

HB-858

Submitted on: 2/5/2021 1:59:11 PM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Matthew Gurewitsch	Individual	Support	No

Comments:

As a full-time resident of Maui and ardent advocate for the aina, our marine life, and water safety, I whole-heartedly support HB858, which proposes to regulate the use of electric hydrofoils, or e-foils. These motorized thrillcraft have been showing up in South Maui waters lately. The noise they make is audible underwater within a radius I would estimate at a mile or more, adding to the noise pollution that scientists tell us is already overwhelming undersea life. The operators, many of whom have poor control of their equipment, frequently cruise close to whales and swimmers, moving at speeds up to an estimated 25 mph. Evidently aware of the danger they pose, they wear helmets. As for marine mammals (whales, humans), where's their protection? A person struck by an e-foil might well lose consciousness and drown. Regulation of this new equipment is a matter of the utmost urgency. Our stewardship of the aina demands it.

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Submitted on: 2/5/2021 6:39:06 PM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cecilia Rose Reilly	Individual	Support	No

Comments:

Aloha,

Motorized vehicles in recreation w/ others not using motors.. and in the water.. is extremely tricky. So many levels of capability, so many moving and changing circumstances all in a dance to avoid injury. In relation to Electric Foils, i am in full support of this bill's capacity to provide comfort and safety for all those involved. Mahalo!

HB-858

Submitted on: 2/6/2021 10:46:13 AM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Diane Shepherd	Individual	Support	No

Comments:

Dear Sirs: I was astonished the other morning to see motorized thrillcraft in the nearshore waters of South Maui during the whale season. If jetskis are banned at this time, then so should Efoil craft. As was published in a recent NY Times article, human generated noise is overwhelming the oceans and its creatures. It is difficult enough for DOCARE to enforce speed limits on regular craft. These toys should be banned altogether.

thank you, Diane Shepherd DVM

HB-858

Submitted on: 2/6/2021 2:17:07 PM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
kerri ballard	Individual	Support	No

Comments:

Thank you so much for this opportunity.

My primary passion at this stage of my life is to swim in the ocean with a mask and snorkel and to observe the fish and other wildlife. I keep a log of which fish I see, when I see them, and where. I love the peace of this natural environment and I know I am joined by many of our residents and visitors in my enjoyment of this activity. Lately I have been often assaulted by the underwater noise of the new (to our waters) efoils. The first time I heard it I thought someone was drilling metal on a ship underwater. It masked the sound of everything else. There were no reef sounds, no whale songs, no peace. It was similar to the sound two or three weed whackers make next door on a quiet weekend morning or a generator right next to your tent at a campsite. It's LOUD. It is loud even when there is only one efoil and it isn't even nearby.

A recent review of undersea anthropogenic (originating from humans) noise published last Thursday in the journal "Science" documents the ill effects it is having on undersea creatures even disorienting some baby fish so that they can not find their way to their home reefs. With the other stresses on our fish such as pollutants, runoff, warmer water, etc. this extra noise for the benefit of a few seems particularly unwelcome.

I am sure the whales and all of the other life in the ocean will benefit from the proposed five month per year break from this stress and the limit on the number of the fast moving machines near swimmers, snorkelers, boogie boarders, etc.

Sincerely,

Kerri Ballard

Makawao

HB-858

Submitted on: 2/6/2021 5:34:07 PM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
James Dvorak	Individual	Oppose	No

Comments:

I am writing to express my deep disappointment and frustration with the proposed law, HB585, and how deeply it would effect my life.

I have been Efoiling in Maui for almost a year.

I chose to buy an efoil to access the ocean, instead of buying a boat as it does not require a trailer or use of public boat ramps. It also does not pollute the ocean as it has no exhaust and is electrically powered.

Efoils have been operating safely in Hawaii waters for years. There have been no incidents involving whales or people.

I believe HB585 is an extreme over reach and over regulation that targets a select group of citizens for no reason.

If there is a problem, then why not pass a law to address the problem instead of a blanket banning of a group of people and restricting their access to the ocean?

If you ban or restrict Efoils, people will just purchase a different craft to access the ocean, until that craft is restricted or banned. Banning and restricting access of a certain craft is not the answer.

Boats are not banned during whale season or required to have permits for operation. Why would a different logic be applied to a far less environmentally impactful vehicle?

The proper action is to identify any problems and then make reasonable laws to address those problems.

