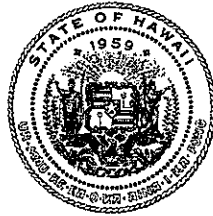


NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the House Committee on
FINANCE**

**Tuesday, March 1, 2011
2:00 P.M.**

State Capitol, Conference Room 308

**In consideration of
HOUSE BILL 931
RELATING TO SMALL BOAT HARBORS**

House Bill 931 defines the term "regularly navigated" regarding vessels moored in small boat harbors. The Department of Land and Natural Resources (Department) strongly supports this measure.

Section 200-9, Hawaii Revised Statutes (HRS), clearly states that the purposes of the small boat harbors are for recreational boating activities, landing of fish, and commercial vessel activities. To implement these purposes, only vessels in good material and operating condition that are regularly navigated beyond the confines of the small boat harbor shall be permitted to berth or use any of the facilities.

The Department has determined that there are numerous vessels moored within the small boat harbor facilities that rarely leave the confines of the small boat harbors and offshore mooring areas. The Department recently initiated rule making proceeding to clarify that all vessels moored within the facilities are required to navigate beyond the confines of the harbor at least once a quarter. The Department was met with substantial resistance to this requirement because boat owners felt it would create an undo hardship. Also, the Department received comments that the term "regularly" means what is "usual; customary" according to Webster's dictionary and since the vessel owners operate their vessels only once a year then that constitutes as "regularly".

The Department feels that it was the Legislatures intent to ensure that vessels moored within the small boat harbor facilities were being actively used by their owners because of the limited nature of the resource. The Department would like to request that the term "regularly navigated", as used in Section 200-9, HRS, be defined so it is clear what the Legislature intended when implementing this section of the statute.

WILLIAM J. AILA, JR.
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING

FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS



Ocean Tourism Coalition

The Voice for Hawaii's Ocean Tourism Industry
1188 Bishop St., Ste. 1003
Honolulu, HI 96813-3304
(808) 537-4308 Phone (808) 533-2739 Fax
timlyons@hawaiiantel.net

Testimony to the Committee on Finance
Tuesday, March 1, 2011; 2:00 pm
Conference Room 308

Speaking in Support

RE: HB 931

Chair Representative Oshiro, Vice Chair Representative Lee and Members of the Finance Committee:

My name is James E. Coon, President of the Ocean Tourism Coalition. The OTC represents over 300 small ocean tourism businesses state wide. We appreciate the efforts being made by the Legislature in addressing the problem of derelict vessels occupying valuable space in the Small Boat Harbors.

We believe this bill will go a long way in resolving this issue.

Thank you for the opportunity to submit testimony. If you have any questions, please contact me at 808-870-9115.

Sincerely,

James E. Coon, President

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 27, 2011 4:50 PM
To: FINTestimony
Cc: concernedboater@hawaii.rr.com
Subject: Testimony for HB931 on 3/1/2011 2:00:00 PM

Testimony for FIN 3/1/2011 2:00:00 PM HB931

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Robert Winter
Organization: Individual
Address:
Phone:
E-mail: concernedboater@hawaii.rr.com
Submitted on: 2/27/2011

Comments:
OPPOSE HAVING TO LEAVE HARBOR EVERY 90 DAYS

Whenever the government proposes to change its rules, it should carefully consider four factors.

1. What problem does the proposed change solve?
2. Is the proposed change the most effective way to solve the problem?
3. What other problems will the proposed change cause?
4. Does the change create a burden or cost that is greater than the expected benefit?

I believe this bill fails to consider these factors.

Harbor slip holders are already required to demonstrate the ability to navigate outside the harbor on an annual basis, an exercise referred to by boaters and harbor personnel as a "buoy run".

This rule creates a highly arbitrary and unfair definition of a dormant vessel that fails to consider the actual condition of the vessel or the owner's right to use their vessel in a manner that is consistent with their personal interests and schedule.

Requiring harbor tenants to make buoy runs every 90 days will not reduce the number of dormant vessels; at best, it might identify a few of them sooner.

To fairly implement this rule in a non-discriminatory manner will require that these buoy runs will have to be observed by a member of the harbor staff. That will require harbor personnel to devote approximately 30 minutes per buoy run watching the boat leave the slip, exit the harbor, and return to the slip under its own power. Using approximately 800 boats in the Ala Wai Harbor as an example, this would represent a cost of over 1600 man hours per year.

