

DAVID Y. IGE  
GOVERNOR OF  
HAWAII



**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  
FINANCE**

**Wednesday, February 28, 2018  
12:00 PM  
State Capitol, Conference Room 308**

**In consideration of  
HOUSE BILL 2259, HOUSE DRAFT 1  
RELATING TO MARINE EVENT PERMITS**

House Bill 2259, House Draft 1 proposes to (1) Allow the submission of permit applications for regattas, marine parades, or surfing contests to the Department of Land and Natural Resources (Department) one year before a proposed event; (2) Require the Department to approve or deny permits within 30 days of receiving a completed application; (3) Provide the applicant with exclusive use of waters that have been specifically designated for use during the marine event; (4) Allow the Department to collect a fee if the applicant who was granted a permit cancels the event with ninety or fewer days' notice; and (5) Direct the Department to adopt rules to mitigate hazards posed by vessels, thrill craft, drones, and other means used by spectators to observe events held in the waters of the State. **The Department appreciates the intent of this measure and offers amendments.**

The Department understands the need for advanced planning for large marine events, such as surfing contests, because event organizers must typically address issues such as funding, marketing and promotion, community outreach, rules, logistics, safety procedures, and insurance requirements. For the North Shore of O'ahu, the Department works closely with the City and County of Honolulu (C&C) because all major events need to be staged on land, and event organizers need permission for access from the landowner. Once C&C determines who will be issued the land-based permits, the Department issues the appropriate marine event permits. This similar approach can be used for other large-scale events in popular locations throughout the State.

The Department also recognizes the hazards that are posed by drones that are flying over surf contests and other marine related events. However, because the Federal Aviation Administration (FAA) oversees the air over ocean waters and handles permitting for all drone pilots, the Department believes that the FAA is the appropriate agency to address those concerns through

**SUZANNE D. CASE**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**ROBERT K. MASUDA**  
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**JEFFREY T. PEARSON, P.E.**  
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

flight restrictions during certain marine events and defers to the FAA on matters involving drone use.

It is currently the Department's policy to expeditiously process marine event permits. However, the Department at times may not be able to respond within the proposed required thirty-day time period due to the high volume of applications.

The Department's recommended changes, highlighted in grey, to the measure are as follows.

**"§200- Marine events; permits; exclusive use; cancellation fee.** (a) No person shall hold a marine event, including, but not limited to, a regatta, marine parade, or surfing contest, without ~~[the department's authorization;]~~ written authorization from the department; provided that the department's authorization is not required if prior authorization has been secured from the United States Coast Guard.

(b) Authorization shall be in the form of a permit. All permits and permit applications shall be subject to the following:

(1) ~~[permit]~~ Permit applications shall be on a form prescribed by the department.

~~[-e-]~~ (2) Permit applications may be submitted to the department up to one year in advance of the date of a proposed event. The applicant shall submit the completed application, valid insurance, and a proof of approval from the land owner.

(3) The department shall use its best efforts to grant or deny a permit within thirty calendar days of receiving a permit application. The department may charge a fee for issuance of permits under this section.

~~[-d-]~~ (4) A permit issued to an applicant shall confer upon the applicant the ~~[exclusive]~~ use of state waters and other areas under the jurisdiction of the State that have been specifically designated for use during the

marine event~~[-]~~, to the exclusion of all others who are not the applicant or event participants.

~~[(e)]~~ (5) Any applicant who has been granted a permit under this section and wishes to cancel their permit shall request a cancellation from the department in writing. If an applicant who has been granted a permit under this section ~~[cancels the event with ninety or fewer days' notice to the department]~~ submits a cancellation request to the department less than ninety calendar days before the proposed starting date of the ~~[proposed]~~ event, the department may assess a cancellation fee.

(6) The ~~[amount of the]~~ fee amounts for this section shall be determined by the department.

~~[(f)]~~ (c) The department ~~[shall]~~ may adopt rules, pursuant to chapter 91, necessary to effectuate this section.

~~[(g)]~~ (d) As used in this section, "marine event" means an organized water event of limited duration that is conducted according to a prearranged schedule, and by its nature, circumstances, or location, will introduce extra or unusual hazards to the safety of persons or property on the waters of the State.

**§200- Event spectators; hazards; mitigation.** The department ~~[shall]~~ may adopt rules to mitigate the hazards posed by vessels, thrill craft, ~~[drones,]~~ and other means used by spectators to observe or record regattas, marine parades, surfing contests, and other marine events held in the waters of the State."

Thank you for the opportunity to testify on this measure.

HOUSE OF REPRESENTATIVES  
THE TWENTY-NINTH LEGISLATURE  
REGULAR SESSION OF 2018

*Ua Mau ke Ea o ka 'Āina I ka Pono*

COMMITTEE ON OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS

Chair Sylvia Luke  
Vice Chair Ty Cullen

NOTICE OF HEARING

DATE: Tuesday, February 28, 2018  
TIME: 12 Noon  
PLACE: Conference Room 308  
State Capitol  
415 South Beretania Street

**In strong Support of HB 2259**

Aloha My Name is Rodney Kilborn,

I **strongly support Bill HB 2259**. I am a local boy living in Haiku, Maui. I am also the organizer of the Pe'ahi Big Wave contest many of you know as Jaws. Bill HB 2259 is critically needed. Currently, any person, regardless of the conditions and lack of connection to an event running, can situate themselves within the proximity of an event, essentially putting themselves and others in harms way. Currently, a permit does not allow contest officials to intervene and insure the safety of the events participants nor spectators. This is a recipe for disaster. It is illogical to require a permit to operate a contest when in fact, under the current regulations, anyone can, and does, access the waters without restriction.

Another reason for my support is the condition that allows promoters to acquire a permit well in advance of an event. Events, such as "Jaws" requires months of preparation. In addition to readying the physical site, much work goes into the coordination of communications, technology and advertising. Insuring technicians are certified and qualified, and arrangements for facilities and safety are also time consuming and necessary preparations. Sponsors will not continue to be interested in supporting and promoting these events without some assurance that the event will be approved. These kinds of events contribute significantly to community's economy and should be promoted.

I hope that you agree that it is beneficial for the State of Hawaii since our number one industry is tourism.

For those reasons I support HB 2259.

Mahalo,



**HB-2259-HD-1**

Submitted on: 2/27/2018 12:01:04 PM

Testimony for FIN on 2/28/2018 12:00:00 PM

| <b>Submitted By</b> | <b>Organization</b>  | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|--|---------------------------|---------------------------|
| Melodie Aduja       | OCC Legislative<br>Priorities Committee,<br>Democratic Party of<br>Hawai'i | Support                   | No                        |

Comments:

**HB-2259-HD-1**

Submitted on: 2/26/2018 9:30:40 PM

Testimony for FIN on 2/28/2018 12:00:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Stephanie Lauifi    | Individual          | Support                   | No                        |

Comments: