

DAVID Y. IGE
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HAWAII



SUZANNE D. CASE
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COMMISSION ON WATER RESOURCE MANAGEMENT

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FIRST DEPUTY

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DEPUTY DIRECTOR - WATER

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BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Testimony of
SUZANNE D. CASE
Chairperson

Before the House Committee on
OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS

Tuesday, February 14, 2017
8:30 AM

State Capitol, Conference Room 312

In consideration of
HOUSE BILL 117, HOUSE DRAFT 1
RELATING TO MARINE RESOURCES

House Bill 117, House Draft 1, proposes to require all motorized recreational vessels operating in nearshore waters to observe no-wake zones at specified beaches. **The Department of Land and Natural Resources (Department) offers the following comments.**

The Hawaii Administrative Rules (HAR), §13-244-9, states, "Speed restrictions. (a) The speed of all vessels on the waters of the State shall be limited to a slow-no-wake speed so as to create no wake of appreciable wave height, when within two hundred feet of any: (1) Shoreline; (2) Float; (3) Dock; (4) Launching ramp; (5) Congested beach; (6) Swimmer; (7) Diver's flag; or (8) Anchored, moored or drifting vessel. (b) No person shall operate a vessel at a rate of speed greater than is reasonable having regard to conditions and circumstances such as the closeness of the shore and shore installations, anchored or moored vessels in the vicinity, width of the channel, and if applicable, vessel traffic and water use, or as posted by buoy or sign."

The Department generally believes that regulating the speed of vessels on State waters should be accomplished through the HAR rulemaking process which would allow for all user groups to provide input as well as enabling the Department to amend the HAR as needed without having to return to the Legislature.

Thank you for the opportunity to comment on this measure.

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 11, 2017 4:42 PM
To: omhtestimony
Cc: prentissc001@hawaii.rr.com
Subject: Submitted testimony for HB117 on Feb 14, 2017 08:30AM

HB117

Submitted on: 2/11/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Charles Prentiss	Kailua Neighborhood Board	Support	No

Comments: The establishment of a "slow-no-wake" zone in Kailua Bay is the number one legislative priority for the Kailua Neighborhood Board. Kailua Bay not only serves the 45,000 residents of the Kailua area and residents from other Oahu neighborhoods, but serves hundreds of tourists on a daily basis. The beach and waters have become extremely congested with numerous different activities all occurring at the same time -- Kayaks, paddle boards, boogie boards, canoe clubs, snorkeling, Kite surfing, sailboards and swimmers who use the entire waters from the beach to flat island and the Mokulus. Fishermen also use it, but they troll at slow speeds. There is no longer any way for speeding boats to operate in a manner that is safe for themselves and everyone else. We have already had one tragic death and serious injury recently from a speeding boat. We urge you to adopt this bill.

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Subject: Submitted testimony for HB117 on Feb 14, 2017 08:30AM

HB117

Submitted on: 2/12/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Vierling	Windward Boating Association	Oppose	No

Comments: Aloha my name is Mike Vierling and I am writing on behalf of the Windward Boaters. We are an informal group of Koolaupoko residents from Kaneohe, Kailua, and Waimanalo who have worked over the last two decades through our partners on the Kaneohe Bay Regional Council and more recently in Kailua Bay. While we understand the direction of this bill to promote safety, we are respectfully against this bill because it will have unintended consequences that will create a more dangerous situation than there is today. Boaters, fishermen, and our longtime residents know that the safest way to launch from the Kailua Boat Ramp is to head straight out toward Flat Island and run parallel to the reef. Making the area a no-wake zone will make it more dangerous to get through the swells and breakers in the area. It will also prevent the Kailua and Lanikai canoe clubs from practicing in the bay since they use support craft which have to move at speed. The tragic accident that made the neighborhood board start to push no-wake zones occurred far outside where this no-wake zone would be established and it wouldn't have prevented it. Instead, this would make the situation worse and punish local residents for the actions of one individual. Kailua boat ramp is the only place to launch in all of Kailua and Waimanalo until the Makai Pier. We respectfully ask that you not take that away. It is the only place local residents can go to get small craft into the water. Thank you for the chance to voice our concerns and mahalo.

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To: omhtestimony
Cc: dean@HawaiiGoesFishing.com
Subject: Submitted testimony for HB117 on Feb 14, 2017 08:30AM

HB117

Submitted on: 2/13/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Dean Sensui	Hawaii Goes Fishing	Oppose	No

Comments: The intent of this bill is good. However, such rules should be implemented through the administrative rule-making process under the Division of Boating and Ocean Recreation. Creating and adjusting laws regarding the operation of boats through administrative rule-making is much more flexible and capable of adapting to changing circumstances, unlike the much more cumbersome legislative process.

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Cc: blawaiianlvr@icloud.com
Subject: Submitted testimony for HB117 on Feb 14, 2017 08:30AM

HB117

Submitted on: 2/10/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omana Pono, LLC.	Support	Yes

Comments: We STRONGLY SUPPORT this bill. As a native Hawaiian Advocacy Corporation, that operates out of the Wai`anae Coast, this issue greatly affect us. Tour boats that operate out of the Ko Olina Marina & Wai`anae Boat Harbor repeatedly speed through our waters near the reefs where divers are in the water. There is no way for a speeding boat to see the dive flag in time to avoid a fatal catastrophe. This bill, should it become law, will give us the protection we need from speed boats. We do seek an amendment to require vessels to stay at least a half mile away from shore or outside the reef "breakers". Mahalo.

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Sent: Sunday, February 12, 2017 10:39 PM
To: omhtestimony
Cc: hanapaaj@hotmail.com
Subject: Submitted testimony for HB117 on Feb 14, 2017 08:30AM

HB117

Submitted on: 2/12/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Jim Hori, DDS	Individual	Support	No

Comments: I support this bill in hopes that the unreasonable prop guard bill will be dismissed!

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HB117

Submitted on: 2/12/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Scott Humilde	Individual	Oppose	No

Comments:

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Sent: Sunday, February 12, 2017 8:44 PM
To: omhtestimony
Cc: lee_shapiro@yahoo.com
Subject: Submitted testimony for HB117 on Feb 14, 2017 08:30AM

HB117

Submitted on: 2/12/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Lee Shapiro	Individual	Oppose	No

Comments: Stop letting all these people take our beaches away. They DON'T EVEN LIVE HERE.

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HB117

Submitted on: 2/12/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
stacy sasaki	Individual	Oppose	No

Comments: I'm writing against bill 117. It's already hard that the legislature did a bait and switch with the bills when they found out we opposed it, but it's just a bad bill for our island. The rich beachfront owners pushing this bill have conned the neighborhood board into trying to run the longtime homeowners that have been here for generations out of our own beach. Kailua belongs to everyone and the transplants trying to keep our canoe clubs and boaters out of the bay is disgraceful. These people that bought these homes don't even live here. They want to privatize our beach and keep the locals out and this bill will do that. They already came after all our hobbies and canoes that everyone used to park on the beach since back in the fifties and sixties, and now they want the water too. Stop this madness and keep our beaches for everyone.

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To: omhtestimony
Cc: seanandcaseystax@gmail.com
Subject: *Submitted testimony for HB117 on Feb 14, 2017 08:30AM*

HB117

Submitted on: 2/12/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Casey Wong	Individual	Oppose	No

Comments:

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Sent: Sunday, February 12, 2017 2:18 PM
To: omhtestimony
Cc: richkanhi@yahoo.com
Subject: Submitted testimony for HB117 on Feb 14, 2017 08:30AM

HB117

Submitted on: 2/12/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Rich Kanahale	Individual	Oppose	No

Comments: My name is Rich Kanahale. They just let us know about this law being passed. How can this be done without any public input at all? Our canoe clubs use two whalers in Kailua Bay and we practice five days a week. We've been doing this since 1976 and have never had a single incident. Making the bay a no wake zone doesn't make sense. If you've ever even been out on the water you would know that the swells and white caps are already bigger than any wake a boat could make. There are swimming buoys that clearly define the swimming area already. And how will our paddlers practice? They practice and race faster than many boats go. None of this makes sense.

