whether on the Hawaiian islands nor overseas. I also cannot recall any unusual number of accidents between windsurfers and surfers – in fact accidents between surfers themselves are more common due to the nature of the sport.

**Banning windsurfing 200ft around any swimmer or surfer in reality means to ban it at all.**

It is impossible to launch or sail with a windsurfing board on any beach I have seen in my entire professional career. There is always one swimmer or surfer around.

Throughout the professional and amateur athletes, it is common sense not to launch or sail within 3 times their impact zone from any other person including other windsurfers. The impact zone of a windsurfer is the length of the mast of the sail (approx 14 ft). In case of an unintentionally fall, this is the farthest point he can hit anything. Three times this impact zone has proven absolutely sufficient in the past 30 years of the sport, since it allows a 200% reserve.

Kitesurfers have a much greater impact zone since the lines are 40ft in length and should not be mistaken with windsurfers.

As long as one can drive a car on the street 6 feet away from unprotected pedestrians, I can see no reason to restrict windsurfing as proposed in Bill 2091 .

I urge the committee to reject Bill 2091 as it will destroy the windsurfing community and the windsurfing industry of Maui.

Sincereley

A handwritten signature in black ink, appearing to read 'Ralf Simon', written in a cursive style.

Ralf Simon

# LATE TESTIMONY

## testimony

---

**From:** jr herbst [johnrherbst@yahoo.com]  
**Sent:** Friday, February 15, 2008 11:25 AM  
**To:** testimony  
**Subject:** S.B. 2091

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?

I have a trip planned to Maui next week and plan on spending a considerable amount of money for a place to stay, car to rent, food, and other expenses while on vacation for my family. If this ban passes I will spend my travel and recreation dollars in a more welcoming spot.

JR Herbst  
Coos Bay, Oregon

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# LATE TESTIMONY

## testimony

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**From:** macmcgrath@comcast.net  
**Sent:** Friday, February 15, 2008 11:25 AM  
**To:** testimony  
**Subject:** Senate Bill 2091

Commtee on Water and Land

Dear legislators:

I am President of US Windsurfing, an organization that supports windsurfing and particularly windsurfing racing. I have also recently retired from a 30 year + career in environmental management, including coastal protection and water quality. I have just learned that you are considering a bill that would severely restrict windsurfing in Hawaii. I urge you to reject such a bill, and consider the following.

First, windsurfing is a public trust use. I am not familiar with how Hawaiian public trust concepts might differ from those in California, but in California all of the public trust users are obligated to **share** the trust resources of the oceans and bays. The trust users represent a powerful force for education and stewardship of our precious ocean resources, and it makes no sense to single out a group within the trustees and restrict their rights.

Second, exposure to the ocean creates stewardship values. Often it is the kayakers, windsurfer, and kites who represent stewardship values in the preservation and restoration of our Coastal and Ocean resources. I serve on the Regional Water Quality Control Board for the San Francisco Bay, and my presence on the Bay informs my sense of how best to protect it.

Third, windsurfing and other water sports represent a healthy exercise outlet for children. Our nation faces an obesity epidemic, and legislation that restricts popular and fun exercise outlets is not well considered. The public health cost benefits of developing exercise habits are immense, and should be considered carefully.

Finally, water sports represent an important element of Hawaii's tourist industry. I know that many windsurfers visit Hawaii as one of the "Mecca's" of windsurfing. All of the tax revenue that we generate depends on our ability to sail.

I hope you consider these issues carefully, and reject SB 2091.

Very truly yours,

Jim McGrath  
President, US Windsurfing

2/15/2008

# LATE TESTIMONY

## testimony

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**From:** Larry Cosby [larry.cosby@gmail.com]  
**Sent:** Friday, February 15, 2008 11:28 AM  
**To:** Sen. Les Ihara, Jr.; "testimony"@capitol.hawaii.gov  
**Subject:** Concerning SB 2091

Senator Les Ihara,

Please consider this.

I am writing this email in response to the proposed bill for an act Number 2091.

It is of my strong opinion that this bill goes too far in limiting access to the ocean for individuals in one recreational activity. In the proposed bill there is the suggestion that Individuals in the Ocean "face a danger from operators of kiteboards". I agree that if individuals are moving at high speeds among swimmers in swimming areas that there is a danger that should be dealt with. However, the notion that a kite-boarder must avoid any individual that happens to be in the ocean by 200 feet is impractical and unenforceable. To create a statewide ban on kiteboarding in the oceans near each individual swimmer potentially closes the entire state to kiteboarding.

There are often individuals well away from shore that are moving about reefs. A kiteboarders ability to avoid these individuals is not difficult.

The occurrence of collisions and injuries is scant at best. I have not been able to find any reports of ANY Kiteboarding/swimmer/surfer collisions through a fairly thorough search of news and kiteboarding databases.

However, I have been able to identify loads of Kayak/surfer collisions swimmer/kayak collisions that have had reports of serious injuries. Indeed there have been many more injuries suffered by kiteboarders on the beach by individuals who have taken it upon themselves to enforce their own rules upon who enters the ocean or what they can do there.

I agree that if there are individual kiteboarders are kiting into areas that are commonly used by swimmers that they are out of line. If there has been a large number of collisions and injuries that would warrant legislation then I would support some regulation. However, I hope we do not regulate kiteboarding out of existence with overly stringent or vague wording in bills.

Thus far at my local launch, on the north shore, we have been able to successfully police our selves and keep kiter's out of the swimming areas.

The only time someone ventures into the swimming area is if they have had a dysfunction in their kite and they have pulled their kite down to the level of the ocean and they are holding onto the kite itself so as to maintain the safety of themselves and other ocean-goers. In the end this bill has the potential of closing the majority of the ocean to kiteboarders. If there is EVER anyone that ventures into the designated swimming area they are always reprimanded by the rest of us. (it is always someone from off da island and as you know and FOB is not going to be aware of the laws or local rules). I would highly recommend that the wording of the bill be changed to reflect "commonly used swimming areas" or "understood swimming areas".

Additionally, Kites do not pose any more significant dangers to surfers than they already face in the sport of surfing itself. Using a kite as a tow in device is no more dangerous than using a personal watercraft. If you are going to ban kiteboarding in surf areas then you should also ban watercraft in surf areas. The lineup for surfing rules applies to all and as such we end up policing ourselves. We don't need the Government deciding the lineup rules for us. Keeping kilters out of the surf excludes one type of surfers from the lineup.

