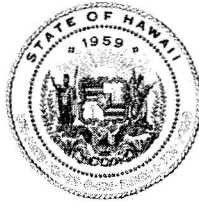
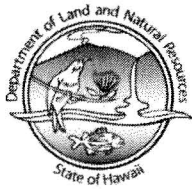


NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



**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  
WATER, LAND, & OCEAN RESOURCES**

**Friday, February 11, 2011  
9:00 AM  
State Capitol, Conference Room 325**

**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 Legislature’s 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*

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Testimony to the Committee on Water Land Oceans  
Friday, February 11, 2011; 9:00 a.m.  
Conference Room 325

### **Speaking in Support**

RE: HB 931

Chair Representative Chang, Vice Chair Representative Har and Members of the Water, Land, Oceans 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

## har3 - Megan

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 07, 2011 6:31 PM  
**To:** WLOtestimony  
**Cc:** concernedboater@hawaii.rr.com  
**Subject:** Testimony for HB931 on 2/11/2011 9:00:00 AM

Testimony for WLO 2/11/2011 9:00:00 AM HB931

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Robert Winter  
Organization: Individual  
Address:  
Phone:  
E-mail: [concernedboater@hawaii.rr.com](mailto:concernedboater@hawaii.rr.com)  
Submitted on: 2/7/2011

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.