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To: omhtestimony
Cc: plimorales78@gmail.com
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HB117

Submitted on: 2/12/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Patrick Li	Individual	Oppose	Yes

Comments:

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Cc: paular@hawaiiantel.net
Subject: Submitted testimony for HB117 on Feb 14, 2017 08:30AM

HB117

Submitted on: 2/12/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Paula Ress	Individual	Support	No

Comments: We are concerned for our family members and friends who take part in sports in Kailua Bay that do not use a motor. These healthful, non-polluting sports must be protected from activities that carelessly or maliciously use motors to take control of the area. There is not room for fast-moving power vehicles near those swimmers, kayakers, paddle boarders, snorkelers, kite surfers, and other man-powered activities. If the motorized vehicles can't stay within the no-wake restrictions, ban them altogether.

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To: omhtestimony
Cc: skalima1972@yahoo.com
Subject: Submitted testimony for HB117 on Feb 14, 2017 08:30AM

HB117

Submitted on: 2/12/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Sharon Kalima	Individual	Oppose	No

Comments: We just found out about this bill and its not right that we only learned about it now. Our family has been protecting Kailua bay for generations and doing this bill is NOT how to do it. So many tourists have been overcrowding the place and now the commercial companies have pushed out local residents. The neighborhood board has been pushing to take over the bay and kayak companies totally control them. Everyone knows they don't respect the real families here and don't represent us. They just want to push out local people and force us way offshore so the commercial companies can run their kayak tours. It's not right. Stop this thing before it goes any farther.

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To: omhtestimony
Cc: ppchawaii@yahoo.com
Subject: Submitted testimony for HB117 on Feb 14, 2017 08:30AM

HB117

Submitted on: 2/12/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Judith A Mick	Individual	Support	No

Comments: As more and more people use Kailua Bay and many other recreational areas, the need for slowing down boats should be obvious. We have already one too many deaths at Kailua and need to impose a slow-wake rule NOW. Please include in this bill how the regulation is to be enforced in a meaningful way that works for the safety of all. Mahalo, Judy Mick, Kailua

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To: omhtestimony
Cc: yourvoiceinkailua@gmail.com
Subject: Submitted testimony for HB117 on Feb 14, 2017 08:30AM

HB117

Submitted on: 2/11/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Judy Fujimoto	Individual	Support	No

Comments: Our Kailua waters should be safe for all water recreation. A recent death and serious injury occurred on our waters. It is unfortunate that this terrible tragedy had to happen for us to realize the need to restrict motorized vehicles in our waters. Please pass this bill without hesitation so the majority of people can be safe while enjoying our beautiful Kailua shore and beyond. Thank You

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To: omhtestimony
Cc: ctomasa@gmail.com
Subject: Submitted testimony for HB117 on Feb 14, 2017 08:30AM

HB117

Submitted on: 2/11/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Claudine Tomasa	Individual	Comments Only	No

Comments: My name is Claudine Tomasa. I live in Kailua and I am testifying in support of HB 117 HD1. This Bill is long overdue and serves as a safety net for the public - both local and visitors. The beach and waters in Kailua are always congested with people swimming, snorkeling, paddle boarding, kite surfing, fishing - all at the same time. There is no room for motorized recreational vessels operating in this area. Kailua has already experienced a serious accident as a result of a speeding boat. We do not want another innocent victim (s) suffering - again. Please pass HB117 HD 1 and forward to the next Committee. Thank you.

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HB117

Submitted on: 2/10/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Roy N Morioka	Individual	Support	No

Comments: Good Morning Chair Ing, Vice Chair Gates and Members of the House Committee on OMH: I support this bill as it helps to mitigate shoreline erosion and improves the safety of persons engaged in nearshore activities from transiting boaters. This measure is superior to one requiring prop guards as vessels will be required to transit at slower no wake speeds improving reaction times to avoid incidents and vessels will not be affected by the slower response to steering changes associated with prop guards. Thank you for this opportunity to testify. Respectfully, Roy Morioka

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Sent: Monday, February 13, 2017 7:14 AM
To: omhtestimony
Cc: stephtakeda808@gmail.com
Subject: *Submitted testimony for HB117 on Feb 14, 2017 08:30AM*

HB117

Submitted on: 2/13/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Stephanie Takeda	Individual	Oppose	No

Comments:

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gates2 - Thomas

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 13, 2017 11:01 AM
To: omhtestimony
Cc: windward.boats.assn@outlook.com
Subject: Submitted testimony for HB117 on Feb 14, 2017 08:30AM

HB117

Submitted on: 2/13/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Jansen Reiser	Individual	Oppose	No

Comments: Aloha honorable Legislators, I'm Jansen Reiser with the Windward Boaters. We're a volunteer group made up of members of our canoe clubs, fishing community, and local boaters who love the water. We're writing against this bill that sounds nice but might cause some problems. We're all for safety, but this sounds like a bill that isn't actually doing anything helpful for the conditions in Kailua Bay and may make the situation worse. Mahalo, Jansen.