Sincerely, James Dvorak

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Submitted on: 2/6/2021 10:50:24 PM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cordia Wan	Individual	Support	No

Comments:

As a South Maui resident, I have seen the negative impact of the E-foils without regulation. Although the E-foils are classified as a motorized watercraft and ought not to be used close to swimmers and shore, they are often used right along the shoreline, near swimmers and snorkelers. And unlike boats or jetskis which transit quickly by, the E-foils are not meant to be used in distance travel, hence they go back and forth in the same areas, usually for at least an hour or more. For other recreational users in the area, particularly swimmers and snorkelers, the speed and weight of the Efoil poses a significant danger, and the noise made underwater by the Efoil poses a constant nuisance. Furthermore, the Efoils are often used by beginners, or renters who tend to stay close to shore, and don't have the ability to control the Efoil, posing additional danger to those around them. I support using the measure to regulate particularly where the Efoils can be used. I've seen and even participated in trying them at Sugar Beach where there is low water traffic and they don't pose an issue with responsible users, but I have also seen them at the Kamaole and Wailea beaches where there is high water traffic and they pose a clear danger. On a morning walk in Kihei I saw an Efoil shared by a number of people zipping back and forth right along other swimmers and children, and even after a warning by others there was no change in behavior. The hardest part about the Efoil is that it needs to be treated as and regulated as a motorized watercraft, despite its low profile and tendency to be used close to shore. We may need to enlist lifeguards to play an active part in regulation. With some guidelines and measures in place I believe we can help the Efoil community find its place on Maui.

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Submitted on: 2/7/2021 7:12:44 AM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michele Triplett	Individual	Support	No

Comments:

While the efoils may seem quiet above water, underwater they are loud and sound like gnats. Sound travels far under water and it is also difficult to tell where the efoils are located. During whale season they should be treated like jet skis and parasailing and not be allowed.

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Submitted on: 2/7/2021 9:27:14 AM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jim Smith	Individual	Support	No

Comments:

It is not necessary for me to defend the integrity of the Humpback Whale Sanctuary.. Having said that it is clear to me that electric hydrofoil surfboards should be banned from the sanctuary during whale season. Understanding how they operate, the dangers they present, and the very small number of people they serve begs for exclusion.

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Submitted on: 2/7/2021 11:25:40 AM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Keisa Liu	Individual	Support	No

Comments:

My name is Keisa Liu and I am writing in full **support** of HB858. There is no doubt that the waters surrounding our islands are alluring to water sport aficionados from all over the world. We celebrate and appreciate these waters as malahini, kama'aina, and kanaka maole alike. But just as we celebrate and appreciate the waters, it is also our work to protect and respect it.

The waters surrounding these islands are not here for just our pleasure. It is a home, a food source, a nursery and so much more to all other creatures that use it. As a people, we have a kuleana to recognize this and to make decisions based on this fact.

When we choose the water sports we choose, we must think about the consequences it has on the sea life that surrounds our islands. It is not unheard of for hydrofoilers to accidentally run into our sea animals at great speed and injure those animals. Increasing the speed by the use of the motor would only make such matters worse.

While I am not against the use of any hydrofoils in our waters, I believe regulating how many are in use is a reminder to us all that we are stewards of this land and it's water.

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Submitted on: 2/7/2021 3:21:52 PM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Alika Ferreira	Individual	Oppose	No

Comments:

My name is Alika Ferreira and I oppose HB858.

I was born and raised in Kailua on the island of Oahu where I currently reside. I grew up in Kailua Bay spending a lot of time in the ocean. I understand the need to balance ocean activity, community safety, and the preservation of our natural resources like marine life, ocean and beach cleanliness.

I also own an efoil. I share my efoil with family and friends. I also teach people how to ride it safely and how to properly operate it within Hawaii waters. There are a few concerns that HB858 seems to be addressing, and I would like to address each of them individually:

1. Rep. Wildberger's Facebook posting complains of "the number of loud electric hydrofoil surfboards" operating in Maui. The description of the efoils being loud is just not true. If you compare any electric equipment to their non-electric counterpart, you always find that the electric equipment is much quieter than their counterpart. For example, electric cars vs. gasoline cars, electric weedwacker vs. gasoline weedwackers, electric RC cars, boats, and planes vs. gasoline RC cars, boats, and planes. If Rep. Wildberger would actually investigate the complaints, she may find that the same quiet operation is true with the electric hydrofoils.
2. HB858 seeks to list the efoil as a thrill craft, the same category as a jet ski. In July of 2020, the Department of Boating and Ocean Recreation, DLNR completed their review and determination of how to classify the electric foil board. DOBOR noted that after reviewing the Hawaii Revised Statutes and the Hawaii Administrative Rules as it applies to thrill craft, DOBOR made the determination that because the efoil:
 - o does not have the capacity to carry any more than one person at a time,
 - o is battery powered (as opposed to an internal combustion engine), and
 - o uses a propellor as the primary source of motive propulsion (as opposed to a water jet pump)

DOBOR has decided to classify the electric foil board (efoil) as a motorized vessel. It is not considered a thrill craft by DOBOR.