Thank you,  
Larry Cosby

# LATE TESTIMONY

## testimony

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**From:** Vectorfins [vectorfins@gmail.com]  
**Sent:** Friday, February 15, 2008 11:26 AM  
**To:** testimony  
**Subject:** SB 2091

**Dear sirs and Madams-  
In Regards to SB2091**

**Seems to me this type of "feel good" legislation is designed to keep the public's attention diverted from issues such as drug and alcohol use and vandalism in parks and hurting local businesses such as in Paia, tolerance of known drug houses, street violence perpetrated by individuals with a long list of prior convictions - out on parole , roaming vicious dogs killing pets and farm animals. Rampant condominium burglaries and home invasions.**

**The imbecile who authored this bill must be totally unfamiliar with ocean conditions. Just picture this: You are sailing towards the beach at the end of your session. Near your intended landing spot you see someone up to his waist in the water. Clearly not a swimmer . As you continue towards shore the same person decides to start dog paddling along the shoreline. STOP !! you are now 20 ft away from a SWIMMER - you are now in violation of a law designed to protect the public !!! Now your only hope is that the shore patrol has not spotted your misdemeanor while you hastily turn around to put the legally mandated 200 ft between you and the swimmer. But wait - as you glance back nervously expecting the shrill whistle from the beach GESTAPO - you notice the guy has stopped dog paddling , now standing stock-still up to his waist in the water (probably taking a leak). No matter - all that counts now: he is NOT a swimmer anymore. Big sigh of relief - you are back to being a law abiding (albeit still somewhat suspicious) wind surfer ! Of course, considering the local probabilities you decide to pick another landing suitably removed from the originally intended one. The shoreline seems to be clear - but as you happily expect "feet dry" in a few moments you spot a large head a few yards in front of you in the water : a big dog going after a thrown ball. Now you are left with a question worthy of our Supreme Court: is a swimming dog a "legal entity" thereby falling into the category of "swimmer" under SB 2091 ??? Also : will the "leash law" - which the dog's owner is clearly violating - trump SB 2091 ????**

# LATE TESTIMONY

testimony

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**From:** kevin rutherford [kevrutherford@hotmail.com]  
**Sent:** Friday, February 15, 2008 11:22 AM  
**To:** testimony  
**Subject:** OPPOSITION TO #2091 - Ocean Recreation, Sailboards

Senator Clayton Hee:

I am dissappointed that this bill has been proposed to restrict and virtually ban windsurfing in Hawaii. Hawaii is recognized as THE destination for windsurfing for a very long time. Windsurfing in large measure was developed and expanded through the excellent conditions and culture of strong watermanship.

In fact it was for this reason we made the move to live in oahu several years ago. Unfortunately we were unable to stay, but i have to say they were some of the most enjoyable and memorable months of my life. I can say for certain i never had any run ins with either surfers or swimmers in my time there. It was great.

I do really do believe windsurfing can get on with other water users. I have always hoped to return someday to enjoy the wonderful conditions there on holiday.

I urge you to please not support this bill.

Sincerely,

Kevin Rutherford

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# LATE TESTIMONY

## testimony

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**From:** nicole doolittle [nicoledoolittle@yahoo.com]  
**Sent:** Friday, February 15, 2008 11:06 AM  
**To:** testimony  
**Subject:** S.B. NO. 2091

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. I travel to Maui 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,  
Nicole Doolittle

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# LATE TESTIMONY

## testimony

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**From:** Jeffrey Paul [jeffrey.paul1@yahoo.com]

**Sent:** Friday, February 15, 2008 10:37 AM

**To:** testimony

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 a large group of friends and I have traveled to Maui and Kauai every year, for one to two weeks in length, 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,  
Jeffrey S. Paul

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# LATE TESTIMONY

## testimony

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**From:** Daoud [daoud@telus.net]  
**Sent:** Friday, February 15, 2008 11:04 AM  
**To:** testimony  
**Subject:** SB No 2091

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 am vacationing in Hawaii in March and have many other years. I will not return 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.

Regards.

Daoud Hinkle  
Vancouver  
Canada

# LATE TESTIMONY

## testimony

---

**From:** David Green [David.Green@instinet.co.uk]  
**Sent:** Thursday, February 14, 2008 11:30 PM  
**To:** testimony  
**Subject:** TWENTY-FOURTH LEGISLATURE, 2008 STATE OF HAWAII

Dear sirs,

Reagrndg the following proposed Legislation:

THE SENATE  
TWENTY-FOURTH LEGISLATURE, 2008  
STATE OF HAWAII

S.B. NO. 2091

I wish to express my disagreement with the above legislation. I have made the long journey from England to Maui twice at great expense. The reason for the trip to windsurf. The Island is blessed with some of the best conditions in the world. This legislation would rob the world of one of the greatest sailing spots globally and certainly the most iconic.

Windsurfers can live in harmony with swimmers /bathers and do throughout the world. You will find that when windsurfers are using the water bathers probably will not want to swim due to the extreme wind and rough water state.

Windsurfing is a large tourist attraction on Maui as well as a large local employer with a global focus. Do you really want to jeopardise this unique selling point for another piece of over protectionist legislation ?

Please reconsider

Regards

David Green  
Instinet Europe Ltd  
Sales Trading  
0207 154 7555

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2/15/2008



# LATE TESTIMONY

## testimony

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**From:** Tom van Veen [tomvanveen@hotmail.com]  
**Sent:** Friday, February 15, 2008 11:59 AM  
**To:** testimony  
**Subject:** Proposed ban

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.

Regards.

Tom van Veen

---

# LATE TESTIMONY

## testimony

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**From:** mlbussard@comcast.net  
**Sent:** Friday, February 15, 2008 11:58 AM  
**To:** testimony; Sen. Clayton Hee; Sen. Carol Fukunaga; Sen. Jill Tokuda; Sen. Paul Whalen  
**Subject:** 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 2:45 p.m.

TO ALL CONCERNED:

I am opposed to the passing of the bill : Ocean Recreation, Sailboards S.B. NO. 2091.

On behalf of myself, and the thousands of windsurfing enthusiasts from all over the world, who travel to the state of Hawaii every year for the purposes of enjoying all that the islands have to offer and especially the recreational opportunities afforded by the islands for the likes of windsurfing, kite boarding, and other similar activities, we are opposed to the passing of the bill "Ocean Recreation, Sailboards S.B. NO. 2091" and the obvious restrictions and impacts it will have to the sport of windsurfing, kite boarding, and other similar activities from the shores of the Hawaiian Islands.

Sincerely yours,

Mark Bussard  
9 Aqua Way  
Salem NH 03079  
(603) 458-1299  
mlbussard@comcast.net

# LATE TESTIMONY

## testimony

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**From:** Jim Grady [shredjim@hotmail.com]  
**Sent:** Friday, February 15, 2008 11:56 AM  
**To:** testimony  
**Subject:** opposition to S.B. NO. 2091

To: Committee on Water and Land:

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 20 years I have traveled to Maui and Oahu at least once a year for a weeks vacation just to go windsurfing or 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,

Jim Grady  
IKO Kiteboarding Instructor

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Climb to the top of the charts! Play the word scramble challenge with star power. [Play now!](#)

testimony

# LATE TESTIMONY

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**From:** Dave Osborn [alohakai2@yahoo.com]  
**Sent:** Friday, February 15, 2008 11:51 AM  
**To:** testimony  
**Subject:** State Bill # 2091

Dear Committee on Water & Land,

My testimony is regarding the proposed State Bill # 2091.

