

IACtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 11:09 AM
To: IACtestimony
Cc: blawaiianlvr@icloud.com
Subject: Submitted testimony for HB404 on Feb 1, 2017 09:00AM

HB404

Submitted on: 1/30/2017

Testimony for IAC on Feb 1, 2017 09:00AM in Conference Room 429

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

Comments: We FULLY SUPPORT this bill. On the Westside of O'ahu, we deal with a private marina located in Ko'olina that recklessly allows any vessel in its harbor to threaten the safety & well being of native Hawaiians & others who dive just off shore in our waters, without any credentials as to their qualifications to ensure that they understand that their continued recklessness in speeding through our waters will result in the loss of life. There is no way for a speeding boat to see the red dive flag. The so-called "Gentleman's Agreement" is frivolous & has no teeth to punish violators of that agreement. This bill will not remedy the situation, but it will help to regulate the violators conduct.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

IACtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 31, 2017 6:15 AM
To: IACtestimony
Cc: reeftour@aol.com
Subject: Submitted testimony for HB404 on Feb 1, 2017 09:00AM

HB404

Submitted on: 1/31/2017

Testimony for IAC on Feb 1, 2017 09:00AM in Conference Room 429

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

Comments: This appears to be a statewide bill driven by an enforcement issue on Maui. The rules are in place and possibly not being followed. I do not believe additional regulations will solve an enforcement issue. Do not pass this bill

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

DAVID Y. IGE
GOVERNOR OF
HAWAII



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

KEKOA KALUHIWA
FIRST DEPUTY

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

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
INTRASTATE COMMERCE

Wednesday, February 1, 2017
9:00 AM
State Capitol, Conference Room 429

In consideration of
HOUSE BILL 404
RELATING TO BOATING

House Bill 404 proposes to require commercial thrill craft and parasailing operators to complete a water safety education course and appropriates funds. **The Department of Land and Natural Resources (Department) does not support this bill.**

The Department acknowledges that there are challenges with the increased use of near shore waters by an ever increasing number of users who are participating in a variety of different activities.

The Department wishes to point out that the United States Coast Guard (USCG), Code of Federal Regulation (CFR), addresses the issues brought forth in this bill. The CFR mandates that operators of any commercial vessel are required to obtain a Merchant Mariner Credential. To obtain this credential, a person is required to complete a series of tests that include rules of the road, safe operations of vessels, and document at least 720 days of sea time. Additionally, Hawaii Administrative Rule §13-244-15.5, has been in effect since 2012. The administrative rule requires all recreational operators of motorized vessels to take a boating safety course approved by the State of Hawaii and the National Association of State Boating Law Administrators.

This measure proposes to require the Department to establish a mandatory annual water safety education course but does not describe what the course is supposed to entail. The Department does not have the staffing available to administer such a course. Also, the measure states that the course shall include awareness of traditional canoe practices but does not define what those practices are.

PARASAIL KA'ANAPALI
930 Wainee St. Suite # 12
Lahaina, HI 96761
Office 808 - 661-3338
Fax 808-661-3363

1/31/17

DATE: Wednesday, February 01, 2017
TIME: 9:00 a.m.
PLACE: Conference Room 429
State Capitol
415 South Beretania Street

COMMITTEE ON INTRASTATE COMMERCE
Rep. Takashi Ohno, Chair
Rep. Isaac W, Choy, Vice Chair

HOUSE BILL 404

My name is Scott Mercier and I am the General Manager and a Stockholder of Parasail Ka'anapali. We operate on Maui in the only Parasail operating area in Maui County. **We ARE NOT** in favor of HB 404.

We have been in operation prior to and since the ORMA rules being enacted in 1994. The current rules have loading zones off of Ka'anapali Beach designed for Commercial operations to load and unload customers. We use to operate out of the Loading zones located near Hanakao Beach Park. This loading zone **IS NOT** at Hanakao Beach Park but directly next to it. Members from the Canoe club did not like us loading our guests in and out of the loading zone that is next to where they launch/retrieve and paddle. This location is in the rules as a loading zone for commercial operations on Ka'anapali beach and is used my many when there is a North swell and other locations have surf that makes it unsafe. We **DO NOT** operate out of this location and have not for over 3 years.

