

TESTIMONY BY:

JADE T. BUTAY  
DIRECTOR

Deputy Directors  
LYNN A.S. ARAKI-REGAN  
DEREK J. CHOW  
ROSS M. HIGASHI  
EDWIN H. SNIFFEN

**LATE**

STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

February 13, 2019  
1:15 p.m.  
State Capitol, Room 225

**S.B. 1505  
RELATING TO HARBORS**

Senate Committee(s) on Transportation  
& Public Safety, Intergovernmental, and Military Affairs

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The Department of Transportation (DOT) supports the intent of SB 1505 with **comments**. S.B. 1505 proposes to amend Chapter 266-2 and make harbor facilities temporarily available as a harbor of safe refuge to small vessels under two hundred gross tons when the United States National Weather Service forecasts a tropical storm (more than thirty-eight miles per hour), or hurricane strength cyclones more than seventy-three miles per hour unless specifically prohibited by the United States Coast Guard Captain of the Port; provided that small vessels shall be moored in non-essential areas and be clear of harbor channels whenever possible.

The DOT is responsible for the "care and control of (ten) commercial harbors." Hawaii's isolated island geography underscores the significance of ocean cargo transport as the lifeline and only viable means to serve and support every facet of the local economy, including tourism, construction, national defense, agriculture, and all other industries. There is an increased risk to resuming port operations should there be a delay in re-opening the ports due to a sunken vessel or the vessel causing damage to the DOT piers. Each of the islands of Kauai, Maui, Lanai, and Molokai have one commercial harbor for container handling; and, and one commercial harbor for West and East Hawaii. Through Honolulu Harbor, an estimated 80% of all goods consumed in Hawaii are imported, and 98.6% of the imported goods arrive through the commercial harbor system. To ensure economic security and protection of Hawaii's 1.45 million residents and lifeline, the DOT requests your consideration to defer this bill.

The DOT suggests that vessels wanting consideration for berthing during Hurricane Season, their 2019 Statewide safe harbor plan is required to be filed by June 1, 2019 pursuant to Vessel Heavy Weather Plan (USCG 46 CFR 44.01-13); and a performance bond for the immediate removal, salvage, and pollution liability of the vessel.

Thank you for the opportunity to provide testimony.

DAVID Y. IGE  
GOVERNOR



ARTHUR J. LOGAN  
MAJOR GENERAL  
ADJUTANT GENERAL

KENNETH S. HARA  
BRIGADIER GENERAL  
DEPUTY ADJUTANT GENERAL

STATE OF HAWAII  
**DEPARTMENT OF DEFENSE**  
OFFICE OF THE ADJUTANT GENERAL  
3949 DIAMOND HEAD ROAD  
HONOLULU, HAWAII 96816-4495

STATE OF HAWAII  
DEPARTMENT OF DEFENSE

**TESTIMONY ON  
SENATE BILL 1505, RELATING TO HARBORS**

Before the Senate Committee on  
**TRANSPORTATION AND  
PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS**

By

THOMAS L. TRAVIS  
ADMINISTRATOR OF HAWAII EMERGENCY MANAGEMENT AGENCY (HI-EMA)

Aloha Chairs Inouye and Nishihara, Vice Chair Harimoto and Wakai, and Members of the Committees:

I am Thomas Travis, Administrator of the Hawaii Emergency Management Agency. The HI-EMA support the intent of Senate Bill 1505, but not by limiting Department of Transportation's (DOT) ability to place harbors in most coverable condition possible.

As a state we need to recognize the overwhelming importance of critical harbors and empower DOT to take all actions to make our ports more recoverable. This is particularly important in the event of a serious hurricane.

Small boats in the critical state harbors most certainly could complicate recovery. After a serious hurricane, these complications could cost lives. Arguments about past hurricanes not being of this magnitude should be ignored. Hurricane LANE proved that all of our islands can be hit by a major hurricane. DOT should be given maximum flexibility to keep critical harbors in the most recoverable status possible.

Having said that, forcing small boats to sea when they might not have the sea worthiness, crew, speed, or range to avoid a hurricane forces the small boat owner toward a decision. He can ignore the order and face regulatory action, he can go to sea and face great risk to life and property, or he can apply for an exception and stay in port after having taken mitigative actions. Having a harbor of refuge on each island (and perhaps two on the Big Island) would simplify the problem. However, ideal harbors of refuge do not always exist if critical harbors are taken off the table. And in a serious hurricane these harbors of refuge may not be sufficient to prevent damage and destruction of the small boats.

Note: My comments represent HI-EMA concerns at the state emergency management level only. I would defer to the separate comment/testimonies of the county emergency management agencies, as they would be the jurisdictions impacted by this legislation at the local level.

Thank you for the opportunity to provide testimony on Senate Bill 1505.

**LATE**

Testimony of Ku'uhaku Park  
On Behalf of Matson  
Opposition to SB1505  
Before the Senate Committee on Transportation  
February 13, 2019

Dear Chair Inouye, Vice Chair Harimoto, and Members of the Committee on Transportation,

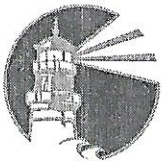
Matson opposes SB1505, Relating to Harbors.

While Matson is concerned for the safety of all vessels during a hurricane and appreciates the intent of this measure, Matson respectfully opposes SB1505.

Almost all of the State's goods come in through the commercial harbors. During a hurricane when commercial ports are closed, container and bulk vessels are usually positioned off shore so that they can be offloaded as soon as possible after the ports reopen. If a small vessel were to sink or sustain severe damage in the harbor, it would cause delays in harbor traffic and ultimately, the unloading of these vessels.

The impacts could last well beyond the hurricane's passing and could lead to statewide shortages of goods. The adverse effects of shipping delays are compounded because residents usually stock up on hurricane supplies right before a storm, which means that shelves are empty. Our commercial harbors must be ready for vessels to enter as soon as a hurricane passes.

Thank you for considering this testimony in opposition.



COMMITTEE ON TRANSPORTATION

Senator Lorraine R. Inouye, Chair  
Senator Breene Harimoto, Vice Chair

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Senator Clarence K. Nishihara, Chair  
Senator Glenn Wakai, Vice Chair

NOTICE OF HEARING

DATE: Wednesday, February 13, 2019  
TIME: 1:15 P.M.

**TESTIMONY OF THE OCEAN TOURISM COALITION IN STRONG SUPPORT OF SB1505 RELATING TO HARBORS**

Aloha Chairs Inouye & Nishihara, Vice Chairs Harimoto & Wakai and Members of the TRS/PSM Committees:

My name is Jim Coon, President of the Ocean Tourism Coalition (OTC), Speaking in Strong Support of SB1505 Relating to Harbors.