The first two sentences of this proposed bill are as follows:

"The legislature finds that surfers and swimmers using Hawaii's oceans for recreation face a danger from operators of sailboards and kiteboards. Sailboarders and kiteboarders often operate their craft at high speeds in areas crowded with surfers and swimmers."

I have windsurfed in the State of Hawaii since 1988, competing professionally from 1992 until the year 2000. Over the last twenty years I have windsurfed at nearly all the major windsurfing locations including beaches on Oahu, Maui, Kauai, and the Big Island.

I am aware of only one collision between a surfer and a windsurfer. This collision occurred during a windsurfing competition at Hookipa Beach Park on Maui.

The surfer had paddled out into the contest area, in violation of the permitted windsurf use during the event. No injuries were sustained by the surfer or the windsurfer.

The only location that fits the description of the proposed Bill (ie. "areas crowded with surfers and windsurfers" ) is Hookipa Beach Park on Maui. I am not aware of any other area where such crowding exists. There are already rules in place at Hookipa that are intended to prevent collisions and/or other altercations between surfers and windsurfers. For example, the area in front of the Pavilion (called "Pavillions" by surfers) is strictly a surfer only location. I have never seen a windsurfer violate this rule. Another rule in place already prevents windsurfers from launching before 11AM. This ensures that the surfers have the entire Beach Park to themselves during the prime "glassy" morning hours before the wind picks up.

During the day, there are lifeguards at Hookipa that can aid in preventing a collision by regulating the use at Hookipa according to the prevailing ocean conditions.

The proposed Bill # 2091, if enacted, will effectively eliminate windsurfing from Hookipa Beach Park, which would be a tragedy for windsurfing since Hookipa is considered the best beach in the World for windsurfing. There are surfers who would abuse the legislation by paddling out mid-day in the windy conditions just to spite the windurfers and force them to come to the beach.

It is my hope that the members of the Legislature of the Sate of Hawaii will not approve S.B. # 2091. The measures that are already in place at Hookipa Beach Park have been effective in regards to safety for the last 20 years.

Sincerely, Dave Osborn  
Kapaa, HI

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# LATE TESTIMONY

## testimony

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**From:** maura.pezzo@libero.it  
**Sent:** Friday, February 15, 2008 11:44 AM  
**To:** 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](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,  
Maura Pezzo

# LATE TESTIMONY

## testimony

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**From:** Duncan Wallace [DJWallace@rhldesign.com]  
**Sent:** Friday, February 15, 2008 11:36 AM  
**To:** testimony  
**Subject:** S.B. 2091  
**Attachments:** Duncan Wallace.vcf

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 and that once launched a kiteboarder must stay out far enough to maintain a 200 foot distance to swimmers? There needs to be mechanism in place for kiteboarders and to access the water. You wouldn't have a swimmer next to a boat launch for obvious reasons, a similar access should be granted to wind powered sports.

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?

I vacation to Maui, Oahu and Kauai with my family. 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,

Duncan Wallace  
Associate  
RHL Design Group  
ph: 425-896-5959 (NEW!)  
fax: 425-896-5960 (NEW!)  
Cell: 425-864-2987

# LATE TESTIMONY

## testimony

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**From:** Peggy King [peggy.king@mac.com]  
**Sent:** Friday, February 15, 2008 8:28 AM  
**To:** testimony  
**Subject:** SB2091

My name is Peggy King, a 31 yr. resident of Maui and an active participant of windsurfing and kiteboarding. I have been a former competitor, instructor and participant of these sports since 1980. I have been aware of all the different rules and regulations that make it safe for all the ocean users to co-exist and enjoy their sports. Many people stereotype surfers and wind sport participants as transients or bums that don't work or contribute to our community—nothing could be further from the truth.

Windsurfers and kiteboarders are also doctors, lawyers, teachers, business owners, moms, kids, dads, and grandparents who also vote and volunteer in many community service projects, including beach cleanups. This proposed new law is unfair and would economically wipe out a thriving industry and destroy the livelihood of many good, innocent and hardworking people. I will actively campaign against any politician who supports this new rule and ask all those I know to do the same.

P.S. I would think your legislative session has more important issues to work on: especially the homeless problem at our beaches (increased theft and violence against our visitor and kamaaina beachgoing population) and watershed/ reservoir storage problem: the lack of water for our increased population (the weather is calm and dry again and our water board has done nothing to increase storage). On Feb 15, 2008, at 12:03 AM, Action Sports wrote:

To: "committee on water and land/friday February 15, 2008, 2:45pm"

Regarding: the proposed bill to prohibit the operation of sailboards within 200 feet of swimmers and surfers.

### **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  
6 E Waipuilani Road  
Kihei Hawaii 96753

# LATE TESTIMONY

## testimony

---

**From:** Ian Horswill [ian.horswill@yahoo.com]  
**Sent:** Thursday, February 14, 2008 8:02 PM  
**To:** testimony  
**Subject:** Bill S.B. No. 2091

Dear Senators,

I oppose the above bill. I am a resident and landowner on the north shore of Maui and an active watersport enthusiast. I use the ocean every day, swimming, surfing, windsurfing and standup paddle boarding. Being active in all these sports gives me an excellent perspective on this situation.

The ocean is for all to enjoy. It must be respected as must the users of the ocean. This Bill No. 2091 attempts to identify windsurfing and kiteboarding as unsafe sports regarding contact with surfers and swimmers. All the windsurfers and kiteboarders that I know conduct their sport in a very safe manner and never come in contact with swimmers or surfers. Surfboards especially longboards are as heavy and potentially dangerous to swimmers as windsurfers or kiteboarders and go as fast on a wave as windsurfers or kiteboarder. There are so few negative incidents between these different sports in Hawaii that this bill as crafted makes no sense.

Safe swimming areas ringed with buoys and warning signage are the norm in Hawaii and work very effectively. This practice should be expanded.

Best regards,

Ian Horswill

# LATE TESTIMONY

## testimony

---

**From:** Declan Sacre [declan@tridentsports.com]  
**Sent:** Friday, February 15, 2008 4:49 AM  
**To:** testimony  
**Subject:** SB NO. 2091

## COMMITTEE ON WATER AND LAND

### **DATE:**

**Friday, February 15, 2008**

### **TIME:**

**2:45 p.m.**

To Whom it May Concern. I am a windsurfer Surfer and Kiteboarder from Vancouver BC, Canada, and I have very much enjoyed Visiting Hawaii on a regular basis since 1995, specifically for the purpose of windsurfing and Surfing. I usually make the trip once or twice a year to Maui with a group of friends and stay for one to three weeks.