Since the harbor offices are closed Sundays, Mondays, holidays, and furlough days, many boaters will have to compete for a limited number of Saturday appointments. When Saturday appointments are not available many boaters may have to take time off from work to satisfy this requirement.

Additionally this rule may force boat owners to make unsafe buoy runs in bad weather or when boat is not safe to operate, and thus create an unintended liability for the State.

Considering the significant cost and inconvenience this rule change creates, and the dubious benefit it may provide, I urge you to oppose this bill.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 28, 2011 6:30 AM
To: FINTestimony
Cc: drgeorgepc@yahoo.com
Subject: Testimony for HB931 on 3/1/2011 2:00:00 PM

Testimony for FIN 3/1/2011 2:00:00 PM HB931

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Dr. George Carayannis
Organization: Individual
Address:
Phone:
E-mail: drgeorgepc@yahoo.com
Submitted on: 2/28/2011

Comments:

I oppose HB931 because of its erroneous contention that it will allow management of the State's boating and ocean recreation activities in a more efficient manner. What is proposed is not cost-effective and is diametrically in contrast to DOBOR's other claims of being understaffed to even meet its present managerial responsibilities. For example, section 13-230-8 amends the definition of "dormant vessel" in a manner that may lead to a quadrupling of the frequency of "buoy runs"; harbor personnel will be required to monitor, document and record, imploring the question of whether harbor personnel resources must also be substantially increased in order to satisfy the demands of this single change of definition.

DLNR should require DOBOR to explain in a more specific and concrete way as to how the proposed changes "will allow DOBOR to manage the State's boating and ocean recreation activities in a more efficient manner".

The bill fails for the following reasons:

Harbor slip holders are already required to demonstrate the ability to navigate outside the harbor on an annual basis, an exercise referred to by boaters and harbor personnel as a "buoy run". This bill creates a highly arbitrary and unfair definition of a dormant vessel that fails to consider the actual condition of the vessel or the owner's right to use their vessel in a manner that is consistent with their personal interests and schedule (which may include long and necessary travel outside the state).

Requiring harbor tenants to make buoy runs every 90 days will not reduce the number of dormant vessels; at best, it might identify a few of them sooner. Additionally this rule may force boat owners to make unsafe buoy runs in bad weather or when boat is not safe to operate) and thus create an unintended liability for the State.

Considering the significant cost and inconvenience this rule change creates) and the dubious benefit it may provide) I urge you to oppose this bill.

FINTestimony

From: mailinglist@capitol.hawaii.gov
ent: Monday, February 28, 2011 6:46 AM
To: FINTestimony
Cc: pfeffer001@hawaii.rr.com
Subject: Testimony for HB931 on 3/1/2011 2:00:00 PM

Testimony for FIN 3/1/2011 2:00:00 PM HB931

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Roger Pfeffer
Organization: Individual
Address:
Phone:
E-mail: pfeffer001@hawaii.rr.com
Submitted on: 2/28/2011

Comments:

90 day buoy runs are like 90 day safety checks for cars; they do not make sense. They harass live-abord boaters, they increase costs, require additional hires to monitor movement, waste fuel, require owners to have a professional crew available to help move large boats or to move boats where the owners are off-island. This bill appeals only to administrators who are intent on forcing owners to use their boats instead of letting them sit in the harbor.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 28, 2011 7:24 AM
To: FINTestimony
Cc: drcarolyn.forbes@hawaiiantel.net
Subject: Testimony for HB931 on 3/1/2011 2:00:00 PM

Testimony for FIN 3/1/2011 2:00:00 PM HB931

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Carolyn Forbes
Organization: Individual
Address:
Phone:
E-mail: drcarolyn.forbes@hawaiiantel.net Submitted on: 2/28/2011

Comments:

1. Harbor slip holders are already required to demonstrate the ability to navigate outside the harbor on an annual basis.
2. An official taking 5 minutes to look through binoculars to see if a boat has moved beyond the harbor confines every 90 days will not "weed out" derelict vessels any sooner than an annual "buoy run" would.
3. This bill infringes upon the owner's right to use their vessel in a manner that is consistent with their personal interests and schedule.
 4. This rule may force boat owners to make unsafe buoy runs in bad weather or when boat is not safe to operate and thus create an unintended liability for the State.
5. Harbor personnel are unable to implement this rule in a non-discriminatory, cost efficient manner. To be fair and non-discriminatory, harbor personnel should be required to observe the entire process, since mandatory 90 day "buoy runs" are indeed a hardship for most boat owners.

