

SB2933

Requires the department of land and natural resources to adopt rules that promote greater safety of ocean users in the State's nearshore waters. Appropriates funds for swim zone buoys at Kamaole beach. Requires a report to the legislature. (SD1)

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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

**Before the Senate Committee on
WATER, LAND & HOUSING**

**Tuesday, February 14, 2012
1:45 P.M.
State Capitol, Conference Room 225**

**In consideration of
SENATE BILL 2933, PROPOSED SENATE DRAFT 1
RELATING TO OCEAN SAFETY**

Senate Bill 2933, Proposed Senate Draft 1 would: (1) Require the Department of Land and Natural Resources (Department) to adopt rules that promote greater safety of ocean users in the State's nearshore waters; (2) Appropriates funds for swim zone buoys at Kamaole Beach; and (3) Require that the Department prepare a report to the Legislature on the status of rulemaking. The Department acknowledges the intent of this measure and is open to the idea of installing swim buoys at Kamaole Beach. However, the Department has concerns regarding the cost implications it may have on the Administration's Executive Supplemental Budget request.

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Robert Carroll
Elle Cochran
Donald G. Couch, Jr.
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Michael P. Victorino
Mike White



Director of Council Services
Ken Fukuoka

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/council

February 13, 2012

MEMO TO: Honorable Donovan M. Dela Cruz, Chair
Senate Committee on Water, Land and Housing

F R O M: Elle Cochran
Council Member

Handwritten signature of Elle Cochran in cursive.

SUBJECT: TESTIMONY IN SUPPORT OF SB 2933, RELATING TO OCEAN SAFETY

Thank you for the opportunity to testify in support of this important measure. The purpose of this measure is to improve ocean safety by appropriating funds for swim zone buoys at Kamaole beach, Kihei, Maui.

Hawaii's near shore waters are a bustling playground for recreational and commercial activities alike. In more recent years, valid concerns regarding the safety and well-being of users in these near shore areas have increased.

Appropriating these funds will be a step in the right direction towards protecting the lives of our residents and visitors. I agree whole-heartedly with the posture that this bill takes to install safety features and ensure better ocean protection in highly populated areas within the State.

The public outcry and strong need for precautionary consideration in our ocean waters have been at the forefront of my daily affairs, with constant phone calls and emails being sent to my office appealing for quick action to remedy these hazardous situations before another life is lost.

For these reasons I strongly support the intent of this bill and respectfully urge the committee to pass SB 2933.

Mahalo for the opportunity to testify.

Council Chair
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TO: The Honorable Donovan M. Dela Cruz, Chair
Senate Committee on Water, Land, and Housing

FROM: Don Couch
Council Member, South Maui District

DATE: Monday, February 13, 2012

SUBJECT: **SUPPORT OF SB 2933, SD 1, RELATING TO OCEAN SAFETY**

Thank you for the opportunity to testify in support of SB 2933, SD 1. I provide this testimony as an individual member of the Maui County Council.

The purpose of this measure is to promote greater safety of ocean users in the State's nearshore waters and to appropriate funds for swim zone buoys at Kamaole beach.

The safety of our nearshore waters has become increasingly important as the numbers of residents and visitors enjoying ocean activities has increased. A recent tragic incident at Hanakoo beach park underscores the need for clearly marked areas to protect swimmers and divers in areas with multiple ocean activities.

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February 13, 2012

The Honorable Donovan Dela Cruz, Chair
Senate Committee on Water, Land and Housing
Hawaii State Capitol, Conference Room 225
Honolulu, Hawaii 96813

Dear Chair Dela Cruz:

**Re: Testimony in Support of SB 2933 SD 1 relating to Ocean Safety
(Public Hearing on February 14, 2012 at 1:45 pm in Conference Room 225)**

As the Lana'i member on the Maui County Council, I would like to offer testimony in support of SB 2933, SD 1. This measure requires the department of land and natural resources to adopt rules that promote greater safety of ocean users in the State's nearshore waters; appropriates funds for swim zone buoys at Kamaole beach; requires a report to the legislature.

I support the proposed measure, because it attempts to address the increasing danger of collisions between boats and divers/swimmers. In 2011, Maui County had two fatal boating mishaps involving divers. On July 31, 2011, a diver was fatally struck by a motorized inflatable commercial Zodiac outside the breakwater of Kaunapali Harbor on the Island of Lana'i. Then on December 29, 2011, a diver, who was preparing lanes for a high school canoe paddling race, was fatally hit by a 19-foot recreational ski boat at Hanakao Beach on the Island of Maui.

In light of the aforementioned incidents, I recommend that SB 2933, SD 1, be revised, as follows:
"SECTION 5. The department shall report to the legislature on the status of rule making and adoption pursuant to section 2 of this Act and any other measures taken to promote the safety of ocean and beach users in the State's nearshore waters, no later than twenty days prior to the convening of the 2013 regular session. The report shall address the creation of a "safe zone" for free divers and swimmers along the shoreline of the island of Lanai and the shoreline of Hanakao Beach on the island of Maui."

Thank you for the opportunity to offer this testimony in support.

Sincerely,

A handwritten signature in cursive script, appearing to read "Riki Hokama".

Riki Hokama, Councilmember- Lana'i

cc: Council Chair Danny Mateo

~~Subject: WLH~~

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 13, 2012 10:05 PM
To: WLH Testimony
Cc: Tampaltin@gmail.com
Subject: Testimony for SB2933 on 2/14/2012 1:45:00 PM

Testimony for WLH 2/14/2012 1:45:00 PM SB2933

Conference room: 225
Testifier position: Support
Testifier will be present: No
Submitted by: Tamara Paltin
Organization: Individual
E-mail: Tampaltin@gmail.com
Submitted on: 2/13/2012

Comments:

While I completely support the installation of swim zone buoys on Maui to safeguard ocean recreation, I am baffled as to how boating collisions in west Maui where one man lost an arm and another lost his life signifies a need for money and coordinates for swim zone buoys in south Maui. I am by no means suggesting we wait until tragedy occurs in south Maui but swim zone buoys need to be funded and re-installed where they used to be (Launiupoko to Mahana) as that is the level of protection the public has come to expect. To install buoys in south Maui before west Maui where tragedy has already occurred would be adding insult to injury on the west side. Swim zone buoys need to be put up especially around Lahaina Harbor, Mala boat ramp, Hanakao'o canoe race lanes and Ka'anapali as well. Do not delay we do not need any more tragedy in West Maui. Mahalo for considering my testimony. Tamara Paltin

~~CONFIDENTIAL~~

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 13, 2012 8:52 AM
To: WLH Testimony
Cc: kekai.brown@co.maui.hi.us
Subject: Testimony for SB2933 on 2/14/2012 1:45:00 PM

Testimony for WLH 2/14/2012 1:45:00 PM SB2933

Conference room: 225
Testifier position: Support
Testifier will be present: No
Submitted by: Chantelle Brown
Organization: Individual
E-mail: kekai.brown@co.maui.hi.us
Submitted on: 2/13/2012

Comments:

I am in full support for swim zone buoys on the West and South Shore. We have had numerous incidents on the South Shore regarding speeding boats and jet skis coming in to close to shore. I work as an Ocean Safety Officer on Maui and have saw many close calls. Having swim buoys would help alot. It would define where the swim zone is. Thank You.




From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 13, 2012 8:56 AM
To: WLH Testimony
Cc: keola.brown@co.maui.hi.us
Subject: Testimony for SB2933 on 2/14/2012 1:45:00 PM

Testimony for WLH 2/14/2012 1:45:00 PM SB2933

Conference room: 225
Testifier position: Support
Testifier will be present: No
Submitted by: Timothy Brown
Organization: Individual
E-mail: keola.brown@co.maui.hi.us
Submitted on: 2/13/2012

Comments:

I am in full support for swim zone buoys on the west and south shores. I have witnessed alot of vessels coming close to shore and having these buoys would prevent injury from happening.



From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 13, 2012 9:18 AM
To: WLH Testimony
Cc: jjsouki@gmail.com
Subject: Testimony for SB2933 on 2/14/2012 1:45:00 PM

Testimony for WLH 2/14/2012 1:45:00 PM SB2933

Conference room: 225
Testifier position: Support
Testifier will be present: No
Submitted by: Jacob Souki
Organization: Individual
E-mail: jjsouki@gmail.com
Submitted on: 2/13/2012

Comments:

~~Subject~~

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 13, 2012 9:34 AM
To: WLH Testimony
Cc: Kuailani22@prepaidlegal.com
Subject: Testimony for SB2933 on 2/14/2012 1:45:00 PM

Testimony for WLH 2/14/2012 1:45:00 PM SB2933

Conference room: 225
Testifier position: Support
Testifier will be present: No
Submitted by: Steven Kuailani
Organization: Individual
E-mail: Kuailani22@prepaidlegal.com
Submitted on: 2/13/2012

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 13, 2012 9:26 AM
To: WLH Testimony
Cc: mary.kielty@co.maui.hi.us
Subject: Testimony for SB2933 on 2/14/2012 1:45:00 PM

Testimony for WLH 2/14/2012 1:45:00 PM SB2933

Conference room: 225
Testifier position: Support
Testifier will be present: No
Submitted by: Mary Kielty
Organization: Individual
E-mail: mary.kielty@co.maui.hi.us
Submitted on: 2/13/2012

Comments:

Aloha,

I fully support this bill in regards to Ocean Regulatory Buoys along the Kamaole beaches in South Maui. These buoys have been needed for many years. The amount of vessel traffic and beach/ocean usage is continually growing in this area. Please take heed of what has been going on throughout our State with regard to safety concerns in our ocean. Protect our community and visitors alike. Please support this bill now before more tragedies occur. Mahalo.



From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 13, 2012 2:13 PM
To: WLH Testimony
Cc: rosejunior@aol.com
Subject: Testimony for SB2933 on 2/14/2012 1:45:00 PM

Testimony for WLH 2/14/2012 1:45:00 PM SB2933

Conference room: 225
Testifier position: Support
Testifier will be present: No
Submitted by: Leonard K Nakoa (Junior)
Organization: Individual
E-mail: rosejunior@aol.com
Submitted on: 2/13/2012

Comments:
Howzit,

My name is Junior Nakoa, I am telling you guys from my heart how important this bill is to us here on Maui, and should be for the entire state. We need to have this bill passed so we know need hear that no more money. If you never know about what happen to my uncle then here it is. My uncle a solid hawaiian man that gave a lot to our community was out putting the flags for high school canoe races. When one stupid boat when run him over, we no even have the swim bouys out there. I have been calling the senators from Maui and they all standing behind us and we need your support for this bill. WHAT ELSE YOU GUYS LIKE HAPPEN BEFORE YOU PASS THIS BILL, SOMEBODY WHEN DIE. SO WAKE UP.

This would help make the people responsible to do their job and we going help them monitor and let them know about anything happening to the bouys. K-den just pass this bill cause we watdhing what you guys do with this bill.

Leonard (Junior) Nakoa III
rosejunior@aol.com
808-647-0878



From: Mark Shimer [cater2umaui@yahoo.com]
Sent: Monday, February 13, 2012 3:32 PM
To: WLH Testimony
Cc: Sen. Roz Baker; Adam Quinn
Subject: SB2933

Aloha,

I would like to voice in favor of the proposed bill SB2933.

I have been involved with the Maui County Hawaiian Canoe Assoc as an active paddler since 1995, MCHCA official since 2006 and Lahaina Canoe Club officer. During this time the increase in recreational and sporting activities has grown very noticeably. This growth has been beneficial to the community in many ways; but with growth comes change and the rules and regulations need to grow and improve as well. It is common that a dramatic event occurs that draws attention to an issue, which unfortunately is the case here.