In the time I have been making my travels I have never seen a collision or even a "close call" between a windsurfer or Kiteboarder and Surfer, and strongly feel that there is plenty of space and water for everyone. Making Windsurfer and Kiteboarders stay 200 feet for other water enthusiast would be akin to offsetting the sidewalks 200 feet from the roadside to protect pedestrians.

A kiteboarder, windsurfer and Surfer have equal amounts of control on the water, and use equal amounts of space the wave/water. These water sports co-existed for decades in wave spots all over the world, and I cannot understand why it should be any different in Hawaii.

I love visiting Maui, and will be very disappointed if this bill passes, as I will have to find a alternate place to go on Vacations, as will the rest of the Group I travel with.

All the best,  
Declan Sacre

604-929-9626 ext 234

# LATE TESTIMONY

## testimony

---

**From:** d.vanderpanne@eurolight.nl  
**Sent:** Thursday, February 14, 2008 10:39 PM  
**To:** testimony  
**Subject:** Ocean Recreation; Sailboards S.B. NO. 2091

Hi,

Please don't go through with this rule. Windsurfing in Maui is the best thing in the world for me and for a lot of my windsurfing friends here in Holland. I've been in Maui for the last 4 years to go windsurfing. Never ever had a bad experience with a surfer or a unsafe situation with a swimmer! We know the rules of respect and we respect the locals. It's their land and we want to keep coming year after year.

Aloha,

Dennis van der Panne

# LATE TESTIMONY

testimony

---

**From:** d\_aligh [d\_aligh@libero.it]  
**Sent:** Friday, February 15, 2008 7:33 AM  
**To:** testimony  
**Subject:** COMMITTEE ON WATER AND LAND

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](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,

Dario

## testimony

---

**From:** Devin Jones [Devin.Jones@dal.ca]  
**Sent:** Friday, February 15, 2008 4:29 AM  
**To:** testimony  
**Subject:** S.B. No. 2091

## LATE TESTIMONY

I am sending this email with respect to S.B. no. 2091, the bill which would prohibit operators of sailboards from approaching within 200 feet of a swimmer or surfer in the ocean. This testimony is being submitted to the committee on water and land, with respect to the hearing held on Friday February 15th, 2008.

I strongly disagree with the contents of this bill. The recommendations of this bill would essentially kill windsurfing at many of Hawaii's best, and the worlds best windsurfing spots. This proposal if passed could set a precedent that could influence other countries to pass similar legislation effectively killing the sport of windsurfing. Should windsurfers not have equal rights to use these spots as surfers if they are cautious with respect to the safety of others? If an individual is sailing recklessly that is one thing. But to say that all windsurfers cannot be within 200 feet of a surfer or swimmer is ridiculous. That would mean that essentially if one surfer was out in the waves on even a day that was poorly suited to surfing and better suited to windsurfing that no windsurfers could essentially make use of this set of waves. I believe that Hawaii should be proud to be the windsurfing capital of the world, and should be supporting and promoting the sport rather than essentially killing off the sport.

This is my opinion, but I'm sure there are many others that feel the same way.

-Devin Jones

# LATE TESTIMONY

## testimony

---

**From:** Diego Trapletti [diego@trapletti.191.it]  
**Sent:** Thursday, February 14, 2008 11:39 PM  
**To:** testimony  
**Subject:** windsurf

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](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,

Diego Trapletti

# LATE TESTIMONY

## testimony

---

**From:** eddehart@optonline.net

**Sent:** Friday, February 15, 2008 4:04 AM

**To:** testimony

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

Dear Sirs,

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

With a 200 feet limit, in fact, a single surfer on the break will virtually mean no sailboards on the break. And that'll be the end of wavesailing at Hookipa or Kanaha when there's waves and it's windy. At Kanaha there's already the 11 o'clock rule (no windsurfing before 11am) that leaves plenty time to surfers to enjoy the less windy hours of the day.

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

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

Please, don't pass it.

Regards,

Ed DeHart



testimony

# LATE TESTIMONY

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**From:** Emiliano Luzzi [em.luzzi@tiscali.it]  
**Sent:** Friday, February 15, 2008 6:36 AM  
**To:** testimony  
**Subject:** SAVE HAWAIIAN WINDSURFING

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](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,

Emiliano Luzzi

# LATE TESTIMONY

## testimony

---

**From:** ext\_sbarneaud@aeronautica.alenia.it  
**Sent:** Thursday, February 14, 2008 11:11 PM  
**To:** testimony  
**Subject:** Save Hawaiian windsurfing

**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](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,  
Silvia Barneaud

---

Questa comunicazione contiene informazioni confidenziali ed è riservata esclusivamente a chi è nominato nel messaggio. Se ritenete di averla ricevuta per errore o di non essere il corretto destinatario, il messaggio senza stamparlo, copiarlo, distribuirlo o usare questa informazione in notificare l'errore al mittente. !

This communication contains confidential information and is intended for the named recipient only. If you believe that you have received it in error or that you are not the intended recipient, please do not copy, disseminate or use this information in any way, and notify this error to the sender.

# LATE TESTIMONY

testimony

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**From:** Ezio Papalia [eziopapalia@hotmail.com]  
**Sent:** Thursday, February 14, 2008 11:21 PM  
**To:** testimony  
**Subject:** Save Hawaiian windsurfing - COMMITTEE ON WATER AND LAND

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](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,  
Ezio Papalia

# LATE TESTIMONY

testimony

---

**From:** Filippo Bindi [filippo.bindi@unibo.it]  
**Sent:** Friday, February 15, 2008 2:21 AM  
**To:** testimony  
**Subject:** COMMITTEE ON WATER AND LAND

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](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,  
Filippo Bindi

Filippo Bindi  
*Bologna University*

2/15/2008

# LATE TESTIMONY

testimony

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**From:** fotofiore [info@fotofiore.com]  
**Sent:** Thursday, February 14, 2008 11:15 PM  
**To:** testimony  
**Subject:** Sailboards

**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](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.**

# LATE TESTIMONY

## testimony

---

**From:** Corazza Gian Luigi [gianluigi.corazza@coopsette.it]  
**Sent:** Friday, February 15, 2008 4:14 AM  
**To:** testimony  
**Subject:** Save Hawaiian windsurfing  
**Importance:** High

### 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](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,

*Corazza Gian Luigi*

Le informazioni contenute in questa comunicazione sono riservate e destinate esclusivamente alla/e persona sopra indicati. È vietato ai soggetti diversi dai destinatari qualsiasi uso, copia, diffusione di quanto in essi ai sensi dell'art. 616 c.p. che ai sensi della legge 196/2003. Se questo messaggio vi è pervenuto per errore, di non leggerlo, comunicarcelo rispondendo a questa mail, e cancellarlo dal vostro sistema.

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# LATE TESTIMONY

## testimony

---

**From:** Cort Larned [cortl@macqc.com]  
**Sent:** Thursday, February 14, 2008 2:34 PM  
**To:** testimony  
**Subject:** Proposed bill sb2091

To Whom It May Concern:

As a long time visitor and now a land owner in Maui, I want to express my outrage at the concept of prohibiting windsurfing and kiteboarding for Hawaiian waters within 200 feet of surfers or swimmers. This will irreparable damage both our economy and our image as the aloha state. Please defeat this proposed bill before we make a mistake the state can not overcome.

Thank you,

Cort Larned  
General Manager  
Water Sports Division  
MacLean Quality Composites  
3392 West 8600 South  
Mobile: 415-699-7979  
SLC Office: 801-565-8003  
San Francisco Office: 415-440-5405  
Email: cortl@macqc.com  
Powerex website: [www.powerexmasts.com](http://www.powerexmasts.com)  
HPL website: [www.hawaiianproline.com](http://www.hawaiianproline.com)

# LATE TESTIMONY

## testimony

---

**From:** ccgoudie@rockwellcollins.com

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

**To:** testimony

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

Sirs,

Should this bill pass neither I nor any of the dozens of my friends who frequent Maui (or any of the Islands) to windsurf will be spending any of the typical THOUSANDS OF DOLLARS we do when frequenting the Island.

Instead, we'll just start spending that money in Mexico. Do not pass this bill.

-Craig



# LATE TESTIMONY

## testimony

---

**From:** chris murray [k2020muzza@msn.com]  
**Sent:** Thursday, February 14, 2008 11:54 PM  
**To:** testimony  
**Subject:** For the COMMITTEE ON WATER AND LAND

For the COMMITTEE ON WATER AND LAND;

I do not agree with the bill proposing sailboards and kiteboards to not be permitted to be within 200 foot of a surfer or swimmer in the State of Hawaii. This is because surfers are at every break and this means there would be no place possible for windsurfers to utilize the sea. Consequently the windsurf business will shut down in Hawaii and a huge percentage of the tourist industry will dry up with the bill preventing windsurfing tourism in the area. I've never heard of a windsurfer injuring a surfer, the only reason they are scared of us going fast past is because they are unsure of us being in control, but I assure you we are! There is no reason for this bill to come into affect, it will be a tragic action to take, as the sea should be free for all to use. It is as if the Hawaiian culture of living together with the ocean is being destroyed by unnecessary rules and regulations. It is Discrimination and a disgrace to the Hawaiian spirit.

I hope this is taken on board, as it would be a terrible act to come into place.

Yours Sincerely,

Chris Murray

DATE: Friday, February 15, 2008  
TIME: 2:45 p.m.

S.B. NO. 2091

**Report Title:**

*Ocean Recreation; Sailboards*

**Description:**

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

---

Messenger on the move. [Text MSN to 63463 now!](#)

# LATE TESTIMONY

**testimony**

---

**From:** Christian Ippolito [christian.ippolito@tiscali.it]  
**Sent:** Friday, February 15, 2008 8:32 AM  
**To:** testimony  
**Subject:** bill against windsurfing and kitesurfing

**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](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,**  
**Christian Ippolito**

# LATE TESTIMONY

testimony

---

**From:** carl [mjellings@hawaii.rr.com]  
**Sent:** Friday, February 15, 2008 8:38 AM  
**To:** testimony  
**Subject:** Fw: SB 2091

SB 2091

**DATE:** Friday, February 15, 2008  
**TIME:** 2:45 p.m.  
**PLACE:** Conference Room 414

RELATING  
TO  
SAILBOARDS.

COMMITTEE ON WATER AND LAND

Senator Clayton Hee, Chair  
Senator Russell S. Kokubun, Vice Chair And Honorable Members

Aloha Honorable Senator Clayton Hee Chair of Water and Land and Honorable Vice  
Chair Russell Kokubun .

My name is Carl Pao Jellings Waianae fishermen and resident of Nanakuli,, I am  
humbly sending my support for SB 2091, My rational for Support,, Hawaiian Akule fishermen in  
Waimanalo are being impacted by this form of activity, ,Mahalo for the opportunity to testify ,,Aloha  
Carl P Jellings

2/15/2008

# LATE TESTIMONY

## testimony

---

**From:** Brad Walker [ucsbbadbrad@yahoo.com]  
**Sent:** Friday, February 15, 2008 7:24 AM  
**To:** testimony  
**Cc:** nathan corridon  
**Subject:** COMMITTEE ON WATER AND LAND Friday, February 15, 2008 2:45 pm

Dear Committee on Water and Land,

I am writing to you in regards to the proposed bill no. 2091. This bill aims to restrict sailboards and kiteboards from operating within 200 ft. of surfers and swimmers.

As an avid ocean user I am totally opposed to this legislation. Section 1 of the Bill states, "The legislature finds that surfers and swimmers using Hawaii's oceans for recreation face a danger from operators of sailboards and kiteboards.". How can the legislature "find" this information with out any evidence or results from a study that provides facts to support this position?

It is impossible to come to a conclusion without first observing the situation and using that evidence to determine if there is really a problem. Keep in mind that sailboarding has been conducted in Hawaiian ocean waters for over 25 years and kitesurfing for almost as long. How many accidents have occurred between sailboarders and kiteboarders with swimmers and surfers? What do the facts and observations show? Where can the public see these statistics?

I am sure from my experience in the ocean here in Hawaii that there are far more surfer on surfer collisions and accidents than sailboarder/kiteboarder collisions with other water users. Will the Legislature also find that surfers need a 200 Ft. buffer zone between each surfer/bodyboarder/swimmer on the water?

In the 15 years I have enjoyed the ocean as a surfer, sailboarder, and swimmer, I have never seen a collision between a wind powered ocean user and a surfer/swimmer. However, I have seen many collisions between surfers and body boarders or other surfers that often resulted in injuries.

Please use statistics, evidence and facts to determine if legislation should be passed. Please do not pass legislation based on some person's prediction, feeling, or opinion. Please study the situation and obtain unbiased observations that provide some facts upon which the legislature can then make a better decision.

Sincerely,

Brad Walker

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

# LATE TESTIMONY

## testimony

---

**From:** Bruce Healey [krjh@bigpond.net.au]  
**Sent:** Thursday, February 14, 2008 4:27 PM  
**To:** testimony  
**Subject:** Ocean Recreation; Sailboards S.B. NO. 2091

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

To Whom it may concern,

I am an Australian windsurfer. I have travelled to Maui for windsurfing holidays about 12 times in the last 20 years. Each time I rented a car, apartment, & windsurfing equipment. I spent money in shops and restaurants as all tourists do. I would estimate the land content of my trips, spent in Maui, at about US\$2,000 each trip.

I was hoping to go again to Maui this July but your proposed law seems to make this unlikely. Maui is the windsurfing capital of the world and enjoys a lucrative trade because of this.

If my business is unwelcome I will go elsewhere, there are other places I can sail. The American shops and businesses dependant on windsurfing will not find it so easy.

I have never collided with a surfer or swimmer or seen this happen anywhere in the world. In Maui, most sailing is done at Kanaha Beach where there are no surfers. At Hookipa Beach there are both surfers and windsurfers but they tend to use opposite ends of the beach. Surfers tend to surf when the wind is light whereas windsurfers only sail when it is strong. I cannot imagine that there is a serious problem.

Please reject this law.

# LATE TESTIMONY

## testimony

---

**From:** carl nyberg [carlnyberg@mac.com]  
**Sent:** Friday, February 15, 2008 3:49 AM  
**To:** testimony  
**Subject:** proposed bill SB2091 - please no.

### Windsurfing on Maui - Hawaii

I have been windsurfing Maui's coasts since 1992, windsurfing on Maui is a safe sport compared to Kitesurfing. Windsurfers on Maui show respect for swimmers, surfers and Maui already have working restrictions for certain beaches.

**Maui is the "Windsurfing capitol of the world".**

A law like the proposed bill SB2091 would mean a huge damage to the tourists, windsurfers and windsurfing related industry.

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

Maui have already a working restriction of windsurfing;

Baldwin Park and Paia Bay is already restricted and respected as a swim area.

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

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

A rule like the proposed bill SB2091 will not be fair towards windsurfers with a radius of 3-4 meter. Please, don't pass it.

Mahalo.

Carl N

PS : I can understand that Kitesurfers with their long lines can be scary, even to me.

# LATE TESTIMONY

## testimony

---

**From:** Barabas, James [JBarabas@gibsondunn.com]  
**Sent:** Friday, February 15, 2008 8:47 AM  
**To:** testimony  
**Subject:** FAO Committee on Water & Land

RE. S.B. NO. 2091 / TWENTY-FOURTH LEGISLATURE, 2008 / A BILL FOR AN ACT RELATING TO SAILBOARDS.

Dear Sir / Madam --

It has come to my attention that a Bill is being considered to ban kiteboarding within 200m. of swimmers. In various parts of the world where swimmers and kiteboarders share the water, exclusive zones are established either year round or in busy seasons to help regulate and share the water.

If regulation is thought wise, may I commend this approach.

If a blanket ban is introduced, I will not be vacationing in Hawaii any more.

Kind regards,

James Barabas  
London, UK

"MMS <Gibsondunn.net>" made the following annotations.

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# LATE TESTIMONY

## testimony

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**From:** Anne Barnett [mauibarnett@gmail.com]  
**Sent:** Friday, February 15, 2008 6:31 AM  
**To:** testimony  
**Subject:** Committee on Water and Land: SB2091

COMMITTEE ON WATER AND LAND  
Hearing  
Friday, February 15, 2008  
2:45 pm

To Whom it may concern,

As a long time windsurfer and windsurfing instructor and Maui County resident, I would like to express my opposition to 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 sports of windsurfing and kitesurfing. All of these businesses help perpetuate Hawaii as a tourist destination to millions worldwide.

My current small business on the the north shore of Maui is heavily dependent on the windsurfing and kitesurfing industries and this would have a major negative economic impact on my livelihood

I ask you to vote against this bill.

Sincerely,

Anne Barnett  
Haiku, HI  
----- End of Forwarded Message



# LATE TESTIMONY

testimony

---

**From:** Beat Steffan [tarifabeat@hotmail.com]  
**Sent:** Thursday, February 14, 2008 10:23 PM  
**To:** testimony  
**Subject:** COMMITTEE ON WATER AND LAND  
**Importance:** High

## **COMMITTEE ON WATER AND LAND**

**DATE:**

**Friday, February 15, 2008**

**TIME:**

**2:45 p.m.**

Dear sirs,

I do not agree to the implementation of [http://www.capitol.hawaii.gov/session2008/bills/SB2091\\_.htm](http://www.capitol.hawaii.gov/session2008/bills/SB2091_.htm)

and will draw the consequences in case of an approval of the bill by not visiting the islands again.

Same applies to all my family members and my employees.

yours faithfully

Dr. Beat Steffan

Dr. Beat Steffan  
CEO Dwarf8 GmbH  
Kettberg 29  
CH-8049 Zürich  
Schweiz/Switzerland

---

Sigue los principales acontecimientos deportivos en directo. [MSN Motor](#)

# LATE TESTIMONY

## testimony

---

**From:** Boe Marshall [boemarshall@hotmail.com]  
**Sent:** Friday, February 15, 2008 6:42 AM  
**To:** testimony  
**Subject:** Testimony to bill SB 2091 COMMITTEE ON WATER AND LAND hearing of Friday February 15, 2008 2.45pm

Dear Sirs and Madams:

In reference to SB 2091, I respectfully request your consideration to not inhibit windsurfing. To prevent windsurfing on Maui, or anywhere in Hawaii, would be detrimental to locals, visitors, the Hawaiian economy, and the Hawaiian tax base.

I am an annual visitor and a one-time resident of Maui. In 1997, I spent the summer as a windsurfing instructor at a respected and respectful local business. With Maui being the windsurfing mecca, it was an easy decision to relocate to Hawaii, where I stayed for more than two years before returning home due to a family member's terminal illness. I rented an ohana in Makawao before renting in Wailuku. My expectation was to live a quality life surfing, windsurfing, and kitesurfing; beyond my expectation, I fell in love with the land, the ocean, and the people. To this day, I hold the friends I made dear to my heart. I intend to return for retirement, as long as I can windsurf.

Briefly about me, I own and operate Club Z! In-home Tutoring in Seminole County, Florida, and I own three properties around Orlando; my goal is to retire on Maui – well off. I intend to return to Maui this October to help test windsurfing gear with a popular magazine. When I visit, I stay with locals, I rent a car from locals, I eat and drink in large volumes, and I shop to boost the local economy.

As the national economy turns down, I know the Hawaiian economy does too. Please consider the figures that demonstrate how much money is pumped into your economy from the windsurfing population. Furthermore, please consider the vacuum of other windsurfing destinations that will suck the entire industry, the local windsurfers, and the body of visitors out of your economy. As housing prices plummet, that would worsen the situation. Furthermore, I am concerned about a worsening economy and shrinking tax base. I am left to ponder who will fill that void.