Offices are understaffed, closed Sundays, Mondays, holidays and furlough days and are unable to meet the demand (and cost) of additional man hours per year (800 boats/30 min/boat observation time).

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 28, 2011 7:19 AM
To: FINTestimony
Cc: patwoodauthor@gmail.com
Subject: Testimony for HB931 on 3/1/2011 2:00:00 PM

Testimony for FIN 3/1/2011 2:00:00 PM HB931

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Patricia Kesling-Wood
Organization: Individual
Address:
Phone:
E-mail: patwoodauthor@gmail.com
Submitted on: 2/28/2011

Comments:

I am a harbor user and long time Hawaii resident. I can't think of anything more wasteful or unnecessary than 90 day buoy runs. The yearly buoy runs and inspections are sufficient to guarantee the boats as seaworthy and in addition are difficult to schedule with the harbor as it is. Additional runs will be a burden on the facility employees as they are stretched thin as it is. Money should be spent on the decaying docks and maintenance rather than solving a problem that doesn't exist.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 28, 2011 10:13 AM
To: FINTestimony
Cc: mtchandl@hawaii.edu
Subject: Testimony for HB931 on 3/1/2011 2:00:00 PM

Testimony for FIN 3/1/2011 2:00:00 PM HB931

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Michael Chandler
Organization: Individual
Address:
Phone:
E-mail: mtchandl@hawaii.edu
Submitted on: 2/28/2011

Comments:

The benefit of ensuring that all boats are seaworthy will be outweighed by the increased work load on harbor staff. It will also create more stress for boaters and could increase the likelihood of boats running aground during inclement weather in last minute attempts by boaters to fulfill these buoy run obligations.

Furthermore, buoy run appointments are often overbooked under the current system, especially on Saturdays.

Run the numbers, verifying the seaworthiness of ~700 vessels currently averages out to ~3 buoy runs per day (assuming the harbor is open 5 days per week). Increasing to four buoy runs per year per boat would greatly increase this average to ~11 buoy runs per day. This would create a long queue of boaters trying to do buoy runs, especially on Saturdays, the only weekend day the harbor office is open. It would be conceivable that harbor officials would need to monitor buoy runs all day each Saturday under this plan. It is not reasonable to ask boat owners to miss work during the work week to perform buoy runs.

More thought is needed here. Either the harbor office needs to relocate to allow officials to view buoy runs without driving out to the fuel dock, or an automated system needs to be implemented.

Until those improvements can be made, I oppose this measure.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 28, 2011 9:09 AM
To: FINTestimony
Cc: crjohnson@hawaii.rr.com
Subject: Testimony for HB931 on 3/1/2011 2:00:00 PM

Testimony for FIN 3/1/2011 2:00:00 PM HB931

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: crjohnson
Organization: Individual
Address:
Phone:
E-mail: crjohnson@hawaii.rr.com
Submitted on: 2/28/2011

Comments:

You have progressed to groping at straws.

Your attn. to detail is disconcerting at best.

If you cannot keep the existing harbor clean and safe TODAY what makes you think that tomorrow's plan will be any better? Unfortunately, the homeless and drug addicted portion of society do NOT set preferences re: setting up camp and/or stealing property. Work WITH US , not against us!

FINTestimony

From: mailinglist@capitol.hawaii.gov
ent: Monday, February 28, 2011 7:31 AM
To: FINTestimony
Cc: costbenefit@hawaii.rr.com
Subject: Testimony for HB931 on 3/1/2011 2:00:00 PM

Testimony for FIN 3/1/2011 2:00:00 PM HB931

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Diana Cummings
Organization: Individual
Address:
Phone:
E-mail: costbenefit@hawaii.rr.com
Submitted on: 2/28/2011

Comments:

It is incredible that anyone would think that this bill will be useful. The cost and burden on the harbor exceeds any dormant vessels that will be cleared out. Lets not create a bigger problem.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 28, 2011 9:16 AM
To: FINTestimony
Cc: crjohnson@hawaii.rr.com
Subject: Testimony for HB931 on 3/1/2011 2:00:00 PM

Testimony for FIN 3/1/2011 2:00:00 PM HB931

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: crjohnson
Organization: Individual
Address:
Phone:
E-mail: crjohnson@hawaii.rr.com
Submitted on: 2/28/2011

Comments:

Every 90 days for WHAAAAT? HOW MANY OF YOU ARE GOING TO GET A PILOTS LICENSE AS THAT IS WHAT IT WILL TAKE TO PROPERLY MANAGE SUCH A LUDICROUS PROPOSAL-BE REAL, CUT THROUGH THE CHASE AND DO DUE DILIGENCE. HELL, WHY DON'T EACH OF YOU TAKE A FEW DAYS OFF A WK WITHOUT PAY TO MONITOR THIS PROPOSED RUNNING OF THE BUOYS? OH, AND DO IT DURING GUY HAGI'S HIGH WIND ADVISORY! PREPOSTEROUS! STUDY HARDER.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 28, 2011 10:02 AM
To: FINTestimony
Cc: ngills@msn.com
Subject: Testimony for HB931 on 3/1/2011 2:00:00 PM

Testimony for FIN 3/1/2011 2:00:00 PM HB931

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Nancy Gills
Organization: Individual
Address:
Phone:
E-mail: ngills@msn.com
Submitted on: 2/28/2011

Comments:

This 90 day boaters exit of the harbor will be near impossible for "Big Brother" the State to implement or enforce. We may take our boat out every Friday night to watch the Hilton fireworks and every Sunday afternoon, but Big Brother didn't see us go around the bouy. Then due to the states limited staff they force us to take a day off work to drive our boat around the bouy so they can watch us on their schedule during their business hours.

We own a Pleasure boat not a Business or commercial operation.

We are long time owners of a well maintained cruising sailboat which we have kept in the Ala Wai small boat harbor. We also have jobs, pay taxes and vote, In other words we're regular citizens of the state of Hawaii.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 28, 2011 10:17 AM
To: FINTestimony
Cc: mtchandl@hawaii.edu
Subject: Testimony for HB931 on 3/1/2011 2:00:00 PM

Testimony for FIN 3/1/2011 2:00:00 PM HB931

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Michael Chandler
Organization: Individual
Address:
Phone:
E-mail: mtchandl@hawaii.edu
Submitted on: 2/28/2011

Comments:

The benefit of ensuring that all boats are seaworthy will be outweighed by the increased work load on harbor staff. It will also create more stress for boaters and could increase the likelihood of boats running aground during inclement weather in last minute attempts by boaters to fulfill these buoy run obligations.

Furthermore, buoy run appointments are often overbooked under the current system, especially on Saturdays.

Run the numbers, verifying the seaworthiness of ~700 vessels currently averages out to ~3 buoy runs per day (assuming the harbor is open 5 days per week). Increasing to four buoy runs per year per boat would greatly increase this average to ~11 buoy runs per day. This would create a long queue of boaters trying to do buoy runs, especially on Saturdays, the only weekend day the harbor office is open. It would be conceivable that harbor officials would need to monitor buoy runs all day each Saturday under this plan. It is not reasonable to ask boat owners to miss work during the work week to perform buoy runs.

More thought is needed here. Either the harbor office needs to relocate to allow officials to view buoy runs without driving out to the fuel dock, or an automated system needs to be implemented.

Until those improvements can be made, I oppose this measure.

FINTestimony

n: mailinglist@capitol.hawaii.gov
ent: Monday, February 28, 2011 1:06 PM
To: FINTestimony
Cc: lilley.j@gmail.com
Subject: Testimony for HB931 on 3/1/2011 2:00:00 PM

Testimony for FIN 3/1/2011 2:00:00 PM HB931

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Jeff Lilley
Organization: Individual
Address:
Phone:
E-mail: lilley.j@gmail.com
Submitted on: 2/28/2011

Comments:

Please defeat this bill for the following reasons:

1. Increased commercial traffic in the Ala Wai Small Boat harbor will increase congestion and endanger persons using the harbor for recreation purposes.
2. DLNR has not provided material evidence that there is a demand for commercial slips at the Ala Wai other than shifting current commercial operations from Kewalo Basin.

