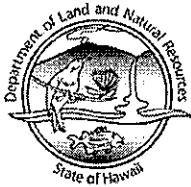


NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**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 Senate Committee on
WATER, LAND, AND HOUSING**

**Thursday, February 03, 2011
1:15 PM
State Capitol, Conference Room 225**

**In consideration of
SENATE BILL 42
RELATING TO OCEAN SAFETY**

Senate Bill 42 requires the Department of Land and Natural Resources (Department) to review the safety records of nearshore areas statewide and appropriate funds for swimming buoys at Kaanapali beach, Maui. The Department does not support this measure.

The Department does not keep safety records for nearshore areas except boating accident reports that are submitted by vessel operators following an accident. The department has already created Ocean Recreation Management Areas throughout the state for the purpose of reducing user conflicts within the nearshore waters. Examples of this are the designated thrill craft and parasailing areas. Should the Department recognize potential safety concerns, the Hawaii Administrative Rules (HAR) can be revised to address the concerns. The Department is currently in the process of amending its HAR as they pertain to Kaneohe Bay, Oahu, and Hanalei Bay, Kauai, to address conflicts between recreational and commercial user groups. Also, this is an unfunded mandate that will take away valuable personnel and resource time that could be used on day to day operations.

The Department currently has designated ingress/egress corridors at Kaanapali beach, Maui, for vessels to access the shoreline. Installing additional buoys to demarcate swim areas can be done but will require capital to initially purchase and install the buoys as well as maintain them. The Department has established designated swim areas in different locations throughout the State and these areas require continued monitoring because the buoys may be moved off station during inclement weather, stolen, or need maintenance to ensure that the mooring hardware will not fail. While the Department may use Federal grant money to install aids to navigation, swim buoys are not covered by the grant. The Department is currently amending the HAR to require mandatory vessel education to all motor boat operators and feels this will go a long way to increasing boating safety and awareness in the nearshore waters.

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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(808) 537-4308 Phone (808) 533-2739 Fax
timlyons@hawaiiintel.net

REVISED TESTIMONY

Testimony to the Senate WLH Committee
Thursday, February 3, 2011; 1:15 p.m.
Conference Room 225

Speaking in Support

RE: SB 42

Chair Senator Dela Cruz, Vice Chair Senator Solomon and Members of the Water, Land, Housing 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 potential dangerous situation currently existing at Kaanapali Beach.

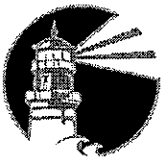
We believe this bill will go a long way in resolving the dangerous situation that currently exists at Kaanapali Beach and may be occurring elsewhere. **We would ask that the currently established vessel ingress and egress lanes continue to be kept as they are and be adequately buoyed.**

Please pass this bill which will make Kaanapali Beach a lot safer for residents and guests to enjoy.

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



Ocean Tourism Coalition

The Voice for Hawaii's Ocean Tourism Industry
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Honolulu, HI 96813-3304
(808) 537-4308 Phone (808) 533-2739 Fax
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Testimony to the Senate WLH Committee
Thursday, February 3, 2011; 1:15 p.m.
Conference Room 225

Speaking in Support

RE: SB 42

Chair Senator Dela Cruz, Vice Chair Senator Solomon and Members of the
Water, Land, Housing 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
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We believe this bill will go a long way in resolving the dangerous situation that
currently exists at Kaanapali Beach and may be occurring elsewhere.

Please pass this bill which will make Kaanapali Beach a lot safer for residents
and guests to enjoy.

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

To: WLH Committee
From: Darrell Tanaka
Haiku, Maui

Re: SB42 relating to buoys statewide.

In strong support

I am providing you with background information regarding buoy replacement outside Kaanapali Beach, Maui.

The problem with DOBOR goes back several years. Jim Stegmüller was the buoy tenant before his passing in 2007. He had a running lawsuit with the state for failure to pay their share of the mooring/buoy repair/replacement tab. In Feb. of 2008, Mike Hall completed work on moorings in this area, he was also not paid by the State, so work was halted. As of Sept. of 2008, it was estimated by Hal Silva, Lahaina Harbor Master that 75% of the buoys in this area was missing.

In Sept. of 2008 I notified Ed Underwood, DOBOR Administrator and Nicholas Giaconi Maui DOBOR Branch Manager of this hazardous issue of missing buoys as I myself was almost killed by a speeding parasail boat while I was freediving. Mr. Giaconi said that the buoys would be replaced in a few months, but that never happened.

I sincerely feel that DOBOR is incompetent.

Sincerely,
Darrell Tanaka
808-575-2557

Dane Wicker

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 01, 2011 9:36 PM
To: WLH Testimony
Cc: Tampaltin@gmail.com
Subject: Testimony for SB42 on 2/3/2011 1:15:00 PM

Testimony for WLH 2/3/2011 1:15:00 PM SB42

Conference room: 225
Testifier position: support
Testifier will be present: No
Submitted by: Tamara Paltin
Organization: Individual
Address: 110 Pualu Pl Lahaina, HI
Phone: (808)870-0052
E-mail: Tampaltin@gmail.com
Submitted on: 2/1/2011

Comments:

I work as an ocean safety officer in west Maui and would like to testify in favor of swim buoy installation at Kaanapali on Maui. This area is frequented by all sorts of ocean users and swim buoys are needed to alert those with propelled ocean crafts as to the safety of swimmers and the need to travel at no wake speed and to designate certain ingress/egress areas. This area is one of the major tourist destinations in the state and brings in a lot of revenue from surf schools, snorkel tours, UFO parasail, jet ski, tourist/hotel swimmers not to mention locals and canoe paddlers swim buoys are a safety need to keep the area safer. Mahalo for reading my testimony and to senator baker for hearing concerns