Thank you for your time and consideration. Please do not sign or vote SB 2091 into law. I say with a great deal of sadness that if I cannot windsurf in Hawaii, I will not be back.

Much Aloha,

Boe Marshall  
1416 Madrid Way  
Winter Springs, FL 32708

2/15/2008

# LATE TESTIMONY

## testimony

---

**From:** dburdick@gmail.com on behalf of Dave [dave@alpinedave.com]  
**Sent:** Friday, February 15, 2008 12:07 PM  
**To:** testimony  
**Subject:** S.B. NO. 2091

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 not allow me to practice kitesurfing on Maui and Oahu. I visit both Maui and Oahu frequently and do not want to lose this resource. I believe we should have equal access to the waters just as swimmers and surfers have enjoyed for generations.

Best

David Burdick

# LATE TESTIMONY

## testimony

---

**From:** mrkhm@aol.com  
**Sent:** Friday, February 15, 2008 12:07 PM  
**To:** testimony  
**Subject:** Do not Agree! S.B. NO. 2091

To Whom it may concern,

I am not in support of this bill! As a professional within the sport of windsurfing / sailboarding much of my life, I can tell you, in terms of safety, it is self regulated. Surfers are seldom out when it is windy, and swimming beaches are usually beaches that do not have surf, windsurf, or kitesurf activity.

For Example, Hookipa Beach Park located on the North Shore of Maui, is known as the most famous beach in the World for windsurfing, not for surfing, or swimming! It would be sad day to see windsurfing closed to this world class venue in order to accommodate surfers and swimmers. Each person within their given sport needs to show good judgment and respect to one another!

Sincerely,

Rick Markham  
P.O. Box 791383  
Paia, HI 96779

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# LATE TESTIMONY

## testimony

---

**From:** george peterson [georgepeterson@sympatico.ca]  
**Sent:** Friday, February 15, 2008 12:01 PM  
**To:** testimony  
**Subject:** windsurfing

To: testimony@capitol.hawaii.gov  
Subject: Testimony to bill SB 2091 COMMITTEE ON WATER AND LAND hearing of Friday February 15, 2008 2.45pm

To the State Legislature of Hawaii,

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

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

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

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

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

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

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

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

Thank you for your consideration.

George Peterson  
192 Bessborough Dr.  
Toronto Ontario Canada

2/15/2008

# LATE TESTIMONY

## testimony

---

**From:** jelmer jager [jelmerjager@hotmail.com]  
**Sent:** Friday, February 15, 2008 12:08 PM  
**To:** testimony  
**Subject:** S.B. NO. 2091

Considering: S.B. No. 2091

COMMITTEE ON WATER AND LAND  
DATE: Friday, February 15, 2008  
TIME: 14.45

L.S.,

I would like to state that this law seriously threatens the most important place for windsurfing (competition and recreational) in the world. Hawaii and Maui in particular is where the origin of modern windsurfing is. It is also one of the most important places for the windsurfing industry (R&D).

This law would seriously harm the industry and the tourism sector in hawaii. Therefore I do not agree with this proposal.

J.Jager  
Haarlem, the Netherlands

---

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

# LATE TESTIMONY

## testimony

---

**From:** cknap@ocregister.com  
**Sent:** Friday, February 15, 2008 12:08 PM  
**To:** testimony  
**Subject:** Opposition to Senate Bill 2091

To : Members of the Committee on Water and Land

Re; Opposition to Senate Bill 2091

Esteemed Senators:

I am writing to express my concern and opposition to Senate Bill 2091.

As currently drafted, the bill would outlaw a long history in Hawaii of watermen of all stripe--surfers, paddle surfers, windsurfers and kilters--to name just a few, sharing the water and waves.

I am a member of the US Windsurfing Association and travel to Hawaii for several weeks each summer to participate in the Maui Slalom Series. This historic event often takes place with windsurfers, surfers and paddle surfers in close proximity, without any safety issues.

I am not a pro, just a regular person who brings his family along to enjoy the water and waves--and injects thousands of dollars into your state's economy in the process.

The vast majority of windsurfers and kitesurfers are, like me, surfers or respectful of surfers. We watch for them on the water and sail safely.

Please consider tabling this bill until its impact on windsurfing, tourism and island economics can be studied more fully.

Thank you for your consideration.

Chris Knap--US 311  
624 Loma Ave.  
Long Beach, CA 90814  
562-438-9888

# LATE TESTIMONY

## testimony

---

**From:** michael gilbreath [newz.formi@gmail.com]  
**Sent:** Friday, February 15, 2008 12:10 PM  
**To:** testimony  
**Subject:** NO BAN ON KITEBOARDING/WINDSURFING

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. My family and I vacation every year on the Hawaiian Islands 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.

Regards.

Michael Gilbreath  
Chicago, IL



# LATE TESTIMONY

## testimony

---

**From:** Vince Vonada [vinnyv2@comcast.net]  
**Sent:** Friday, February 15, 2008 12:10 PM  
**To:** testimony  
**Subject:** sb. 2091

Hello,

I am against sb 2091 as I have practiced safe windsurfing and sharing of the waters very successfully for 27 years. I don't believe that the bill is necessary. Windsurfing is the main reason that I visit Hawaii, every 3 or 4 years.

Thank you,

Vince Vonada  
Acappella Photography  
[www.acappellaphoto.com](http://www.acappellaphoto.com)  
206-718-0047

# LATE TESTIMONY

## testimony

---

**From:** Molly Sanders [molly.sanders@ocean4hawaii.com]  
**Sent:** Friday, February 15, 2008 10:29 AM  
**To:** testimony  
**Subject:** S.B. NO. 2091 \*\*\*\* NO!

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

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2/15/2008

# LATE TESTIMONY

## testimony

---

**From:** Philippe Lelarge [philippe.lelarge@gasco.qc.ca]  
**Sent:** Friday, February 15, 2008 12:19 PM  
**To:** testimony  
**Subject:** COMMITTEE ON WATER AND LAND re Windsurfing in Hawaii

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

S.B. NO. 2091

I have been coming to Maui for over 20 years for windsurfing, without any problems. I usually stay 2 to 3 weeks and spend a fair amount of money on rental equipment, car rental , condo and restaurant.

I cannot understand the purpose of this amendment

Will it mean that if one single swimmer dips his toe in the water someplace, 200 windsurfers must get out immediately ?

Surely if you wanted to kill the windsurfing tourism which is far from negligible, you could not do a better job

Hope you re-think this bill seriously

Regards.

Philippe Lelarge

# LATE TESTIMONY

## testimony

---

**From:** Bret Tuckett [lovetokiteboard@yahoo.com]  
**Sent:** Friday, February 15, 2008 12:17 PM  
**To:** testimony  
**Subject:** SB2091 Testimony

I do not agree with the proposed bill SB2091, I am to tourist and I have made Oahu a vacation spot for many years. If the bill is passed, I will not bring my tourist dollars back to Hawaii. This bill is unfair to my rights to use the Ocean and public beaches in your state.

Individuals should be responsible for there own actions and held accountable for any damages that they cause.

Thank you. Bret Tuckett

# LATE TESTIMONY

testimony

---

**From:** Mark Barnes [MjhBarnes@comcast.net]  
**Sent:** Friday, February 15, 2008 12:23 PM  
**To:** testimony  
**Subject:** disappointed

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?

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,  
Mark Barnes

2/15/2008

# LATE TESTIMONY

## testimony

---

**From:** Fleacheck1@aol.com  
**Sent:** Friday, February 15, 2008 12:29 PM  
**To:** testimony  
**Subject:** OPPOSITION TO S.B. #2091 - Ocean Recreation; Sailboards

Senators,

I am shocked that this bill has been proposed to heavily restrict and virtually ban both windsurfing and kiteboarding in Hawaii. Hawaii has been globally recognized as the prime destination for both windsurfing and kiteboarding for a very long time. Both sports were either started or in large measure developed and expanded through the marvelous ocean environment and culture of strong watermanship bound to your islands.

I have visited Hawaii on multiple occasions as have numerous friends. Our primary reason for these visits often several weeks to months in duration was to practice windsurfing and kiteboarding. Substantial revenues were earned by numerous Hawaiian businesses in these visits. If Hawaii legislates against these sports, ironically against global activities largely born and nurtured in these islands, many avid tourists some who vacation in Hawaii several times per year will have to travel elsewhere. This decision would not be voluntary but would be forced upon them by the Hawaiian Legislature in an ironic twist. Numerous Hawaiian businesses dependent upon windsurfing and kiteboarding will also suffer and may fail as a consequence of this measure if passed.

Kiteboarding can coexist with other water activities. Hawaii has a rich and long tradition of surfing, fishing, swimming, canoeing and more. These activities can be reconciled with windsurfing and kiteboarding through effective management. Such management has been successfully called upon to reconcile surfing, fishing, swimming and canoeing through responsible practices hundreds of times across the globe. Good management can improve the safety at which many things are practiced from automobile and aircraft operation to even the practice of windsurfing and kiteboarding. Does government exist to serve the people or to harm commerce, livelihoods and beneficial tourism?

I strongly request that you not support this bill which will not only cost Hawaii well deserved tourist and retail revenues but also potentially destroy a decades long global reputation as a primary birthplace of windsurfing and kiteboarding.

Sincerely,  
Terri Flicek  
805 SW 17 Street  
Fort Lauderdale, FL 33315

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# LATE TESTIMONY

## testimony

---

**From:** Eric Kauffman [bajakiter@hotmail.com]  
**Sent:** Friday, February 15, 2008 12:33 PM  
**To:** testimony  
**Subject:** COMMITTEE ON WATER AND LAND

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,  
Eric Kauffman

# LATE TESTIMONY

## testimony

---

**From:** chris mcneil [windsurfmcneil@yahoo.com]  
**Sent:** Friday, February 15, 2008 12:07 PM  
**To:** testimony  
**Subject:** SB 2091

This proposal does not make sense and should not be considered seriously. Windsurfers, kiteboarders and swimmers can all use the beach safely as long as everyone pays attention. An analogy would be bicycles and autos that use the same road.  
sincerely,

Chris McNeil D.D.S.

---

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# LATE TESTIMONY

## testimony

---

**From:** Molly Sanders [molly.sanders@ocean4hawaii.com]  
**Sent:** Friday, February 15, 2008 10:29 AM  
**To:** testimony  
**Subject:** S.B. NO. 2091 \*\*\*\* NO!

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

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Aloha Senate members, residents and other distinguished guests. Thank you for the opportunity to speak before this committee.

My name is Martin Kirk. I'm a 22 year Hawaii resident who enjoys the ocean and I am from one of the lesser outer islands, which most refer to as the windy isle and you know as Maui. I own a 9 year-old County of Maui permitted commercial ocean recreation activity business called Kiteboarding School and Store of Maui.

I appreciate the intent of Senate Bill #2091 and certainly everyone in this room wishes to see all ocean users safely enjoying their chosen sport whether it's swimming, surfing, paddling, or any other number of sports. What some in the Senate

committee and general public may not realize is the amount of effort that goes into self-regulation within any given ocean sport.

Currently on Maui and on all other Hawaiian islands windsurfers and kiteboarders, as two of the most recent ocean users, operate under long standing, self-regulating rules and have a vested interest in educating newcomers, tourists, and others of these rules, one of which is to keep 200 feet from fishermen, canoe paddlers, swimmers, free-divers and other non-participants (refer to Hawaii Administrative Rule 13-256-20 and sign). You'll notice that there is an 11 o'clock rule referred to on this sign. This rule is a result of local user groups from swimming, windsurfing, fishing, and tako-diving

coming together and working out a solution to user conflicts. This 11 o'clock rule has been in place for 22 years and offers swimmers and takers divers an opportunity to safely enjoy their time on the water without any worries about their safety and then after 11 am windsurfers and kiteboarders can enter the ocean, still mindful that swimmers could be in the water.

This sign is one of many such signs recreation and commercial ocean users have created, paid for, obtained county and state agency approval for, and installed with private money-all donated to organizations, such as the Maui Kitesurfing Community, started for the sole reason to educate the public about ocean awareness and respect for

others on the ocean. Self-regulation has long been a part of the Maui way of doing things and it has worked and can continue to work on all other islands as well.

On Maui there are normally few user conflicts in the areas where wind sports are practiced as windy, choppy waters are undesirable to swimmers. Swimmers have a designated area, windsurfers have a designated area, surfers are in another area, paddlers are mixed in, and kiteboarders, the newest kids on the block, are in an area next to the waste water treatment plant that no one else wants. We even have a 10 man rule that windsurfers, surfers, and kites observe on the Maui's north shore, whereby if 10 users from one sport are already on the water the other

users don't go out. I believe most would agree our activities are regulated quite well with the intent of giving everyone shared and equal access and providing a safe venue for a variety of ocean sports.

And, if that weren't enough, kiteboarding on Maui's north shore is regulated by Federal Aviation Administration rules. One of the FAA rules require kiteboarders to not fly kites over non-participants' heads. Therefore, the proposed Senate Bill 2091 is seemingly duplicative of existing federal rules since the FAA rule requires us to maintain a safe distance from other ocean users.

Please consider not voting to approve Senate Bill 2091. Thank you.

Martin Kirk

(808) 873-0015