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HAWAII



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BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
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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, AND HAWAIIAN AFFAIRS

Tuesday, February 6, 2018
9:45 A.M
State Capitol, Conference Room 312

In consideration of
HOUSE BILL 2265
RELATING TO COMMERCIAL OCEAN RECREATION

House Bill 2265 proposes to require the Department of Land and Natural Resources (Department) to adopt rules regarding regulating the activity of watersport excursion companies to provide for more customer safety measures. **The Department acknowledges the intent of this measure and offers the following comments.**

The Department's Division of Boating and Ocean Recreation (DOBOR) has established statewide ratios for guided tours and surf instruction (1 to 4), paddleboard tours/lessons (1 to 4), kite surfing instruction (1 to 4), and kayak tours (1 to 8). The ratios for these types of activities are currently implemented as conditions of Commercial Use Permits (CUPs) issued to all affected watersports companies. Additionally, SCUBA instructors and tour operators are required to meet Professional Association of Diving Instructor/National Association of Underwater Instructor standards. DOBOR is currently working to establish statewide ratios for snorkel tours.

The Department strongly recommends that guide to participant ratios continue to be incorporated as conditions of the applicable CUPs rather than through provisions of Hawai'i Administrative Rules (HAR). By maintaining the ability to modify the ratios through conditions of a CUP, the Department can make changes more quickly when compared to making a change through HAR provisions. By being able to modify the conditions of a CUP, the Department is able to quickly react to any sudden changes in an industry or in a particular area, as opposed to the HAR amendment process, which can take more than one year.

The Department also recommends that any requirements be implemented through Hawai'i Revised Statutes. The Department's recommended changes to the bill are below.

SECTION 1. The legislature finds that many tourists who visit the State participate in ~~[watersports]~~ watersport excursions in the ~~[oceans surrounding]~~ waters of the State~~[, such as snorkeling, scuba diving, kayaking, and surfing lessons]~~, often purchasing a commercial tour from one of the many commercial operators in the State. ~~[There are companies that conduct commercial operations which take customers on excursions in state waters for the purpose of engaging in recreation activities.]~~ For the purposes of this measure, the term "watersport excursion" means situations where (1) a commercial operator carries passengers for hire for the purposes of traversing waters of the State or (2) commercial operators guide participants to a destination.

~~[These commercial operations]~~ Commercial watersport excursion operators are required to obtain a commercial use permit from the department of land and natural resources, division of boating and ocean recreation ~~[of the department of land and natural resources]~~. However, the provisions for obtaining those permits do not include any safety requirements, which can lead to potential consumer safety issues.

The legislature further finds that House Concurrent Resolution No. 86, H.D. 1, S.D. 1, adopted in 2015, requested the department of land and natural resources to engage stakeholders to consider adopting permitting provisions requiring employees of companies who take customers on watersport excursions to be trained in basic water safety measures. The department has not taken action to carry out the provisions of this resolution since its adoption.

The purpose of this Act is to ~~[require the department of land and natural resources to adopt rules regulating the activity of watersport excursion companies to provide for]~~ implement more customer safety measures for watersport excursion activities.

SECTION 2. Section 200-1, Hawaii Revised Statutes, is amended to read as follows:

"§200-1 Definitions. As used in this chapter, unless the context otherwise requires:

"Beaches encumbered with easements in favor of the public" means any lands which lie along the shores of the State which are now, or may hereafter be, encumbered by easements granted in favor of the public for bathing, swimming, or other similar or related purposes and for foot passage.

"Board" means the board of land and natural resources.

"Chairperson" means the chairperson of the board of land and natural resources.

"Department" means the department of land and natural resources.

"Ocean waters" means all waters seaward of the shoreline within the jurisdiction of the State.

"Sailing school vessel" means a vessel:

- (1) Less than five hundred gross tons, carrying six or more individuals who are sailing school students or sailing school instructors principally equipped for propulsion by sail even if the vessel has an auxiliary means of propulsion;
- (2) Owned or leased by a corporation, association, organization, or other duly chartered entity determined under the Internal Revenue Code to be exempt from the federal income tax and operated for the purpose of providing sailing instruction and therapeutic, educational, recreational, vocational, or family counseling services to emotionally disturbed youth or to youth sentenced by the family court to a rehabilitative sailing program and their families; and
- (3) That is in compliance with title 46 Code of Federal Regulations part 169.

"Shoreline" means the upper reaches of the wash of the waves, usually evidenced by the edge of vegetation growth or by the upper limit of debris left by the wash of the waves.

"Watersport excursion" means an ocean recreation activity where (1) a commercial operator carries passengers for hire for the purposes of traversing waters of the State or (2) commercial operators guide participants to a destination."

SECTION 3. Section 200-4.5, Hawaii Revised Statutes, is amended to read as follows:

"§200-4.5 Safety of ocean users; rules. (a) The department shall adopt rules to promote greater safety of ocean users in the State's nearshore waters. The rules shall include but not be limited to the creation of safe zones for free divers and swimmers and stricter enforcement of boating regulations around swim zone buoys.

(b) The following shall apply to commercial watersport excursion operators:

- (1) Commercial operators who carry participants on a vessel to engage in watersport excursions and who place participants or guides, or both, in the water must stay within 100 yards of all participants and guides while they are in the water;
- (2) Each tour guide and instructor shall have a dive master or lifeguard certification from a nationally recognized certification organization; and
- (3) For commercial watersports excursion companies that carry passengers aboard a vessel, such as for snorkeling and SCUBA diving, the vessel carrying the passengers shall include a backboard and emergency oxygen among its onboard safety equipment.
- (4) For commercial watersports excursion companies that do not carry passengers aboard a vessel, such as for

kayaking, surfing, and paddleboarding, a backboard and
emergency oxygen shall be readily accessible.

(5) The department may adopt rules pursuant to chapter 91
to implement this subsection."

SECTION 4. Statutory material to be repealed is bracketed
and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

Thank you for the opportunity to comment on this measure.

HB-2265

Submitted on: 2/5/2018 8:53:23 AM

Testimony for OMH on 2/6/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kevin Millett		Oppose	No

Comments:

This bill may make sense for some operations such as kayaks or shore dives etc. that are currently unregulated, but it should specifically exclude United States Coast Guard certified vessels. Any commercial passenger tour vessel that carries more than 6 passengers is already strongly regulated and overseen by USCG.

We have yearly COI (Certificate of Inspection) inspections where we demonstrate, on the water, our lifesaving and firefighting programs. Our crews all take regular water rescue, CPR training, and drug screening.

USCG regulation is and has been more than adequate as demonstrated by the incredible safety record the the inspected passenger vessel industry both in Hawaii and nation wide.

This bill would require DOBOR to hire additional officers to reduntantly regulate what the Feds already cover in regards to certified vessels.

Thank you for your consideration,

Kevin Millett, owner HoloHolo Chartersa Inc. on Kauai

HB-2265

Submitted on: 2/3/2018 12:31:36 AM

Testimony for OMH on 2/6/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
makani	Hunting, Farming and Fishing Association	Oppose	No

Comments:

I oppose the bill as written HB2265. Although with a couple of Modification the bill will be sound.

Safety is absolutly important. What are the standards for lifeguards? How did we come up with 8 people? There are certain activities that may require a smaller ratio. Oxygen should not be required for all boats and companies. This needs to be re-written or taken out.

HB-2265

Submitted on: 2/3/2018 4:04:35 PM

Testimony for OMH on 2/6/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Hawaiian Civic Club of Honolulu	Support	No

Comments:



(808) 667-0990 office
(808) 667-6707 Fax

LATE

February 5, 2018

<u>COMMITTEE ON OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS</u>
<u>Rep. Kaniela Ing, Chair</u>
<u>Rep. Lynn DeCoite, Vice Chair</u>

Date/Time of Hearing: February 5, 2018, 9:45 AM
Measure No. and Title: HB2265

STRONG OPPOSITION TESTIMONY

Chair Ing, Vice Chair DeCoite and Representatives of the OMH Committee:

Quicksilver Charters and its affiliates (the “Company”) employ close to 100 people in Hawaii’s tourism industry. We operate a 149 passenger vessel from Lahaina harbor.

We respectfully oppose this measure. Safety is our top priority, and we recognize the intent of this bill. However, neither DLNR, nor the legislature, is responsible for mandating crew requirements for USCG certified vessels.

United States Coast Guard

Large commercial vessels that are certified by the USCG already have USCG Oversight and requirements which are continually being updated.

Below are just some of the safety matters *currently* regulated by the USCG:

- (1) Crew manning requirements based on the activities of the vessel;
- (2) Quarterly safety drills;
- (3) CPR certification for certain % of crew members;
- (4) Bi-monthly inspections;
- (5) Life raft inspections;
- (6) Life vest inspections; and
- (7) Drug testing.

Also, the USCG currently requests vessels to conduct snorkeler in distress drills and snorkeler incident questionnaires. Anytime there is a medical emergency the Captain must notify the USCG and file a comprehensive report with the USCG outlining every aspect of the Medical Emergency

and the steps taken to mitigate and resolve the emergency. Every serious Medical Emergency is investigated by the USCG.

Here is a list of safety measures most charter boat operators employ in addition to USCG regulations:

- (1) Flotation devices for each passenger;
- (2) Snorkel 101 course for new snorkelers;
- (3) In-water lifeguards;
- (4) Dive-step lifeguards;
- (5) On-Board AED device;
- (6) On-Board Oxygen;
- (7) Crew on-deck and in-water safety training; and
- (8) A general duty as crew members for safety of passengers.

We ask that DLNR and the legislatures do not alter our current safety procedures that successfully brings millions of passengers safely home to Hawaii harbors.

Propose Ratio of 1 Crewmember per 8 Passengers is Unreasonable

The bill recommends the DLNR to adopt a 1 crew member per 8 passengers in the water. This ratio seems to be based on SCUBA diving ratios. Our vessel does not have SCUBA diving and “snorkeling” does not require the same level of supervision. 1 crew member per 8 people in the water snorkeling would require almost 20 crewmembers for each charters. In addition to eliminating 11 revenue generating seats, this ratio would *double* our staff requirements with the sweep of a pen.

Also, this measure would preclude ALL people aboard a charter boats from explore and snorkeling at their own pace and experience level. People would be relegated to designated groups.

The Real Problem

Does the legislatures recognize that the *vast majority* of incidents are outside the control of the vessel (passenger weight, high blood pressures, regular exercise)? Also, has the legislature examined the origins and causes of these incident? Is it crew malfeasance, or the general poor health of the traveling public? Frankly, drowning medical emergencies are extremely rare in our industry. The overwhelming majority of deaths are from preexisting medical conditions in individuals over 50. For instance, based on a survey conducted by the USCG, in 2014 there were 10 snorkeler/diver deaths and 9 of them were men over 50 with a preexisting medical condition

Finally, if DLNR is going to impose rules, it should adopt rules that work, like mandating AED devices or oxygen. That will save a lives. Arbitrary crew ratios are not the solution.

Mahalo,

Zachary LaPrade



(808) 667-0990 office
(808) 667-6707 Fax

February 5, 2018

LATE

COMMITTEE ON OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS

Rep. Kaniela Ing, Chair

Rep. Lynn DeCoite, Vice Chair

Date/Time of Hearing: February 5, 2018, 9:45 AM
Measure No. and Title: HB2265

STRONG OPPOSITION TESTIMONY

Chair Ing, Vice Chair DeCoite and Representatives of the OMH Committee:

Calypso Charters and its affiliates (the “Company”) employ close to 100 people in Hawaii’s tourism industry. We operate a 149 passenger vessel from Lahaina harbor.

We respectfully oppose this measure. Safety is our top priority, and we recognize the intent of this bill. However, neither DLNR, nor the legislature, is responsible for mandating crew requirements for USCG certified vessels.

United States Coast Guard

Large commercial vessels that are certified by the USCG already have USCG Oversight and requirements which are continually being updated.

Below are just some of the safety matters *currently* regulated by the USCG:

- (1) Crew manning requirements based on the activities of the vessel;
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- (4) Bi-monthly inspections;
- (5) Life raft inspections;
- (6) Life vest inspections; and
- (7) Drug testing.

Also, the USCG currently requests vessels to conduct snorkeler in distress drills and snorkeler incident questionnaires. Anytime there is a medical emergency the Captain must notify the USCG and file a comprehensive report with the USCG outlining every aspect of the Medical Emergency

and the steps taken to mitigate and resolve the emergency. Every serious Medical Emergency is investigated by the USCG.

Here is a list of safety measures most charter boat operators employ in addition to USCG regulations:

- (1) Flotation devices for each passenger;
- (2) Snorkel 101 course for new snorkelers;
- (3) In-water lifeguards;
- (4) Dive-step lifeguards;
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- (6) On-Board Oxygen;
- (7) Crew on-deck and in-water safety training; and
- (8) A general duty as crew members for safety of passengers.

We ask that DLNR and the legislatures do not alter our current safety procedures that successfully brings millions of passengers safely home to Hawaii harbors.

Propose Ratio of 1 Crewmember per 8 Passengers is Unreasonable

The bill recommends the DLNR to adopt a 1 crew member per 8 passengers in the water. This ratio seems to be based on SCUBA diving ratios. Our vessel does not have SCUBA diving and “snorkeling” does not require the same level of supervision. 1 crew member per 8 people in the water snorkeling would require almost 20 crewmembers for each charters. In addition to eliminating 11 revenue generating seats, this ratio would *double* our staff requirements with the sweep of a pen.

Also, this measure would preclude ALL people aboard a charter boats from explore and snorkeling at their own pace and experience level. People would be relegated to designated groups.

The Real Problem

Does the legislatures recognize that the *vast majority* of incidents are outside the control of the vessel (passenger weight, high blood pressures, regular exercise)? Also, has the legislature examined the origins and causes of these incident? Is it crew malfeasance, or the general poor health of the traveling public? Frankly, drowning medical emergencies are extremely rare in our industry. The overwhelming majority of deaths are from preexisting medical conditions in individuals over 50. For instance, based on a survey conducted by the USCG, in 2014 there were 10 snorkeler/diver deaths and 9 of them were men over 50 with a preexisting medical condition

Finally, if DLNR is going to impose rules, it should adopt rules that work, like mandating AED devices or oxygen. That will save a lives. Arbitrary crew ratios are not the solution.

Mahalo,

Chris Kasper

Testimony of Riley Eldon Coon *in strong opposition* to H.B. 2265, Relating to Commercial Ocean Recreation

Tuesday, February 06, 2018

LATE

COMMITTEE ON OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS

Rep. Kaniela Ing, Chair
Rep. Lynn DeCoite, Vice Chair

Rep. Richard P. Creagan *Rep. Gregg Takayama*
Rep. Cedric Asuega Gates *Rep. Cynthia Thielen*
Rep. Calvin K.Y. Say

Aloha. My name is Riley Eldon Coon and I am the Director of Operations at Trilogy Excursions. I am proud to have spent my life working for my family's business in the ocean tourism industry, operating large sailing catamarans as a captain licensed by the United States Coast Guard (USCG), and taking countless visitors on snorkeling tours.

Data Does Not Support H.B.2265

H.B. 2265 is attempting to solve a problem that simply does not exist for vessels operating under current USCG regulations. USCG inspected vessels in Hawai'i have an impeccable safety record which is proven by the USCG's own data.¹ From 2014 to 2016 there were 32 in-water excursion deaths. Of these deaths, 28 (or 87%) of the victims were over the age of 50 and had pre-existing medical conditions. Only 4 of the deaths were attributed directly to drowning. Now consider that during this same time period, more than 8 million people visited Hawai'i each year. This means .00012% of the visitors who traveled to Hawai'i during this period died while participating in-water excursions, and only .00002% died from drowning (i.e., not from pre-existing medical conditions). This data shows how important the safety of passengers is to this industry and the many steps that we have already taken to ensure drownings are such a rare and unlikely occurrence.

¹ LCDR Simone Mausz, *Analysis of Snorkeling/Diving Fatalities and Injuries* (2014-2016), Sector Honolulu, June 2017.

USCG Inspected Vessels Are Already Heavily Regulated

Safety is, and always has been, a priority for our industry. USCG inspected passenger vessels already comply with numerous safety regulations, including, but not limited to: (1) Crew manning requirements based on the activities of the vessel; (2) Quarterly safety drills; (3) CPR certification for certain percentage of crew members; (4) Bi-monthly inspections; (5) Life raft inspections; (6) Life vest inspections; and (7) Drug testing. In addition, the majority of operators employ the following to ensure the safety of their guests: (1) Flotation devices for each passenger; (2) Snorkel 101 course for new snorkelers; (3) In-water lifeguards; (4) Dive-step lifeguards; (5) On-Board AED device; (6) On-Board Oxygen; (7) Crew on-deck and in-water safety training; and (8) A general duty as crew members for safety of passengers.

The 1-8 Ratio Is Unnecessary and Unduly Burdensome

Our company and crew care deeply about every one of our guests and our record proves this. Requiring operators to have a 1-8 ratio of snorkel guides to guests will require the hiring additional employees at great expense to solve a problem that does not exist. While this ratio may be suitable for scuba diving activities, the data simply does not support this requirement for the infinitely safer sport of snorkeling. I would urge that this ratio be looked at closer given the data to determine whether such a burdensome requirement is truly necessary.

Conclusion

I humbly ask that H.B.2265 not be passed as it is currently written. Our industry provides one of the safest activities in the State and should be applauded not punished. If passed, I ask that the following language (or substantially similar) be added at the very least:

“Commercial operators subject to the requirements of Title 46 of the Code of Federal Regulations, Subchapter T are exempt from the requirements of this section.”

Mahalo.

Riley Eldon Coon
Trilogy Corporation
Director of Operations
riley.coon@sailtrilogy.com

LATE

HB-2265

Submitted on: 2/5/2018 5:08:37 PM

Testimony for OMH on 2/6/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeff Strahn	Maui Dive Shop	Oppose	No

Comments:



COMMITTEE ON OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS

Rep. Kaniela Ing, Chair
Rep. Lynn DeCoite, Vice Chair

Rep. Richard P. Creagan Rep. Gregg Takayama
Rep. Cedric Asuega Gates Rep. Cynthia Thielen
Rep. Calvin K.Y. Say

LATE

NOTICE OF HEARING

DATE: Tuesday, February 6, 2018
TIME: 9:45 a.m.
PLACE: Conference Room 312

TESTIMONY OF THE OCEAN TOURISM COALITION IN STRONG OPPOSITION TO HB 2265 AS WRITTEN:

Chair Ing, Vice Chair DeCoite and Members of the OMH Committee:

My name is James E. Coon, President of the Ocean Tourism Coalition (OTC)

The OTC represents over 300 small ocean tourism businesses state wide. Most of these are family businesses which are locally owned and operated. Many of them have been in business for several decades and are an important and valued part of their respective communities. These companies have a stellar track record in ocean safety and provide a safe venue for Ocean Recreation to tens of thousands of tourists each month under the supervision of well trained staff which is required by the US Coast Guard for all Certified Small Passenger Vessels. This oversight may not be required for vessels and companies that are not under the specific oversight of the US Coast Guard.

While we appreciate the intent of HB 2265, to provide a safer ocean experience, we are strongly opposed to this bill as written. HB 2265 has much broader reach than that which was contemplated by HCR NO. 86 H.D. 1; S.D. 1 passed by the 2015 Legislature. The OTC could support a Bill closely mirroring HCR NO. 86.HD1 SD1.

HCR 86 was addressing the many ocean activities that are not under the direct oversight of the US Coast Guard and was appropriate to task DLNR/DOBOR to have administrative rules in place to “require the employees of watersport excursion companies to be trained to render aid in the event of an emergency.” DLNR/DOBOR should adopt “permitting provisions requiring employees of watersport excursion companies who take customers on watersport excursions

to be trained in basic water safety measures" basic water safety for companies that do not fall under Federal oversight.

The remaining resolutions of HCR 86 HD1;SD1 are as follows:

"BE IT FURTHER RESOLVED that such requirements shall include training in first aid and cardio pulmonary resuscitation, but may not exceed licensure standards adopted by industry associations, such as those adopted by the scuba industry; and

BE IT FURTHER RESOLVED that such requirements need not apply to employees who do not take customers out on excursions, such as employees who work solely in retail or reservations at a watersports excursion company or to vessels already- regulated by the United States Coast Guard; and

BE IT FURTHER RESOLVED that these requirements need not apply to every employee who takes customers on watersports excursions and the Department may determine whether requiring training for a defined percentage of employees present on an excursion is sufficient to protect customer and employee health and safety

The OTC is willing to work with DLNR/DOBOR and the 2018 Legislature to craft a Bill that closely follows HCR NO 86 HD1;SD1

Sincerely,



James E. Coon, President OTC

LATE

HB-2265

Submitted on: 2/5/2018 10:18:00 PM
Testimony for OMH on 2/6/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Antoinette M Davis	Activities & Attractions Association of Hawaii	Oppose	No

Comments:

Aloha Honorable Chairman Kaniela Ing, Vice Chair Lynn DeCoite and Members of the Ocean, Marine Resources & Hawaiian Affairs Committee,

Mahalo for this opportunity to submit written testimony, my name is Toni Marie Davis. For the last 20 years, it has been my honor to serve the Activity & Attraction Industry of Hawaii through my position as the Executive Director of A3H (Activities & Attractions Association of Hawaii). A3H represents nearly 200 businesses statewide, many of which are ocean-related commercial activities. Our members range in size from very large (over 300 employees) to very small (1-2 employees). **We oppose HB2265** which requires the DLNR to adopt rules regulating the activity of watersport excursion companies to provide for increased safety measures for snorkeling, scuba diving, kayaking, and surfing lessons.

The DLNR did not complete the resolution# 86. Shouldn't that be completed first? If a report had been presented to the Legislation, it would have shown that the majority of ocean-related deaths take place in non-commercial ocean activities. Contrary to the "sensationalized stories" which appeared last year in several electronic news sources. Commercial activities have trained local knowledge water persons to help should a safety situation occur. These commercial operators already have oversight in place regarding safety. Commercial tour boats have USCG (United States Coast Guard) regulations and beach operators rules by activity venue (Surfing, Kayaking, SUP, Kiteboard, Windsurfing, Scuba, and Snorkeling) as part of their permitting conditions by both County and State Parks.

To address the true root cause of ocean-related injuries. Last year several ocean safety committees were initiated in the state. I sat on one organized by the Maui Visitors Bureau. Several steps were taken to inform visitors on the dangers of our surf break and swim at beaches without lifeguards on duty. There now exist brochures, websites and videos at baggage claim doing our best to educate visitors.

Please do not pass this Bill. It is bad legislation.

Mahalo for all you do!

Toni

LATE

HB-2265

Submitted on: 2/6/2018 11:58:33 AM

Testimony for OMH on 2/6/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Russell Keller Laros III		Support	Yes

Comments:

February 6, 2018

Support for HB2265.

Aloha

Please allow me to introduce myself. My name is Keller Laros.

I am the President of the Manta Pacific Research Foundation, a 501 (C) 3 non-profit, incorporated in Kailua-Kona in 2002.

I am a Professional Association of Diving Instructors (PADI), Master Scuba Diver Trainer. Since becoming a dive instructor in 1985 I have logged over 12,000 open water scuba dives, the vast majority in Kona Hawaii where I have lived since 1991. I have issued over 500 scuba certifications. I am the author of the PADI Manta Ray Diver Course which I teach at Jack's Diving Locker in Kailua-Kona. I have assisted in teaching a class titled, Manta Naturalist for Tour Operators and Tour Guides offered through Office of Continuing Education and Training and Hawaii Community College at the new Palamanui Campus.

Beginning in November 2012, at the behest of the Department of Land and Natural Resources, District Boating Manager, Nancy Murphy, I began leading a series of meetings of the commercial manta ray tour operators in Kona with the goal of creating an industry based standard operating procedure. The Manta Tour Operator Standards were completed and released in April 2013.

Between 2003 and 2009 I strove to obtain manta ray protection in the State of Hawaii. A goal that was achieved through Act 092(09) making it illegal to kill or capture a manta ray in the State of Hawaii.

Most widely known however is when in 2013 I cut fishing line off a bottlenose dolphin during a manta ray night dive. The video went viral and has over 30 million views. You can view it here

<http://youtu.be/2gvgkHSyKFE>

I am in favor of the State passing an Ocean Recreation; Safety Measures; Bill to mandate that the Department of Land and Natural Resources require commercial water sport excursions to have crew trained for in water supervision such as Life Guard or Rescue Diver. Furthermore, emergency equipment such as emergency oxygen, Automatic External Defibrillators and Backboards should be required on all appropriate commercial vessels.

Recent media reports of drownings of visitor has highlighted the inherent danger associated with water related activities. Demographically, the population is getting older and preexisting medical conditions that can lead to medical emergencies are becoming more prevalent. We should only expect that the number of accidents will increase not decrease. I believe that it is incumbent on the State of Hawaii to raise the level of safety on its permitted commercial water sport excursions. The visitor industry is a most important aspect to the economy of Hawaii, we need to be proactive and have the safest possible experience for our guests and customers. Should action not be taken to create a safer experience for participants in commercial water sports excursions, I fear the very reputation of the industry could be degraded as a whole.

Pundits will explain how there have been relatively low numbers of deaths on commercial ocean tours; perhaps fewer than 100 in the past decade, and that most of the fatalities had preexisting medical conditions that lead to the onset of the incident. But given the shifting demographic of the population to an older consumer base, we should only expect the number to grow. We need to prepare for this now and not wait for the number of fatalities to become dire.

Finally, when you go on a commercial water sport activity with your friends, your family, your children, grandchildren, your parents, wouldn't you expect that the staff was trained to recognize possible problems before they lead to actual trouble? And don't you expect that if there was an accident that the staff was professional and trained to respond quickly and appropriately to insure the highest probability for a positive outcome for the patient? I believe you would expect that from a business permitted by the State of Hawaii.

As my experience with the dolphin shows, quick recognition of possible trouble, correct and appropriate response combined with proper equipment lead to a favorable outcome. The same should be available for participants in commercial water sports excursions in the a State of Hawaii.

It is time for the State to pass an Ocean Recreation; Safety Measures; Bill to insure that the Department of Land and Natural Resources require commercial water sport excursions to have crew trained for in water supervision such as Life Guard or Rescue Diver. Furthermore, emergency equipment such as emergency oxygen, Automatic External Defibrillators and Backboards should be required on all commercial vessels.

Sincerely,

Keller Laros