

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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

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

**Before the House Committee on
JUDICIARY**

**Thursday, January 23, 2014
2:00 P.M.
State Capitol, Conference Room 325**

**In consideration of
HOUSE BILL 1382
RELATING TO OCEAN RECREATION**

House Bill 1382 proposes to prohibit the operation of jet skis at any speed above thirty miles per hour, except under certain conditions. **The Department of Land and Natural Resources (Department) does not support this measure.**

The Department believes that education regarding safe use and operation of all power driven vessels is superior to just banning the speed of jet skis. In November 2012, Section 13-244-15.5, Hawaii Administrative Rules, was amended to read that any person operating a power driven vessel on the waters of the state shall be required to possess a certificate of completion from a National Association of State Boating Law Administrators approved course on the safe use and operation of a power driven vessels. Further, a person under sixteen years of age shall not operate a power driven vessel unless accompanied on-board and directly supervised by a person twenty-one years of age or older who holds the required certificate of completion. The Department believes that education regarding safe use and operation of all power driven vessels is superior to just banning the speed of jet skis.

Thank you for the opportunity to comment.

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

ESTHER KIA'AINA
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

My name is Mario Canton and my wife is Evangelina Canton. We are the parents of Kristen Marie Fonseca who passed away after a Jet Ski accident in Keehi Lagoon on Sunday afternoon August 5, 2012 at the young age of sixteen. Our family changed forever on that tragic day. It was on that day that the youngest of our children was taken away from us after a senseless accident that could have been prevented. It was on that day that I was forced to beg and plead for my daughter's life and that a simple thing like taking a breath of air was like a miracle to me as I attempted to bring my baby girl back to life. It was on that day that I learned how cruel life can be and know the pain of losing not only a loved one, but one of our precious children. In a matter of 3 seconds the precious, invaluable life of our daughter was taken away by an individual who had a total disregard for his own life and safety as well as the life of others around him by operating a jet ski at a very high rate of speed on that fateful day. Our family will never again be able to touch, kiss, hug, laugh with or see her graduate from high school, nor will we experience her getting married and having kids. Kristen's goal of being a nurse was all taken away from us again for actions that could have been prevented.

As someone who saw the brutal and tragic crash with my own eyes I am not able to get the image of seeing my daughters last moments of her life. This is something that I must live with for the rest of my life. The crash is like a video recording that is on constant playback as the images of the crash are a constantly imprinted in my mind. How do you get over seeing your daughter killed right in front of you? Since the day our daughter was taken away from us, our lives have been a roller coaster ride with all of the ups and downs, the feelings of sadness and then anger, but most of all emptiness. I constantly pinch myself hoping that this is all a horrible nightmare and that I wake up from it. But the reality is that our baby girl is gone and is never coming back. My wife still wakes up in the middle of night in tears and continues to suffer from heartache due to the loss of our daughter.

Kristen's dream of attending UCLA nursing school and ultimately becoming a nurse is now just merely that, a dream. Her hands will never heal a person pain, or mend someone's wound.

We respectfully ask that the Hawaii State Officials pass the laws to implement much needed Jet Ski speed limits in Hawaii. If anything speed limits would prevent another family from ensuring the loss and pain that our family has had to endure given the loss of our precious daughter Kristen. Please do not allow our daughter Kristen to have died in vein. Please I beg of you to this law in the name of Kristen, please give us some form of peace.

Mario A. Canton
Step-father of Kristen Fonseca