

SB747

Amends the definition of "thrill craft". Limits number of vessels that parasail and thrill craft permit holders are allowed to operate per permit.

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 Committees on
ECONOMIC DEVELOPMENT, GOVERNMENT OPERATIONS AND HOUSING
and
WATER AND LAND

Monday, February 11, 2013
2:50 P.M.
State Capitol, Conference Room 16

In consideration of
SENATE BILL 747
RELATING TO OCEAN RECREATION

Senate Bill 747 proposes to amend the definition of "thrill craft" and limits the number of vessels that a parasail and thrill craft operators are permitted to operate per permit. **The Department of Land and Natural Resources (Department) supports this measure.**

The Department notes that there have been issues with the application of the current "thrill craft" definition and this amendment will help to clarify the application of the definition.

Regarding the limitation of the number of parasail vessels that may be allowed to operate per permit, the Department notes that the issue has been that one operator will operate one parasail vessel while engaged in parasailing operations then have a second vessel standing by ready to operate as soon as the first vessel has completed flying its passengers. In essence, they are only operating one vessel while engaged in parasailing operations. The Department recommends Section 200-37(m), Hawaii Revised Statutes, be further amended to read as follows:

- (4) No parasail permit holder shall be allowed to have [operate] more than one parasail vessel operating in state waters at any given time per permit; and

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

Dane Wicker

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 08, 2013 9:35 AM
To: EGHTestimony
Cc: glenn@hawaiiantel.net
Subject: *Submitted testimony for SB747 on Feb 11, 2013 14:50PM*

SB747

Submitted on: 2/8/2013

Testimony for EGH/WTL on Feb 11, 2013 14:50PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
"Glenn"	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Ocean Tourism Coalition

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

February 11, 2013

Testimony To: Senate Committee on Economic Development, Government Operations
and Housing
Senator Donovan M. Dela Cruz, Chair

Senate Committee on Water and Land
Senator Malama Solomon, Chair

From: Tim Lyons, CAE
Executive Director

Subject: S.B. 747 – RELATING TO OCEAN RECREATION

Chair Dela Cruz, Chair Solomon and Members of the Joint Committees:

I am Tim Lyons, Executive Director of the Ocean Tourism Coalition and we **oppose** this bill.

This bill takes lawmaking to the extreme by adding in some very inflexible language that would be codified as opposed to being in the rules where it belongs. If the Department feels it needs to have some sort of restriction on parasail and/or thrill craft permit holders, then they should establish that with some rationale as opposed to just merely throwing in a bill to frustrate and deprofitize the industry.

The current practice is that while a company may have more than one vessel they are not allowed to operate more than one vessel per permit at any one time, although they may have other vessels. This seems to be a much more practical way to do things and satisfies the need to be sure that ocean use is regulated.

We object to this bill and respectfully request that the Committee hold it.

Thank you.

February 11, 2013

The Honorable Donovan M. Dela Cruz

Chair, Committee on Economic Development, Government Operations & Housing

The Honorable Malama Solomon

Chair, Committee on Water and Land

Members of the Joint Committee

The Senate, The Twenty-Seventy Legislative Session

State of Hawaii

Re: **TESTIMONY IN SUPPORT OF SB 747**

Roberts Hawaii **supports** SB 747 which accomplishes two objectives, first to promote safety for the public and second to provide a fair standard for all operators of parasail and thrill craft permits.

The first change will clarify the definition of Thrill Craft by specifically including any jet ski type vessel that is powered by an internal combustion engine as a Thrill Craft. Currently the Department of Land and Natural Resources – Division of Boating and Ocean Recreation has allowed a jet ski type vessel (Aqua Quads) powered by a propeller to operate in the waters off of Waikiki. This Aqua Quad vessel is a jet ski with a propeller instead of a water jet pump propulsion like a traditional jet ski. Allowing unlimited Aqua Quad type jet ski vessels to operate off of Waikiki creates a safety issue for swimmers, snorkelers, surfers and other ocean users. The Aqua Quads type vessels are not restricted to a DLNR permit operating area because they are not classified as a thrill craft, but instead the Aqua Quad vessels are free to roam around the offshore Waikiki waters endangering other ocean users. By clarifying the definition to include all jet ski type vessels operated with an internal combustion engine as Thrill Craft, the DLNR can appropriately classify the Aqua Quad and other similar type vessels as Thrill Craft and appropriately restrict their operation to promote ocean safety.

The second change clarifies the number of vessels each parasail and jet ski permit holder is allowed to operate. The current rules do not provide a clear definition and thus enforcement becomes an issue. By clearly stating the each parasail permit holder is allowed to operate 1 boat per permit and each thrill craft permit holder is allowed to operate 6 jet skis per permit, the DLNR will be able to enforce its rules with certainty. Currently the DLNR is unable to clearly enforce their rules that focus on parasailing chutes aloft instead of boats operating. This change helps both the DLNR's enforcement efforts and places all parasail and thrill craft permit holders on a level playing field.

We appreciate this opportunity to provide your committee with testimony. If you require further information or have any questions please do not hesitate to contact me at 539-9493. Thank you.

Sincerely,



ROY PFUND
Vice President

February 10, 2013

Pacific Ocean Sports, LLC dba Hawaiian Ocean Thrills supports SB 747 which accomplishes two objectives, first to promote safety for the public and second to provide a fair standard for all operators of parasail and thrill craft permits.

The first change will clarify the definition of Thrill Craft by specifically including any jet ski type vessel that is powered by an internal combustion engine as a Thrill Craft. Currently the Department of Land and Natural Resources – Division of Boating and Ocean Recreation has allowed a jet ski type vessel (Aqua Quads) powered by a propeller to operate in the waters off of Waikiki. This Aqua Quad vessel is a jet ski with a propeller instead of a water jet pump propulsion like a traditional jet ski. Allowing unlimited Aqua Quad type jet ski vessels to operate off of Waikiki creates a safety issue for swimmers, snorkelers, surfers and other ocean users. The Aqua Quads type vessels are not restricted to a DLNR permit operating area because they are not classified as a thrill craft, but instead the Aqua Quad vessels are free to roam around the offshore Waikiki waters endangering other ocean users. By clarifying the definition to include all jet ski type vessels operated with an internal combustion engine as Thrill Craft, the DLNR can appropriately classify the Aqua Quad and other similar type vessels as Thrill Craft and appropriately restrict their operation to promote ocean safety.

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We appreciate this opportunity to provide your committee with testimony. If you require further information or have any questions please do not hesitate to contact me at 539-9493. Thank you.

Sincerely,

Thane Lyu
Operations Manager/Sales Manager

UFO Chuting of Hawaii, Inc.
12 Ulupono Street
Lahaina, HI 96761

Re: Testimony for SB747

UFO Parasail is one of two parasail companies located on the island of Maui. We have been in operation since 1985 on Kaanapali Beach. We have been operating under **HAR 13 – 256 – 19 parasailing activities. No permittee shall be allowed to operate more than one parasail vessel with a Parasail aloft in the designated parasailing operating area.**

Current rules interpretation have allowed us to operate four boats on three permits as long as only three parasails are aloft at one time per the existing rule. The fourth boat is termed a secondary or replacement vessel on an existing permit. This has been the Maui industry standard for the past 15 years. If this interpretation were to discontinue it would result in loss of 25% revenue for May 16-Sept 1. Based on the fact that our operating season is already limited to May 16- Dec 14 due to whale migration and 80% of our revenue is generated from May 16- Sept 1 I would estimate a loss of \$1.5 million in revenue and 10 jobs for Maui parasail operators. This would also render our capital investment of \$200k in currently permitted vessels obsolete.

Not sure if these bills are aimed at ending current rules interpretation but literal interpretation is not subject to discretion. The unintended consequences of a law and subsequent rule change to address an Oahu operator's violation of existing rules would be devastating for the Maui industry at a time in our economy where our annual income is down 30% already from 2007. Simple enforcement of current rules

Passage of SB747 would have severe economic impact on our business if it prompts a rule change that will not allow us to operate under current rules.

Greg VanderLaan, President
UFO Parasail

Dane Wicker

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 09, 2013 2:21 PM
To: EGHTestimony
Cc: marktakahashi@yahoo.com
Subject: Submitted testimony for SB747 on Feb 11, 2013 14:50PM

SB747

Submitted on: 2/9/2013

Testimony for EGH/WTL on Feb 11, 2013 14:50PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Takahashi	Individual	Support	No

Comments: We are in favor of passing SB747 with amendments. I recommend we amend the language to make this restriction specific to operators on the South Shore of Oahu where the congestion is an issue. Suggested amendment: (4) In the state waters on the South Shore of Oahu beginning at a point from Diamond Head to Barber's Point no parasail permit holder shall be allowed to have more than one parasail vessel operating in the state waters at any given time per permit; and SB747 as it is currently written should not be passed. This amendment would adversely affect parasail businesses in Maui and on Oahu. The reason for and the intent of SB747, as it relates to parasail, was to address a congestion issue between operators on the South Shore of Oahu where there is a significant amount of pleasure and commercial boat traffic. Some operators use one boat as a shuttle boat and one boat as a parasail boat. Other operators use just parasail vessels; when one is finished with its customers a second boat launches its customers. The language in this bill would cause severe economic harm to our Maui operators where parasailing is already closed 5 months during the year. I am convinced this will properly address the permit issue that brought this bill for your consideration.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Dane Wicker

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 09, 2013 2:05 PM
To: EGHTestimony
Cc: krantzmail@aol.com
Subject: Submitted testimony for SB747 on Feb 11, 2013 14:50PM

SB747

Submitted on: 2/9/2013

Testimony for EGH/WTL on Feb 11, 2013 14:50PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Courtney Krantz	Individual	Support	No

Comments: We are in favor of passing SB747 with amendments. I recommend we amend the language to make this restriction specific to operators on the South Shore of Oahu where the congestion is an issue. Suggested amendment: (4) In the state waters on the South Shore of Oahu beginning at a point from Diamond Head to Barber's Point no parasail permit holder shall be allowed to have more than one parasail vessel operating in the state waters at any given time per permit; and SB747 as it is currently written should not be passed. This amendment would adversely affect parasail businesses in Maui and on Oahu. The reason for and the intent of SB747, as it relates to parasail, was to address a congestion issue between operators on the South Shore of Oahu where there is a significant amount of pleasure and commercial boat traffic. Some operators use one boat as a shuttle boat and one boat as a parasail boat. Other operators use just parasail vessels; when one is finished with its customers a second boat launches its customers. The language in this bill would cause severe economic harm to our Maui operators where parasailing is already closed 5 months during the year. I am convinced this will properly address the permit issue that brought this bill for your consideration.

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Dane Wicker

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 09, 2013 1:57 PM
To: EGHTestimony
Cc: reefour@aol.com
Subject: Submitted testimony for SB747 on Feb 11, 2013 14:50PM

SB747

Submitted on: 2/9/2013

Testimony for EGH/WTL on Feb 11, 2013 14:50PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Kathy Takahashi	Individual	Support	No

Comments: I am in favor of SB747 **WITH AMENDMENTS**. Bill should be amended to direct this towards South Shore of Oahu where the traffic conflict exists: In the state waters on the South Shore of Oahu no parasail permit holder shall be allowed to have more than one parasail vessel operating in the state waters at any given time per permit. Thank you

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Dane Wicker

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 11, 2013 8:34 AM
To: EGHTestimony
Cc: MSMatson@hawaii.rr.com
Subject: *Submitted testimony for SB747 on Feb 11, 2013 14:50PM*

SB747

Submitted on: 2/11/2013

Testimony for EGH/WTL on Feb 11, 2013 14:50PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
MS Matson	Individual	Support	No

Comments:

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