There are **NO PARASAIL BOATS** being loaded from **ANY PARASAIL COMPANY** down at the Loading Zone adjacent to Hanakao Beach Park and have not for the last three (3) years, except during days of High North Surf. The only entity loading customers daily on and off of the loading zone is the Jet Ski operation, and that is only for 7 months out of the year since both Parasail and Jet Ski operations on Maui are shut down December 15th to May 15th each year. To include parasailing or any other business to this Bill other than Jet Ski is just unnecessary since they do not operate out of this location.

The entire area from the loading zone adjacent to Hanakaoo Beach Park to Mala Wharf and to what seems ½ mile is a NO WAKE ZONE and NO PARASAIL OPERATORS while parasailing ever fly inside the NO WAKE ZONE since we must be operating faster than no wake to fly Parasail 99% of the time. The canoe races and the majority of the practicing from Hanakaoo Beach Park are within this NO WAKE ZONE. Only vessels operating at NO Wake are to be in this zone.

Our Parasail Boats are Inspected Vessels and are Inspected and Certified by the USCG every year. This means they come onboard our vessels and require us to preform Man over board drills, firefighting drills, etc. All of our operators of ALL our vessels are USCG licensed Captains and do drills monthly when in operation as well as take a Mandatory pre-employment drug tests every season. We also do random drug test throughout our season as required by USCG.

All of our USCG licensed Captains that operate our vessels are very active in the ocean locally and snorkel or scuba dive, surf or do standup paddling as well as some have even paddle canoes or OC1's. They are very aware of all boats, SUP boards, snorkeler, and scuba divers in the area. Our Captains on numerous occasions just in 2016 have rescued snorkelers that were in trouble as well as people on SUP boards that found themselves too far off shore. In Ka'anapali we all work together to try and keep all swimmers, snorkelers, paddlers safe.

Section 3 in this proposal is making rules with respect to safety education for **ONLY** Jet Ski and Parasail operations. If the State is serious about water safety they would include **ALL Permit Holders** so **ALL** have the same training they are requesting.

In closing, we are **NOT** in support of HOUSE BILL 404.

Sincerely,

N. Scott Mercier

WEST MAUI PARASAIL
930 Wainee St. Suite # 12
Lahaina, HI 96761
Office 808 - 661-3338
Fax 808-661-3363

1/31/17

DATE: Wednesday, February 01, 2017
TIME: 9:00 a.m.
PLACE: Conference Room 429
State Capitol
415 South Beretania Street

COMMITTEE ON INTRASTATE COMMERCE
Rep. Takashi Ohno, Chair
Rep. Isaac W, Choy, Vice Chair

HOUSE BILL 404

My name is Scott Mercier and I am the General Manager and a Captain for West Maui Parasail. We operate on Maui in the only Parasail operating area in Maui County. **We ARE NOT** in favor of HB 404.

We have been in operation prior to and since the ORMA rules being enacted in 1994. The current rules have loading zones off of Ka'anapali Beach designed for Commercial operations to load and unload customers. We use to operate out of the Loading zones located near Hanakao Beach Park. This loading zone **IS NOT** at Hanakao Beach Park but directly next to it. Members from the Canoe club did not like us loading our guests in and out of the loading zone that is next to where they launch/retrieve and paddle. This location is in the rules as a loading zone for commercial operations on Ka'anapali beach and is used my many when there is a North swell and other locations have surf that makes it unsafe. We **DO NOT** operate out of this location and have not for over 3 years.

There are **NO PARASAIL BOATS** being loaded from **ANY PARASAIL COMPANY** down at the Loading Zone adjacent to Hanakao Beach Park and have not for the last three (3) years, except during days of High North Surf. The only entity loading customers daily on and off of the loading zone is the Jet Ski operation, and that is only for 7 months out of the year since both Parasail and Jet Ski operations on Maui are shut down December 15th to May 15th each year. To include parasailing or any other business to this Bill other than Jet Ski is just unnecessary since they do not operate out of this location.

The entire area from the loading zone adjacent to Hanakaoo Beach Park to Mala Wharf and to what seems ½ mile is a NO WAKE ZONE and NO PARASAIL OPERATORS while parasailing ever fly inside the NO WAKE ZONE since we must be operating faster than no wake to fly Parasail 99% of the time. The canoe races and the majority of the practicing from Hanakaoo Beach Park are within this NO WAKE ZONE. Only vessels operating at NO Wake are to be in this zone.

Our Parasail Boats are Inspected Vessels and are Inspected and Certified by the USCG every year. This means they come onboard our vessels and require us to preform Man over board drills, firefighting drills, etc. All of our operators of ALL our vessels are USCG licensed Captains and do drills monthly when in operation as well as take a Mandatory pre-employment drug tests every season. We also do random drug test throughout our season as required by USCG.

All of our USCG licensed Captains that operate our vessels are very active in the ocean locally and snorkel or scuba dive, surf or do standup paddling as well as some have even paddle canoes or OC1's. They are very aware of all boats, SUP boards, snorkeler, and scuba divers in the area. Our Captains on numerous occasions just in 2016 have rescued snorkelers that were in trouble as well as people on SUP boards that found themselves too far off shore. In Ka'anapali we all work together to try and keep all swimmers, snorkelers, paddlers safe.

Section 3 in this proposal is making rules with respect to safety education for **ONLY** Jet Ski and Parasail operations. If the State is serious about water safety they would include **ALL Permit Holders** so **ALL** have the same training they are requesting.

In closing, we are **NOT** in support of HOUSE BILL 404.

Sincerely,

N. Scott Mercier

LAHAINA PARASAIL
930 Wainee St. Suite # 12
Lahaina, HI 96761
Office 808 - 661-3338
Fax 808-661-3363

1/31/17

DATE: Wednesday, February 01, 2017
TIME: 9:00 a.m.
PLACE: Conference Room 429
State Capitol
415 South Beretania Street

COMMITTEE ON INTRASTATE COMMERCE
Rep. Takashi Ohno, Chair
Rep. Isaac W, Choy, Vice Chair

HOUSE BILL 404

My name is Scott Mercier and I am the General Manager and a Stockholder of Lahaina Parasail. We operate on Maui in the only Parasail operating area in Maui County. **We ARE NOT** in favor of HB 404.

We have been in operation prior to and since the ORMA rules being enacted in 1994. The current rules have loading zones off of Ka'anapali Beach designed for Commercial operations to load and unload customers. We use to operate out of the Loading zones located near Hanakao Beach Park. This loading zone **IS NOT** at Hanakao Beach Park but directly next to it. Members from the Canoe club did not like us loading our guests in and out of the loading zone that is next to where they launch/retrieve and paddle. This location is in the rules as a loading zone for commercial operations on Ka'anapali beach and is used my many when there is a North swell and other locations have surf that makes it unsafe. We **DO NOT** operate out of this location and have not for over 3 years.

There are **NO PARASAIL BOATS** being loaded from **ANY PARASAIL COMPANY** down at the Loading Zone adjacent to Hanakao Beach Park and have not for the last three (3) years, except during days of High North Surf. The only entity loading customers daily on and off of the loading zone is the Jet Ski operation, and that is only for 7 months out of the year since both Parasail and Jet Ski operations on Maui are shut down December 15th to May 15th each year. To include parasailing or any other business to this Bill other than Jet Ski is just unnecessary since they do not operate out of this location.

The entire area from the loading zone adjacent to Hanakaoo Beach Park to Mala Wharf and to what seems ½ mile is a NO WAKE ZONE and NO PARASAIL OPERATORS while parasailing ever fly inside the NO WAKE ZONE since we must be operating faster than no wake to fly Parasail 99% of the time. The canoe races and the majority of the practicing from Hanakaoo Beach Park are within this NO WAKE ZONE. Only vessels operating at NO Wake are to be in this zone.

Our Parasail Boats are Inspected Vessels and are Inspected and Certified by the USCG every year. This means they come onboard our vessels and require us to preform Man over board drills, firefighting drills, etc. All of our operators of ALL our vessels are USCG licensed Captains and do drills monthly when in operation as well as take a Mandatory pre-employment drug tests every season. We also do random drug test throughout our season as required by USCG.

All of our USCG licensed Captains that operate our vessels are very active in the ocean locally and snorkel or scuba dive, surf or do standup paddling as well as some have even paddle canoes or OC1's. They are very aware of all boats, SUP boards, snorkeler, and scuba divers in the area. Our Captains on numerous occasions just in 2016 have rescued snorkelers that were in trouble as well as people on SUP boards that found themselves too far off shore. In Ka'anapali we all work together to try and keep all swimmers, snorkelers, paddlers safe.

Section 3 in this proposal is making rules with respect to safety education for **ONLY** Jet Ski and Parasail operations. If the State is serious about water safety they would include **ALL Permit Holders** so **ALL** have the same training they are requesting.

In closing, we are **NOT** in support of HOUSE BILL 404.

Sincerely,

N. Scott Mercier