The OTC is a Statewide Coalition of about 300 Commercial Boating Companies operating out of the Harbors of the State. Most of these vessels are less than 65' in length and less than 100 tons. They are all USCG Certified and permitted by DLNR/DOBOR to carry passengers for hire. Most of these small vessels are berthed in Small Boat Harbors and do not need to seek refuge in State Commercial Harbors. However there are exceptions to this and those vessels that are either moored outside harbors or moored at an exposed location must have temporary access to a Harbor of Safe Refuge.

Across the United States and around the world, it is standard procedure for passenger vessel operators to move their vessels into a Harbor of Safe Refuge whenever Extreme Weather conditions warrant it. We are dismayed by a policy change that was abruptly put into place in Hawaii last year that appears for the first time to preclude small passenger vessels from seeking refuge in commercial harbors under the jurisdiction of the Department of Transportation. (Note: DOBOR Harbors continued their long standing practice during extreme weather

conditions to allow vessels moored outside of harbors to seek temporary refuge in DOBOR Harbors.)

This Legislation would re-establish a policy that protects Hawaii's Passenger Vessels when hurricanes and other extreme weather conditions threaten Hawaii.

Our fleet of relatively smaller passenger vessels, while designed to operate in Hawaiian waters in normal wind and sea conditions, do not have the seakeeping characteristics of much larger ships needed to endure this type of extreme weather in the open sea. To force these smaller vessels out of sheltered State Harbors would seriously jeopardize the safety of the vessels and create life threatening conditions for all the crew. (And the USCG that would be risking their lives to try to save them). In fact it would be, in our opinion, criminally negligent in send vessels and crew into harm's way in such circumstances.

Please pass this vital language in SB 1505 that protects our smaller passenger vessels and our hard working crews giving them temporary access to DOT Harbors of Safe Refuge when Extreme Weather Conditions are imminent.

Sincerely,

A handwritten signature in black ink, appearing to read "James E. Coon". The signature is written in a cursive style and is positioned to the right of the word "Sincerely,".

James E. Coon, President

Ocean Tourism Coalition

THE SENATE  
THE THIRTIETH LEGISLATURE  
REGULAR SESSION OF 2019

COMMITTEE ON TRANSPORTATION

Senator Lorraine R. Inouye, Chair  
Senator Breene Harimoto, Vice Chair

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY  
AFFAIRS

Senator Clarence K. Nishihara, Chair  
Senator Glenn Wakai, Vice Chair

NOTICE OF HEARING

DATE: Wednesday, February 13, 2019  
TIME: 1:15 P.M.  
PLACE: Conference Room 225  
State Capitol  
415 South Beretania Street

**TESTIMONY BY CALYPSO CHARTERS IN STRONG SUPPORT TO HB1505  
RELATING TO HARBORS:**

Chair Inouye, Vice Chair Harimoto & Senators of the Committee:

In August 24, 2018, Hurricane Lane, a deadly Category 4 Storm, was heading directly for Maui's South shores. Vessels in the Maui fleet immediately began preparations to take safe refuge in Kahului Harbor on the North shore. However, on the eve of Hurricane Lane, the Department of Transportation denied vessels entry into Kahului Harbor, and sent Hawaii residents into dangerous offshore storm conditions.

In the past, if a hurricane was heading for Maui's South shores, vessels moored on the South shore would travel around Maui to seek shelter in Kahului Harbor on the North shore. Kahului Harbor is on the leeward side of the island during a storm from the South. This same emergency protocol has been followed for 30 years. However, as stated above, DOT Harbors Maui District Manager ordered that no that "all vessels, regardless of size, that have not already received express permission by USCG and DOT-Harbors to remain in port, are hereby ordered to depart Kahului, Kaunalapau and Kaunakakai Harbors...."

Maui has a large fleet of approximately 100 vessels permanently moored offshore. Our two main small boat harbors are Ma'alaea and Lahaina. During a storm, perhaps a dozen boats can take refuge in each harbor. That still leaves 75 boats with no harbor of safe refuge. The USCG wisely understands the danger of leaving its small craft in Ma'alaea and Lahaina Harbor during a storm from the South, and the USCG move their vessels to Kahului for safety.

***These are just the stories from Maui, and we understand many other vessels were also ordered out of Honolulu Harbor.***

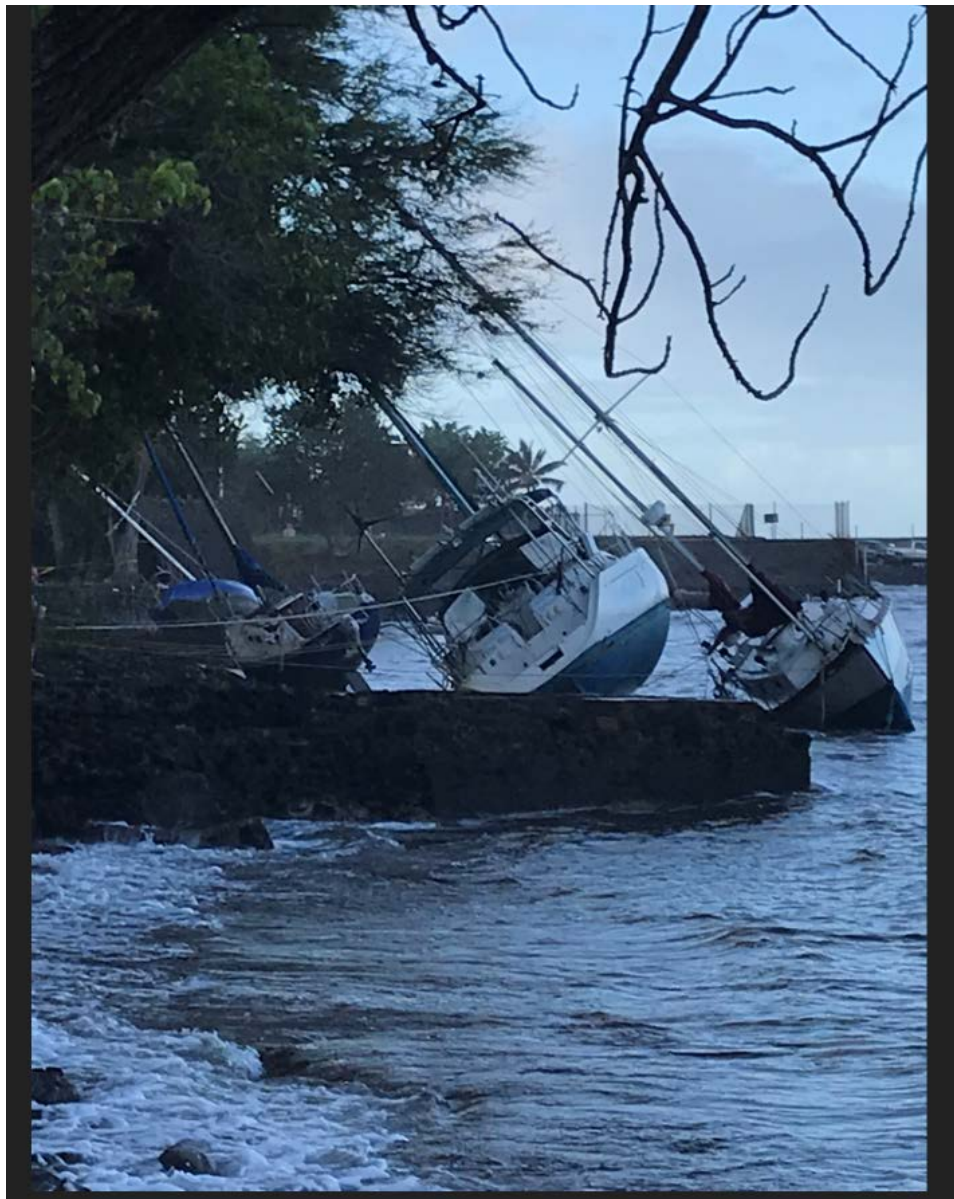
For the safety of the crewmembers and their family members, DOT Harbors should support the long-standing policy of making non-critical areas available for vessels under 200 tons during storm weather. Running offshore away from an approaching hurricane is a foolish plan. Vessels can be repaired or replaced, but the spouses and families of the crew will never be able to replace lives lost to a hurricane.