The harbor master's office at the Ala Wai admits they are so understaffed that they can't manage to send out letters to offer the 100+ vacant slips to those on a substantial waiting list. Does DLNR have a plan for documenting that boats are leaving the harbor every 90 days. An unenforceable rule creates an opportunity for "selective" enforcement by DLNR. It is an unnecessary and unenforceable rule.

4. The Harbor Master and his crew are doing the best they can under difficult Administrative Rules. Please do not pile more responsibility on them for no discernable gain.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Date: Monday, February 28, 2011 12:56 PM
To: FINTestimony
Cc: aloha@boxbe.com
Subject: Testimony for HB931 on 3/1/2011 2:00:00 PM

Testimony for FIN 3/1/2011 2:00:00 PM HB931

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Robert Clarkin
Organization: Individual
Address:
Phone:
E-mail: aloha@boxbe.com
Submitted on: 2/28/2011

Comments:

Aloha, I have owned a boat in the Ala Wai Boat Harbor for over 50 years. The idea that I must take the boat out of the Harbor more than once a year is preposterous. I use the boat for entertaining and find no need to do more than navigate within the Harbor. The idea of forcing owners to navigate outside of the Harbor 4 times a year is a make work project for a staff that is already overworked and unable to cope with present duties. Next the State will be telling me that I have to drive my car a certain number of miles or they will take my license from me. Elected officials, please kill this bill. Aloha

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 28, 2011 2:37 PM
To: FINTestimony
Cc: Hossellman@aol.com
Subject: Testimony for HB931 on 3/1/2011 2:00:00 PM

Testimony for FIN 3/1/2011 2:00:00 PM HB931

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: Jeff Hossellman
Organization: Individual
Address:
Phone:
E-mail: Hossellman@aol.com
Submitted on: 2/28/2011

Comments:

Perhaps it may be wise to add a requirement that a live on board boat goes out every 30 days. Seven day a week monitoring by the State must be available from say 8 am to sunset with only a radio or phone check in required as the vessel exits the channel

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 28, 2011 7:31 AM
To: FINTestimony
Cc: gwood.inja@gmail.com
Subject: Testimony for HB931 on 3/1/2011 2:00:00 PM

Testimony for FIN 3/1/2011 2:00:00 PM HB931

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Gordon Wood
Organization: Individual
Address:
Phone:
E-mail: gwood.inja@gmail.com
Submitted on: 2/28/2011

Comments:

I oppose this bill because (1) it will impose expanded duties on DOBOR staff at a time when those staff resources are already stretched too thin, and (2) it returns no value to either the boating public or Hawaii's people in general. I urge you to reject this ill-conceived bill.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 28, 2011 11:40 AM
To: FINTestimony
Cc: cowgirlinhawaii@yahoo.com
Subject: Testimony for HB931 on 3/1/2011 2:00:00 PM

Testimony for FIN 3/1/2011 2:00:00 PM HB931

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Beth Malvestiti
Organization: Individual
Address:
Phone:
E-mail: cowgirlinhawaii@yahoo.com
Submitted on: 2/28/2011

Comments:

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 01, 2011 8:31 AM
To: FINTestimony
Cc: robertcsinclair@yahoo.com
Subject: Testimony for HB931 on 3/1/2011 2:00:00 PM

Testimony for FIN 3/1/2011 2:00:00 PM HB931

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Robert Sinclair
Organization: Individual
Address:
Phone:
E-mail: robertcsinclair@yahoo.com
Submitted on: 3/1/2011

Comments:

FINTestimony

From: mailinglist@capitol.hawaii.gov
ent: Sunday, February 27, 2011 7:39 PM
To: FINTestimony
Cc: captdave@boats4u.com
Subject: Testimony for HB931 on 3/1/2011 2:00:00 PM

Testimony for FIN 3/1/2011 2:00:00 PM HB931

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Dave Cooper
Organization: Individual
Address:
Phone:
E-mail: captdave@boats4u.com
Submitted on: 2/27/2011

Comments: