

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
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Testimony of
SUZANNE D. CASE
Chairperson

Before the House Committee on
WATER, LAND, AND HAWAIIAN AFFAIRS

Wednesday, February 5, 2020
9:00 AM
State Capitol, Conference Room 325

In consideration of
HOUSE BILL 2076
RELATING TO VESSELS

House Bill 2076 proposes to amend various sections within Chapter 200, Hawaii Revised Statutes, regarding impoundment and disposal of unauthorized and abandoned vessels on state property and in waters of the State. **The Department of Land and Natural Resources (Department) strongly supports this measure.**

This measure would allow the Department to respond quicker and more effectively to unauthorized, abandoned, grounded, and derelict vessels under its jurisdiction. Current statutes require the Department to provide seventy-two-hour notice of intent to impound a vessel before being able to take control of the vessel. However, in some instances the condition of a vessel rapidly deteriorates within this time period, leading to increased costs on the Department for impounding and disposing of the vessel. A vessel may break into multiple pieces, requiring additional work for impounding the vessel and creating an increased risk to public safety as well as to our State's natural resources. A vessel may also drift from its initial position and end up in a situation that increases the difficulty in retrieving it.

Thank you for the opportunity to comment on this measure.

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

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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

HB-2076

Submitted on: 2/1/2020 7:04:50 AM

Testimony for WLH on 2/5/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Individual	Support	No

Comments:

HB-2076

Submitted on: 2/3/2020 10:26:04 AM

Testimony for WLH on 2/5/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sage-Lee Medeiros-Garcia	Individual	Support	No

Comments:

To the House Committee on Water, Land, and Natural Resources:

I strongly agree with ammendments. Two scenarios possibly come out of an abandoned vessel:

1. Vessel afloat dead in the water and derelict within DOCARE shorelines should be more than a misdemeanor.
2. Vessel ashore at pier abandoned or on other properties of the State, or community should maintain misdeameanor status but be an appropriate fine to cover the expense of recovery, trailering, and disposition. It is common that misdemeanors fine up to \$1000. However, that will barely cover the cost of removal from pier.

Impact of derelict vessels on the water: The impact of a derelict vessel afloat within shorelines creates a hazard to navigation for fisheries, shipping, recreationals, and government enterprise. To be dealt easily DOCARE should be given the authority to board, inspect, and obtain registration documents to identify the captain's nationality and identity, and 360 degree imagery for documentation. Then, send over all documents to the state and request authorization to sink it by means of flooding if determined no longer seaworthy. If it is seaworthy: conduct a tow, recover it to pier, trailer, then transport it to an appropriate facility to be restored and auctioned.

Respectfully,

S.M. Medeiros-Garcia



Ocean Tourism Coalition

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February 5, 2020

LATE

Testimony To: House Committee on Water, Land, & Hawaiian Affairs
Representative Ryan I. Yamane, Chair

From: Tim Lyons, CAE
Executive Director

Subject: H.B. 2076 – RELATING TO VESSELS.

Chair Yamane and Members of the Committee:

I am Tim Lyons, Executive Director of the Ocean Tourism Coalition (OTC) and we oppose a portion of this bill.

Our objection lies in the establishment of 24 hours as a “trigger” for the boat owner to take action. It is simply not sufficient time. Many boat owners are “absentee owners” or travel a great deal to the mainland and inter-island and may or may not receive this notice in a timely fashion. The requirement in some cases is to post the notice on the vessel and again, if you are not around and do not go to your vessel, you will not know about that notice. Admittedly, notices are also mailed to the owner of record and that should be sufficient but if you are out of town, you have the same problem.

Lastly, on page 13 in Section 6 and Section 200-47.5(c), a 72 hour period was established for boats grounded on a sandy beach. This bill also proposes to change that to 24 hours. While we are cognizant of the Department's desire to move quickly and we certainly don't want to encourage any further damages to the environment, we also think we have to be fair to the boat owner and allow them time to take action. In some cases these boats are worth millions of dollars and we would not want to see any unfair treatment of that done in haste.

Based on the above, we respectfully request no change from the 72 hours and an elimination of the 24 hour period.

Thank you.