**\*\*Update**

On February 10, 2019, a strong storm hit Maui's west shores. Please see the attached image of the destruction a storm can cause to vessels that are unable to take safe refuge in a harbor on leeward shores.

Sincerely,

Zachary LaPrade



**LATE**

**SB-1505**

Submitted on: 2/13/2019 10:55:00 AM

Testimony for TRS on 2/13/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Riley E. Coon	Testifying for Trilogy Excursions	Support	No

Comments:

Dear Senators Nishihara and Inouye,

My name is Riley E. Coon and I am the Director of Operations, and 3rd generation family member of Trilogy Excursions - Maui's oldest family-owned charter boat company celebrating 45 years of operation.

Hurricanes and Tropical storms are an increasing threat to our islands. Our small boat harbor infrastructure here on Maui County is small and crowded and there is not sufficient room for all of our boaters to seek safe refuge in our small boat harbors - specifically the larger 149-passenger vessels many of which **exceed 65' in length** and require considerable dock space.

In the past, these vessels have successfully sought safe harbor in DOT-controlled harbors such as Kahului harbor during the event of hurricane or major storm.

I personally met with Kahului Harbormaster Duane Kim a few years ago about the possibility of seeking refuge in his DOT-controlled harbor and he walked me around the premise and showed me the challenges, as well as the possibilities for where vessels could find safe refuge in the event of a major storm. I was very appreciative of him taking the time to do that.

We are an island people. harbors are our lifeblood and for many of us is our livelihood as well as our passion. I would encourage the state to look kindly upon the safety of our vessels and our mariners and allow the access of safe harbor refuge at DOT harbors. By blocking these vessels access to safe harbor, it forces the Captain to make an impossible judgment call of either abandoning his/her vessel - which would result in its demise and potential environmental and economic disaster - or, choosing to brave the storm out at sea which could put people's lives at legitimate risk of loss of life.

Sincerely and respectfully,

Captain Riley E. Coon





**SB-1505**

Submitted on: 2/12/2019 12:41:14 PM

Testimony for TRS on 2/13/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mark Almaraz	Testifying for Atlantis Adventures	Support	No

Comments:

My name is Mark Almaraz and I work with Atlantis Adventures as the Oahu General Manager. Atlantis Adventures employs over 250 staff Statewide and has operations on the islands of Hawaii, Maui and Oahu which consist of a fleet of 18 vessels.

Atlantis **strongly supports SB 1505** and its intent of providing temporary safe refuge for vessels of less than 200 gross tons or vessels certified by the U.S. Coast Guard as limited to inland waters or limited coastwise based on the vessel's design for near coastal operations.

February 12, 2019

TO: COMMITTEE ON TRANSPORTATION  
COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

FROM: DAVID JUNG

RE: SB 1505

Dear Sirs,

As you may know, just before Hurricane Lane approached Maui, Hawaii DOT Harbors decided not to allow any small vessels (under 200 tons) into Kahului Harbor. See Brian Perry's Maui News 8/24/18 article and Marcel Honore's Civil Beat 1/24/19 article.

Also, enclosed is the weather forecast on Tuesday, August 21 for Hurricane Lane. The storm was expected to affect Maui on Thursday, August 23.

All of Maui's small craft were denied use of Kahului Harbor. If the storm had continued on as forecast the loss of life and loss of our tour boat fleet would have been huge. Seeing the damage Cat 4 Michael did to Florida should remind all of us the danger of a major hurricane. Fortunately, the forecast was wrong and Lane turned away.

We have since lobbied for the legislature to require DOT Harbors to provide emergency mooring in **NON-ESSENTIAL AREAS** in our commercial harbors. Thankfully, Senator Loraine Inouye has introduced Senate Bill 1505 to require DOT to provide a harbor of safe refuge. (Copy enclosed)

This is a very simple bill that protects the life and property of Hawaii's citizens who work on the water. DOT does not want that responsibility but it is a morally essential responsibility they can not be allowed to escape.

Senate Bill 1505 is a long way from passing the legislature and the public needs to be aware of its importance. We have just had a fairly minor storm but 10 small craft washed up on Maui's beaches. Our small boat harbors were full and these boats had no where to go.

DOT Harbors is supposed to serve the citizens of Hawaii. State agencies that operate for their own convenience ahead of public safety need to be made responsible to Hawaii's citizens. Preservation of life and property should be the first priority of our government agencies.

Yours Truly,

David H. Jung

# HURRICANE TRACKER

[View Satellite \(/category/hurricane-tracker/\)](/category/hurricane-tracker/)

# Lane Intensifies to Dangerous Category 5 Hurricane, 160 mph Winds

August 21, 2018, 12:01 AM HST · Updated August 21, 11:32 PM

Wendy Osher ·

76 Comments

8/21/18

[Recommend](#) 15K people recommend this. [Sign Up](#) to see what your friends recommend.

Text Size: [A](#) [A](#) [A](#)

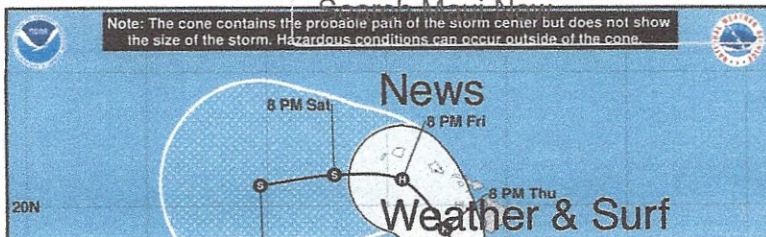
MAUI

MAUI

By Wendy Osher

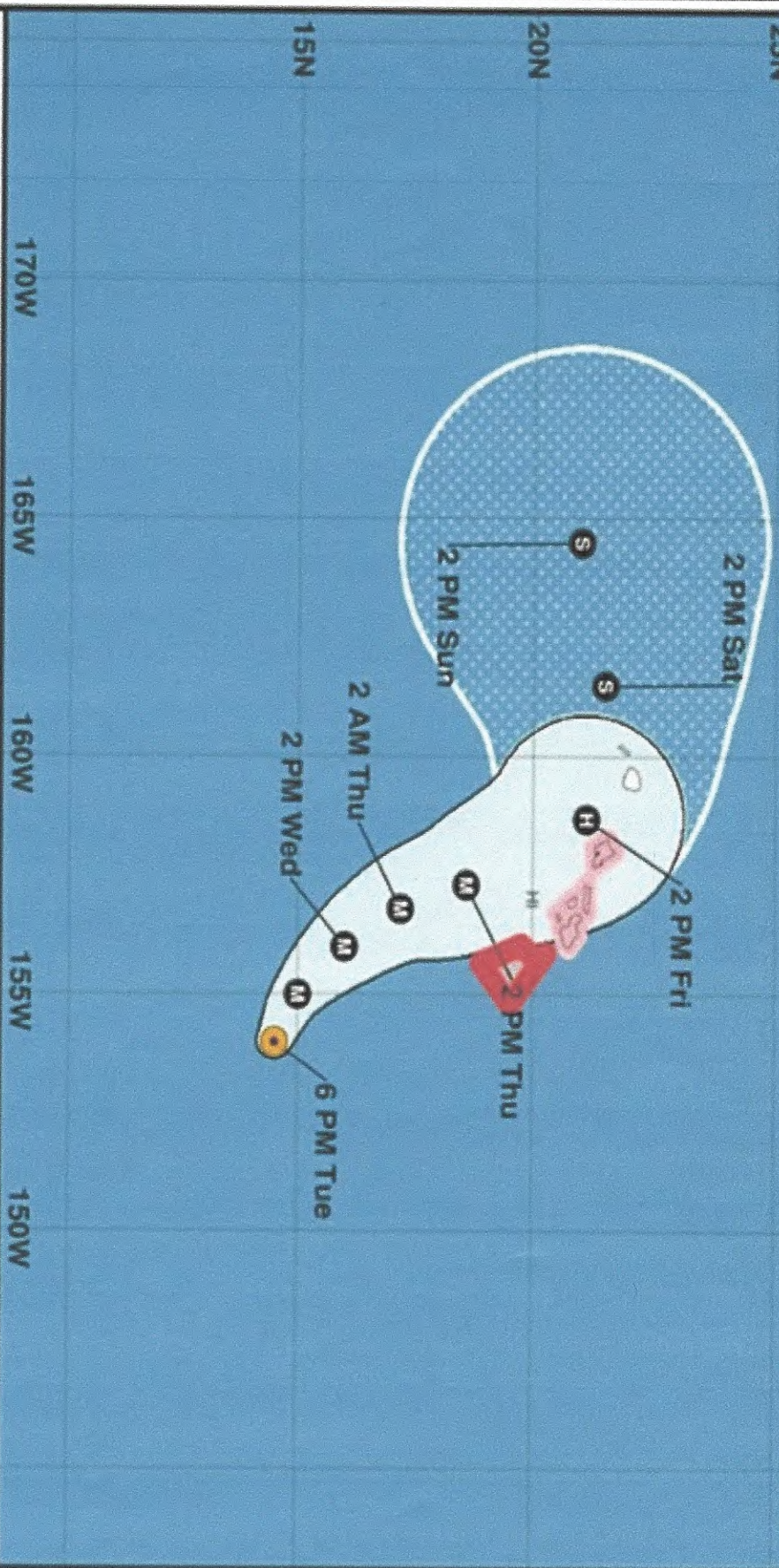
(1)

X





**Note:** The cone contains the probable path of the storm center but does not show the size of the storm. Hazardous conditions can occur outside of the cone.



**Hurricane Lane**  
 Tuesday August 21, 2018  
 6 PM HST Advisory 30  
 NWS Central Pacific Hurricane Center

**Current information:**  
 Center location 14.5 N 154.0 W  
 Maximum sustained wind 160 mph  
 Movement WNW at 9 mph

**Forecast positions:**  
 Tropical Cyclone ● Post/Potential TC  
 Sustained winds: D < 39 mph  
 S 39-73 mph H 74-110 mph M > 110 mph

**Potential track area:**  
 Day 1-3 Day 4-5

**Watches:**  
 Hurricane Trop Storm

**Warnings:**  
 Hurricane Trop Storm

WTPA32 PHFO 211443  
CPCP2

BULLETIN

Hurricane Lane Advisory Number 27  
NWS Central Pacific Hurricane Center Honolulu HI EP142018  
500 AM HST Tue Aug 21 2018

*Aug 21st*

...MAJOR HURRICANE LANE STILL MOVING WEST BUT EXPECTED TO MAKE A  
TURN TOWARD THE HAWAIIAN ISLANDS LATER THIS WEEK...  
...HURRICANE WATCH ISSUED FOR HAWAII AND MAUI COUNTIES...

SUMMARY OF 500 AM HST...1500 UTC...INFORMATION

LOCATION...14.1N 152.3W  
ABOUT 450 MI...725 KM SSE OF KAILUA-KONA HAWAII  
ABOUT 620 MI...995 KM SE OF HONOLULU HAWAII  
MAXIMUM SUSTAINED WINDS...150 MPH...240 KM/H  
PRESENT MOVEMENT...W OR 275 DEGREES AT 12 MPH...19 KM/H  
MINIMUM CENTRAL PRESSURE...950 MB...28.06 INCHES

WATCHES AND WARNINGS

CHANGES WITH THIS ADVISORY:

A Hurricane Watch has been issued for Hawaii county and Maui  
County.

SUMMARY OF WATCHES AND WARNINGS IN EFFECT:

A Hurricane Watch is in effect for...  
Maui County...including the islands of Maui, Lanai, Molokai and  
Kahoolawe  
Hawaii County

A Hurricane Watch means that hurricane conditions are possible  
within the watch area. A watch is typically issued 48 hours before  
the anticipated first occurrence of tropical-storm-force winds,  
conditions that make outside preparations difficult or dangerous.

Interests elsewhere in the main Hawaiian Islands, and across the  
Northwestern Hawaiian Islands, should continue to closely monitor  
the progress of Hurricane Lane. Additional Tropical Storm or  
Hurricane Watches will likely be issued later today or tonight.

For storm information specific to your area, please monitor  
products issued by the National Weather Service office in  
Honolulu Hawaii.

DISCUSSION AND OUTLOOK

At 500 AM HST (1500 UTC), the eye of Hurricane Lane was located  
by satellite near latitude 14.1 North, longitude 152.3 West. Lane is  
moving toward the west near 12 mph (19 km/h) and this motion is  
expected to continue through tonight, with a slight decrease in  
forward speed. A turn toward the northwest is expected Wednesday  
into Thursday. On the forecast track, the center of Lane will pass  
close to Hawaii and Maui counties on Thursday.

Maximum sustained winds are near 150 mph (240 km/h) with higher  
gusts. Lane is a category 4 hurricane on the Saffir-Simpson  
Hurricane Wind Scale. Slight weakening is expected the next couple  
of days, but Lane is forecast to remain a dangerous hurricane as it

raws closer to the Hawaiian Islands.

Hurricane-force winds extend outward up to 40 miles (65 km) from the center and tropical-storm-force winds extend outward up to 140 miles (220 km).

*very important*

he estimated minimum central pressure is 950 mb (28.06 inches).

HAZARDS AFFECTING LAND

WIND: Hurricane conditions are possible within the Hurricane Watch area on Thursday.

RAINFALL: Excessive rainfall associated with Lane is expected to affect portions of the Hawaiian Islands from Wednesday into the weekend, leading to flash flooding and landslides. Lane is expected to produce total rain accumulations of 10 to 15 inches with isolated maximum amounts of 20 inches over the Hawaiian Islands.

WAVES: Large swells generated by Lane will impact the Hawaiian Islands this week. These swells will produce large and potentially damaging surf along exposed south and west facing shorelines.

TEXT ADVISORY

Text intermediate advisory at 800 AM HST.  
Text complete advisory at 1100 AM HST.

\$  
Forecaster Birchard

# The Maui News

## County ports closed as Hurricane Lane approaches

Some commercial passenger vessel operators cry foul



Boats are anchored off Lahaina Small Boat Harbor on Thursday afternoon. Some small boat owners are not happy that they cannot seek refuge from Hurricane Lane in Kahului Harbor. The Maui News / CHRIS SUGIDONO photo

With Hurricane Lane approaching Maui County, oceangoing vessels have been ordered out of Kahului, Kaunapali and Kaunakakai harbors to safeguard the state's "critical lifelines," according to a harbormaster notice issued this week.

*"Upon the direction of the United States Coast Guard and State of Hawaii, vessels must leave our harbors so we can properly protect our piers and ensure vessels have a safe port to which they can return and begin to supply our state as quickly as possible following a heavy weather event,"* says the notice signed Tuesday by Maui District Harbors Manager and Harbormaster Duane Kim.



*“Every resident and visitor relies on our harbors to deliver essential supplies, with Kahului, Kaunapali and Kaunakakai harbors being our only commercial ports for each island on Maui, Lanai and Molokai, respectively,”* the notice says. *“In order to protect our most crucial asset, our ports, it is incumbent upon each harbor user to do their part in protecting our infrastructure.”*

Failure to comply with the harbor closure could result in fines and penalties.

The U.S. Coast Guard wants vessels larger than 200 gross tons to ride out the storm at sea, concerned about damage and pollution if such a large vessel in a *“worst case”* sinks in a protected harbor and prevents other vessels from coming in and out, said Coast Guard Petty Officer 3rd Class Amanda Levasseur on Thursday afternoon. Smaller vessels come under the authority of the state Department of Transportation, she said.

But the closure has some commercial boat operators crying foul, saying the notice gave them only a couple of days’ warning and they’re being left to fend for themselves in open water or at Maalaea or Lahaina small-boat harbors. Those facilities are *“very vulnerable”* to the wave surge expected when Lane passes by, they said.

One of the commercial boat operators is Phillip Kasper, who owns the Quicksilver, a 55-foot, double-decker aluminum catamaran. The vessel is certified for 149 passengers and a crew of eight. It takes passengers out on dinner cruises and snorkel tours of Lanai, Kasper said.

The Quicksilver is normally berthed at Lahaina Harbor, but it’s crowded and deemed unsafe for the massive swells expected from Hurricane Lane, he said.

Not long ago, *“boats were thrown up on a loading dock . . . and that was just from a big south swell,”* Kasper said. Lane was forecast to generate 20-foot swells.

When he was denied entrance to Kahului Harbor, Kasper had the Quicksilver taken to Maalaea Harbor, which is safer than Lahaina, he said, but still vulnerable.

After speaking with other commercial boat operators, Kasper estimated there were 10 to 20 other commercial boats that wanted the safety of Kahului Harbor but were turned down, including vessels with Lahaina Cruise Co. and the Pacific Whale Foundation.

Kasper said that, in the past, Kahului Harbor was *“always open”* for refuge from a storm or hurricane. He said he brought his boat there for safe harbor during Hurricane Iniki in September 1992.

Coast Guard vessels from Maalaea were allowed to move to Kahului Harbor this week, he said.

The state's move to block commercial boat refuge in Kahului Harbor came abruptly, he said, without giving operators a chance to make arrangements for safe harbor on another island and without allowing them input on the decision.

He said he found it *"cynical and unconscionable for government agencies to behave this way."*

Kahului Harbor is large enough to handle other boats without interfering with commercial trade traffic, Kasper said.

Instead, the harbor is *"100 percent closed,"* he said. *"It's outrageous in my opinion."*

Kim told The Maui News early Thursday afternoon that the *"whole port is closed"* at Kahului.

Kahului Harbor was open during earlier storms because it had calm waters, he said. But, with *"this particular storm,"* there's a forecast of tropical storm-force and possibly hurricane-force winds.

And, with such a storm, the risk of damage to harbor facilities is too high, he said. *"We cannot take that chance."*

Toni Marie Davis, executive director of the Activities & Attractions Association of Hawaii, which represents commercial boat operators among other businesses, said there's not a very clear procedure how to transfer vessels from a small-boat harbor managed by the state Department of Land and Natural Resources to a Department of Transportation harbor.

*"I'm hoping that, once the storm is over, there can be some kind of discussion about a procedure,"* she said.

She said she believed a *"nonsensitive area"* could be found at Kahului Harbor to shelter commercial passenger vessels from the storm without risking damage or interference with areas of the harbor used by Matson and Young Brothers.

In the case of Hurricane Lane, Kahului Harbor would be in the lee of the storm and thus a *"much safer harbor"* than Maalaea or Lahaina, she said.

*"There's a real threat that storm surge and high tide will damage boats,"* she said. But, as of Thursday afternoon, *"there's not enough time to make it right."*

Hawaii

# As Hurricane Lane Approached, Some Boats Had Nowhere To Escape

Tour boat operators say they were “blindsided” when state harbor officials barred them from taking shelter in commercial ports — a change from years past.



By Marcel Honore    / January 24, 2019

 Reading time: 5 minutes.

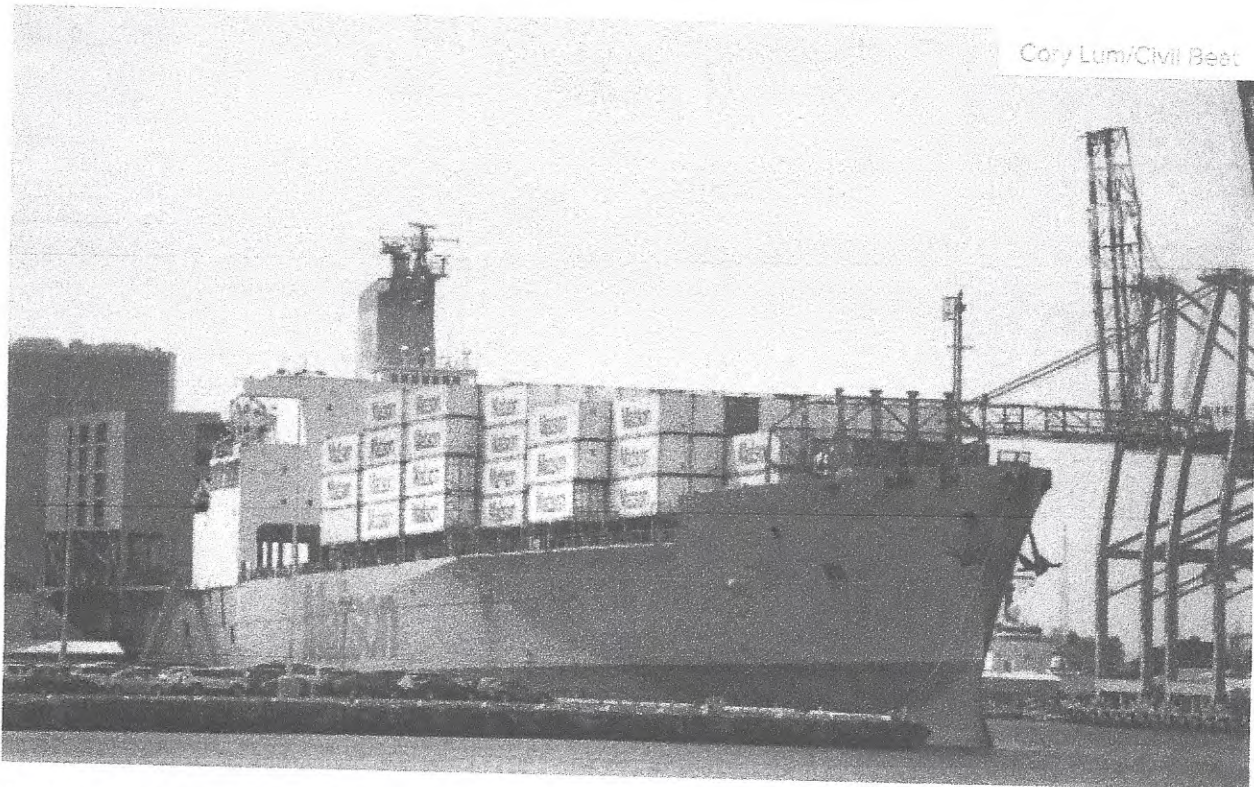


In August, as Hurricane Lane neared the Hawaiian Islands, cargo ships and other large vessels weighing 200 tons or more left the state’s commercial harbors and headed out to sea for safety.

But many smaller vessels incapable of outrunning and outlasting the storm were left in the lurch when state harbor officials barred them from seeking shelter in those same commercial harbors, operators testified at the Capitol on Wednesday.

Furthermore, any small vessels in the harbor without express permission to stay were ordered to leave with Lane's arrival imminent, they said.

"We were blindsided by this last-minute change in harbor policy that none of us were prepared for," David Jung, captain for the Lahaina Cruse Company, told Senate lawmakers during an informational briefing.



A Matson shipping vessel docks in Honolulu Harbor, the state's largest commercial port.

Jung, along with other tour-boat operators on Maui, had hoped to seek shelter for their fleets in the commercial port at Kahului once the forecasts showed Lane poised to batter the small-boat harbors where they're moored and docked in Lahaina and Maalaeaia.

In years prior, Jung and other operators testified, the smaller vessels that weren't subject to a Coast Guard order to leave could seek shelter there whenever storms would threaten.

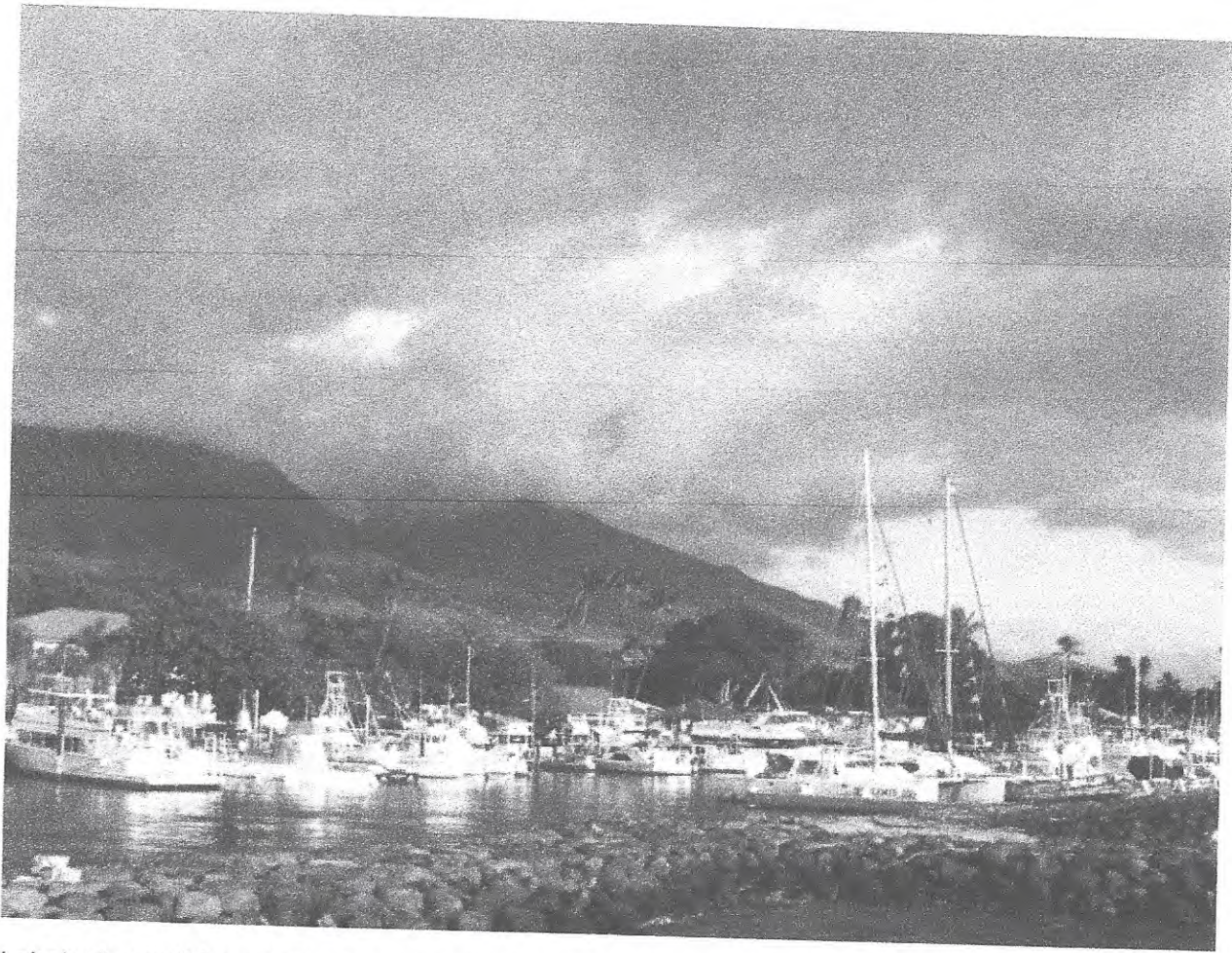
“Really our only hope was to moor in commercial harbors because they’re built to much, much higher standards,” Jung said Wednesday. “If the hurricane had followed that path we would’ve been in serious, serious desperate trouble.”

Commercial passenger and fishing boats such as Jung’s aren’t as big as the massive cargo ships operated by Matson and Pasha — but they’re not as small as most recreational sail boats, either. Those weren’t subject to the Coast Guard’s order to leave commercial harbors during Lane because they weigh less than 200 tons. Instead, under the state’s hurricane protocols, it’s left up to the state Department of Transportation’s Harbors Division in those situations to decide whether they stay or go.

DOT Harbors Division officials testified at Wednesday’s hearing, but they didn’t respond directly to the concerns raised by Jung and other operators of smaller vessels. After the meeting, DOT spokesman Tim Sakahara said that in the run-up to Lane, the agency wanted to avoid doing anything that might prevent the flow of emergency goods.

Any vessels already moored in the harbor had to provide the state agency with a plan of what they would do — and where else they would go — if a major storm struck, Sakahara added.

“It might’ve been allowed in the past” for smaller operators to seek shelter in commercial ports, Sakahara said, although it’s not clear what spurred the change. Sakahara said that DOT did give some advance warning of the agency’s policy ahead of the 2018 hurricane season.



Lahaina's small-boat harbor was not where vessel operators wanted to be if the hurricane hit.

Nonetheless, Jung contends that smaller craft could moor and dock in nonessential areas there without damaging or disrupting the flow of operations. On Wednesday, he said that about 20 operators on Maui had requested to move to Kahului ahead of Lane and that news quickly spread among other operators when DOT denied them access.

*Contact Key Lawmakers*

**Senate Transportation Chair  
Lorraine Inouye**  
[seninouye@capitol.hawaii.gov](mailto:seninouye@capitol.hawaii.gov)  
808-586-7335

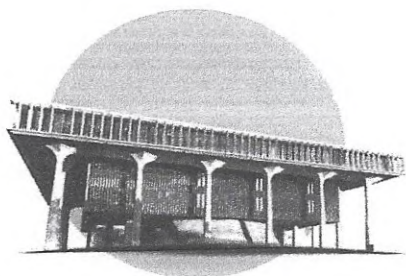
**Senate Transportation Vice**

With dock space at a premium, Maui has some 100 vessels that moor offshore at its small-boat harbors, Zachary LaPrade, a member of the Honolulu-based Ocean Tourism Coalition, told lawmakers

**Chair Breene Harimoto**

[senharimoto@capitol.hawaii.gov](mailto:senharimoto@capitol.hawaii.gov)

808-586-6230



Wednesday. In a storm, there's room for maybe 25 boats to squeeze into the harbor, leaving some 75 boats vulnerable offshore.

Wednesday's hearing also raised the larger question of where the 2,000 or so boats docked at the small-boat harbors across the state would go in the event of a major hurricane strike.

"On the mainland, you have different harbors to run to — you can go to the next state," Jung said afterwards. "Where do you go when you're in Hawaii? There is not an option."

Unlike larger cargo ships, most of these smaller commercial vessels aren't capable of outrunning a hurricane in the deep ocean, Jung said. Furthermore, they lack the fuel and supplies to stay out that far and then return. Without a chance to take cover in the commercial harbor, those operators would likely see their vessels destroyed, he said.

"I think there's a lot of people who would've tried to save their boats and they would have lost their lives," Jung said. "Because it's their livelihood. That's how they support themselves;



Cory Lum/Civil Beat

Sen. Lorraine Inouye at a Legislative hearing in 2017.

that's how they support their families.”

Sen. Lorraine Inouye, who chairs the Senate's Transportation Committee, said that lawmakers would continue to discuss the issue in the weeks ahead.

“We have some work cut out for us,” she said at Wednesday's hearing. She and her colleagues could consider whether to amend state law — and DOT's policy on sheltering smaller commercial boats during a tropical cyclone.

The issue could take several years to fix, she said.

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### About the Author

Marcel Honore   



**LATE**

**SB-1505**

Submitted on: 2/13/2019 12:34:37 PM

Testimony for TRS on 2/13/2019 1:15:00 PM

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

Comments:

Aloha Chair, Vice Chair and members of the committee,

Mahalo for scheduling this Bill. 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 strongly support SB1505.**

When an emergency like an impending storm with time to prepare and seek shelter, our harbors should not be divided into Federal, DOT and DLNR, they should be divided into "safe" and "unsafe" harbors and all vessels under 200 tons should be allowed to seek refuge in those harbors which are considered safe. This ensures the safety of the greater number of people, while not impeding our commercial harbors, these are small vessels.

Mahalo for the opportunity to submit testimony,

Toni



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Association**

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February 12, 2019

The Honorable Clarence K. Nishihara  
Chair, Committee on Public Safety, Intergovernmental, and Military Affairs  
*and*

The Honorable Lorraine R. Inouye  
Chair, Committee on Transportation

Hawaii State Senate  
State Capitol  
415 South Beretania Street  
Honolulu, HI

**LATE**

Dear Senators Nishihara and Inouye:

The Passenger Vessel Association (PVA) – the national trade association representing owners and operators of U.S.-flagged passenger vessels of all types – thanks you for scheduling the joint committee hearing on legislation addressing the proper emergency protocol and procedures for Hawaii’s harbors and harbor users should potential disasters threaten the State and for demonstrating your interest in the protection of commercial passenger vessels when hurricanes and tropical storms strike.

This past October, PVA held its three-day Western Region meeting in Lahaina, attracting about 125 attendees from California, Oregon, Washington, and Alaska, as well as those from the Aloha State.

PVA wishes to convey its support for approval of Senator Inouye’s SB1505, a bill to authorize the Department of Transportation to make harbor facilities temporarily available as a harbor of safe refuge when the National Weather Service forecasts a tropical storm or hurricane strength cyclones, unless specifically prohibited by the United States Coast Guard Captain of the Port.

PVA’s membership includes 22 companies operating passenger vessels in Hawaii. We are concerned about the policy change that was abruptly put in place last year that appears to preclude our members from seeking refuge in commercial harbors under the jurisdiction of the Department of Transportation. PVA urges your committees to lead the way in re-establishing a policy that protects Hawaii’s

passenger vessels and their crews when hurricanes and other severe storms threaten the islands.

The smaller harbors in Hawaii from which most PVA members operate do not provide sufficient protection for those vessels when severe weather strikes. It is necessary to move the vessels to more sheltered locations, and for many years these movements were allowed. PVA knows of no instances in which there were adverse impacts on the commercial harbors under the jurisdiction of the Department of Transportation when these emergency relocations took place.

Throughout the United States, it is standard practice for passenger vessel operators to move their vessels to sheltered locations when a hurricane is bearing down upon their customary harbors of operation. It is not standard practice for these vessels to move into the open sea to ride out hurricanes. Most U.S.-flagged passenger-carrying vessels have a tonnage of less than 100 gross tons; as relatively smaller vessels, they do not have the seakeeping characteristics needed to endure hurricane or tropical storm conditions at sea. Forcing such vessels out of sheltered harbors jeopardizes the vessels and especially creates a life-threatening situation for the crew members.

The Passenger Vessel Association urges your support for SB1505 to enable Hawaii's smaller passenger vessel operators to have controlled access to the commercial harbors under the jurisdiction of the Department of Transportation to serve as a harbor of refuge in the event of hurricanes and tropical storms. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert J. Lawler Jr.", written in a cursive style.

Robert J. Lawler Jr.  
President - 2019

**Vessel Members in Hawaii**  
**Passenger Vessel Association**

Atlantis Submarines Hawaii LLC, Honolulu  
Blue Dolphin Cruises, Ele'ele  
Captain Andy's Sailing Adventures, Ele'ele  
Fair Wind, Inc., Kailua-Kona  
Holo Holo Charters, Inc., Ele'ele  
Hone Heke Corporations (*dba* Expeditions), Lahaina  
Island Star Excursions, Kula  
Kanoa, Inc. (*dba* Body Glove Cruises), Kailua-Kona  
Kona Sunrise Charters, Inc., Kailua-Kona  
Makena Classic Charters, Wailea  
Maui Classic Charters, Kihei  
Mid Pacific of Hawaii, Kaneohe  
NaPali Sea Tours, Inc., Ele'ele  
Ocean Joy Cruises, Kapolei  
Pacific Whale Foundation, Wailuku  
Pier 36 LLC, Honolulu  
Pride of Maui, Wailuku  
Quicksilver Charters, Lahaina  
Star of Honolulu Cruises and Events, Honolulu  
The Lahaina Cruise Company, Lahaina  
Trilogy Excursions, Lahaina  
Whitey Boat Cruises (*dba* Na Pali Catamarans), Kilauea

**SB-1505**

Submitted on: 2/12/2019 11:11:17 AM

Testimony for TRS on 2/13/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	Testifying for O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

**SB-1505**

Submitted on: 2/12/2019 11:23:08 AM

Testimony for TRS on 2/13/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ryan Senaga	Testifying for Hawaii Emergency Management Agency	Support	Yes

Comments:

**SB-1505**

Submitted on: 2/12/2019 12:23:45 PM

Testimony for TRS on 2/13/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Phil Kasper	Testifying for Malolo Charters	Support	No

Comments:

Chair Inouye, Vice Chair Harimoto & Senators of the Committee:

In August 24, 2018, Hurricane Lane, a deadly Category 4 Storm, was heading directly for Maui's South shores. Vessels in the Maui fleet immediately began preparations to take safe refuge in Kahului Harbor on the North shore. However, on the eve of Hurricane Lane, the Department of Transportation denied vessels entry into Kahului Harbor, and sent Hawaii residents into dangerous offshore storm conditions.

In the past, if a hurricane was heading for Maui's South shores, vessels moored on the South shore would travel around Maui to seek shelter in Kahului Harbor on the North shore. Kahului Harbor is on the leeward side of the island during a storm from the South. This same emergency protocol has been followed for 30 years. However, as stated above, DOT Harbors Maui District Manager ordered that no that "all vessels, regardless of size, that have not already received express permission by USCG and DOT-Harbors to remain in port, are hereby ordered to depart Kahului, Kaunakakai and Kaunakakai Harbors...."

Maui has a large fleet of approximately 100 vessels permanently moored offshore. Our two main small boat harbors are Ma'alaea and Lahaina. During a storm, perhaps a dozen boats can take refuge in each harbor. That still leaves 75 boats with no harbor of safe refuge. The USCG wisely understands the danger of leaving its small craft in Ma'alaea and Lahaina Harbor during a storm from the South, and the USCG move their vessels to Kahului for safety.

***These are just the stories from Maui, and we understand many other vessels were also ordered out of Honolulu Harbor.***

For the safety of the crewmembers and their family members, DOT Harbors should support the long-standing policy of making non-critical areas available for vessels under 200 tons during storm weather. Running offshore away from an approaching hurricane is a foolish plan. Vessels can be repaired or replaced, but the spouses and families of the crew will never be able to replace lives lost to a hurricane.

**\*\*Update**

On February 10, 2019, a strong storm hit Maui's west shores. Please see the attached image of the destruction a storm can cause to vessels that are unable to take safe refuge in a harbor on leeward shores.



**LATE**

**SB-1505**

Submitted on: 2/13/2019 11:20:08 AM  
Testimony for TRS on 2/13/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Thomas Heberle	Testifying for Hawaii Pilots Association	Support	No

Comments:

Hawaii Pilots Association supports SB 1505. Providing safe refuge for small vessels during hurricanes and other severe weather events is necessary to keep these small vessels safe. There are no other available safe refuge options for these vessels anywhere in Hawaii. Provided that they are securely moored in non-essential areas and clear of the harbor channels, these smaller vessels would not impact commercial vessel traffic scheduling once the harbors re-open.

Thank you for the opportunity to comment on this bill.

Captain Thomas Heberle

Hawaii Pilots Association

**LATE**

**SB-1505**

Submitted on: 2/13/2019 12:30:34 PM  
Testimony for TRS on 2/13/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Richard	Individual	Support	No

**Comments:**

Please accept my support of SB 1505.

Providing safe refuge for small vessels during hurricanes and other severe weather events is necessary to keep these small vessels safe.

There are no other available safe refuge options for these vessels anywhere in Hawaii. Provided that they are securely moored in non-essential areas and clear of the harbor channels, these smaller vessels would not impact commercial vessel traffic scheduling once the harbors re-open.

Thank you

Richard Davison