Until around the year 2002 there were buoys set approximately every quarter mile from Lahaina North to Honokowai indicating swim areas and speed limits. As I understand it, the gentleman contracted by the DLNR to maintain the buoys passed away and there has been no replacement for him. Currently all buoys are gone.

Not only is it the responsibility of the boaters to know the rules, it is important that non-boaters know the rules as well. Safety features should include placards or signage at popular water recreation areas and marinas clearly stating the rules of the water.

Thank you for your time and attention to this matter. Please feel free to contact me through email for any additional help you may need on this Senate Bill.

Mark Shimer
Lahaina, Maui Hawaii
cater2umaui@yahoo.com

Dane Wicker

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 13, 2012 1:24 PM
To: WLH Testimony
Cc: kekai.brown@co.maui.hi.us
Subject: Testimony for SB2933 on 2/14/2012 1:45:00 PM

Testimony for WLH 2/14/2012 1:45:00 PM SB2933

Conference room: 225
Testifier position: Support
Testifier will be present: No
Submitted by: Chuck Martin
Organization: Individual
E-mail: kekai.brown@co.maui.hi.us
Submitted on: 2/13/2012

Comments:

I work as an Ocean Safety Officer for the County of Maui on the South Shore at Kamaole Beach Park II. Before this bill was created, I was physically involved with talks about swim buoys being implemented fronting our Kamaole Beaches for the safety of our swimmers. The meetings included the heads of DLNR, the president of the Kihei Community Association and the Aquatics Division at the Maui Coast Hotel at that time. I welcome the bill and I am glad to see that our dreams haven't died. On the South Shore, the beauty of it would be that the lifeguards that work at Kamaole One, Two and Three would be able to monitor the swimmers and the boaters/jet skis throughout their hours of service (800-445), 7 days a week. We've had alot of excitement from the public who swim these beaches daily and is excited to hear about this bill again. Please feel free to contact me with any questions regarding this matter. Thank You.

From: kelli keahi [kellikeahi@yahoo.com]
Sent: Monday, February 13, 2012 11:04 PM
To: WLH Testimony
Subject: west maui swim buoys

i am sending in my testimony concerning swim buoys that are needed immediately on the westside we have the the most congested area in maui county. we have commercial, public thrill crafts, divers, swimmers, and paddlers, all congested in a small area. The only reason why the commercial business congregate in that small area is because it has the most calm waters year round. We have to have a designated area for paddlers, swimmers, divers, and most importantly our children to be safe. i would like to know how south maui is prioritized over west maui to get buoys first. what is the reasoning behind that? We all need it but west maui has had to many fatalaties. it would be an insult to the families who have lost loved ones to prioritize kihei first. We have triple the number of commercial activities for west maui than kihei does. Please take that into consideration.

thankyou for your consideration of my testimony

Bear Keahi

lahaina

808-757-1233

From: kelli keahi [kellikeahi@yahoo.com]
Sent: Monday, February 13, 2012 10:51 PM
To: WLH Testimony
Subject: west maui swim buoys

please take care of your west maui waters first so there are no more unfortunate deaths that occur. this year alone we have had 3 accidents to swimmers in the water all that could have potentially been avoided if the buoys were in place and maintained and people driving the boats were required to pass water safety and boating classes first. kaanapali , malawharf , hanakao beach and lahaihana harbor are in dire need of this now not later. how anyone could feel that kihei waters should be tended to first is ridiculous when 2 of your fatal accidents occurred on the west side. hanakao has many swimmers, paddlers, and recreational water sports, all going on please take prompt action in making our waters safer now! and make hanakao a designated paddle site and keep commercial business away from the area, jet skies, and water craft are all over this area where our children, adults practice and swim, it is time to make this safe. god forbid a child gets killed there as the next incident because it will happen again unless safety measures are put in place now.

thankyou
kelli keahi
lahaina