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gates2 - Thomas

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To: omhtestimony
Cc: pkalanijames@gmail.com
Subject: Submitted testimony for HB117 on Feb 14, 2017 08:30AM

HB117

Submitted on: 2/13/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Kalani James	Individual	Oppose	No

Comments: Opposing! This is our beach and it belongs to all of us people who live here not the tourists and vacationers buying up the place. We just talked about this again at the board meeting so dont let them drive all the actual families outta here. We fished here for generations and now they want to make it the next waikiki. no way

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Cc: davinmurakami@gmail.com
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HB117

Submitted on: 2/13/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Davin Murakami	Individual	Oppose	Yes

Comments:

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Sent: Monday, February 13, 2017 12:49 PM
To: omhtestimony
Cc: parksjamey@yahoo.com
Subject: *Submitted testimony for HB117 on Feb 14, 2017 08:30AM*

HB117

Submitted on: 2/13/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Jamey Parks	Individual	Oppose	No

Comments:

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To: omhtestimony
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HB117

Submitted on: 2/13/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Ronald Kaiwi	Individual	Oppose	No

Comments: you know what i cant make it to this meeting. some of us have to work REAL jobs. how can you have a vote in the middle of the work day with NO notice until right before?? this is NOT pono. this isnt about safety at all. why do you keep giving in to the wealthy rich people grabbing all our land so regular people cannot use?! WERE the ones who LIVE here not the other way around

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To: omhtestimony
Cc: paulmyers052@gmail.com
Subject: *Submitted testimony for HB117 on Feb 14, 2017 08:30AM*

HB117

Submitted on: 2/13/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
P Myers	Individual	Oppose	No

Comments:

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HB117

Submitted on: 2/13/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Brandon Kahele	Individual	Oppose	No

Comments: I'm against this bill. I know it's about safety, but it doesn't make anything safer. It's not even realistic to navigate the reef without enough speed to match the conditions. I know there was an accident but it's not even in this area. This is just targeting the boaters. There's no logical reason other than that so please oppose this.

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To: omhtestimony
Cc: melissakanoho@gmail.com
Subject: *Submitted testimony for HB117 on Feb 14, 2017 08:30AM*

HB117

Submitted on: 2/13/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Melissa Kanoho	Individual	Oppose	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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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 13, 2017 2:22 PM
To: omhtestimony
Cc: kristenkmlau@gmail.com
Subject: *Submitted testimony for HB117 on Feb 14, 2017 08:30AM*

HB117

Submitted on: 2/13/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Kristen Lau	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
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To: omhtestimony
Cc: alohatodd808@gmail.com
Subject: *Submitted testimony for HB117 on Feb 14, 2017 08:30AM*

HB117

Submitted on: 2/13/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Todd Thompson	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 13, 2017 3:22 PM
To: omhtestimony
Cc: AaronChong@yahoo.com
Subject: *Submitted testimony for HB117 on Feb 14, 2017 08:30AM*

HB117

Submitted on: 2/13/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Aaron Chong	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 13, 2017 3:24 PM
To: omhtestimony
Cc: grantsakima@yahoo.com
Subject: *Submitted testimony for HB117 on Feb 14, 2017 08:30AM*

HB117

Submitted on: 2/13/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Grant Sakima	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 13, 2017 4:30 PM
To: omhtestimony
Cc: michaeljhiga@hotmail.com
Subject: Submitted testimony for HB117 on Feb 14, 2017 08:30AM

HB117

Submitted on: 2/13/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Higa	Individual	Oppose	No

Comments: To the Oceans and Marine Resources and Hawaiian Affairs Committee at the State House of Representatives, my name is Mike Higa and I've been a part-time life guard at Kailua Beach and paddle in our canoe clubs here. I'm asking for you to respectfully vote no on bill 117. Safety is a priority, but changing no-wake zones isn't actually going to help. We have coordinated with our friends at the Department of Land and Natural Resources and they have been helping us already. Thank you for your attention.

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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