3. HB858 seeks to limit the number of efoils to three per beach access. As a motorized vessel, DLNR already requires that the efoil be registered annually. As for limiting access, DLNR would have to somehow enforce any such rule at the point of entry on the beach. The efoils literally make the same footprint on the water as a small surfboard, or a standard bodyboard, 4-6ft in length. Most efoil operators explore the water during calm conditions, and therefore don't stay near the beach that they enter from. Enforcement of this type of rule would be difficult. The point of the restriction seems to be reduce the impact of these boards on marine life.
4. HB858 intends to protect the marine life, specifically the waters west and south of Maui during whale season (December through May). Protection of marine life is always a noble purpose, as long as protection is actually realized. The typical efoil is 4-6ft in length, has a 2-3ft draft that sits below the water, and operates on a electric system powered by a battery for up to 90 minutes. The noise emitted from the efoil is quieter than the sound from a electric weedwacker. Underwater, you can hear the electric engine as a buzzing sound. Because the efoil is like a surfboard, the last thing any operator wants to do is to hit anything as it results in a the rider being thrown into the water. From the perspective of size and power, the impact of any boat or canoe would be much greater on a whale than an efoil.

I agree that the safe operation of all water craft should be important for the community of Maui and all islands in Hawaii. I commend Rep. Wildberger for caring enough to want to protect the marine life from potential dangers presented by people, but I think Rep. Wildberger needs to do more research.

The efoil, like all water craft, is a tool for use by people in many different ways. Educating the operators of efoils would be a much more prudent approach than regulating them. As DOBOR has already determined the efoil to be a vessel, all operators are required to register their vessel and to take an ocean safety course which is free and readily available at www.boatus.org. As an individual who cares about the ocean, and about the individual responsibility that we have as people, I actively promote the safe operation of efoils within my circle of influence.

Mahalo for your consideration of my testimony.

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Submitted on: 2/7/2021 7:51:39 PM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Vadym Ustymenko	Individual	Oppose	No

Comments:

I am testifying against HB858 for the following reasons:

1. Electric Hydrofoil Surfboards are pollution-free personal watercraft with noise levels way below any other motorized watercraft.

2. HB858 unjustifiably attempts to regulate specifically Electric Hydrofoil Surfboards without explaining how they are different from electric surfboards, gasoline surfboards, electric underwater scooters, and other small watercrafts operated in Hawaiian waters.

3. HB858 incorrectly assumes the noise level produced by Electric Hydrofoil Surfboards without providing a measurement in decibels.

4. HB858 does not compare the noise level produced by Electric Hydrofoil Surfboards with other watercraft.

5. HB858 attempts to limit Electric Hydrofoil Surfboards to 3 per beach without providing any explanation. Why is 3 ok but 4 is too many?

HB-858

Submitted on: 2/7/2021 8:08:23 PM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Travis Gulnac	Individual	Oppose	No

Comments:

Aloha,

I am testifying in strong opposition to the proposed HB858 Bill for numerous erroneous assumptions about this amazing new green technology, called Efoiling. Efoiling is an all-electric, no-wake hydrofoil that glides effortlessly and quietly through the water. There is no gas, oil, or emissions from this vessel. Classifying this vessel in a category compared to thrill crafts/jet skis and high-speed boats is like comparing apples to oranges and illogical.

I currently own a boat (and have a boating license) and previously owned two jet skis (and have a jet ski & tow-in license). I am also an avid waterman who surfs, windsurfs, scuba and free dives, fishes, Efoils, . . . and enjoy all the facets of the great outdoors that the Hawaii lifestyle provides. I also have a Bachelors Degree in Environmental Geography, a Minor in Marine Science, and worked at the Waikiki Aquarium as an aquarium biologist. I have also been involved in numerous beach clean-ups and strongly support measures to allow equal access to all and mitigate our footprint on the beautiful islands we call home.

The idea of issuing permits, designating beaches or lengths of coastline, and limiting times of the year that we can operate Efoils infringes and unfairly singles out a certain group of individuals. To my knowledge, there have not been any incidents of Efoilers hitting any whales, marine life, or individuals during their time on the water. Acoustically, the Efoil motors are electric and are whisper-quiet (much like an electric car), compared to that of a boat or jet ski. Our operating speed averages approximately 10 knots, so we are not flying at excessive speeds or even close to what other vessels are capable of reaching. Furthermore, the motor and propeller are mounted on the aft section of the hydrofoil, behind the wing, and come with an enclosed safety shroud that protects the propeller, preventing any harm to marine life or the operator. Lastly, we are already required to register our vessels with DLNR, just like other boats. If we are in the wrong, we have identification numbers clearly visible that can be reported.

Most people at the beach are amazed and intrigued by what we are doing. They ask lots of questions and are genuinely interested and fascinated by the concept of how it works. In my opinion, education and good stewardship are the most logical step

towards mitigating this new vessel on the water. I suggest the operation of these vessels should follow the same rules and laws a boat operator follows (ie. certain distances from the coastline, other vessels, divers & marine districts,) and strongly oppose Efoils be classified in the same category as jet skis or high-speed thrill craft.

Thank you,

Travis Gulnac

HB-858

Submitted on: 2/7/2021 9:04:31 PM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kate Thompson	Individual	Support	No

Comments:

I am a long time resident of Hawaii (since 1982) and I visited my cousin in Dana Point California July, 2019. I was shocked to see the electric hydrofoils in use. I saw people using the electric hydrofoil surfboards in fast, dangerous and irresponsible ways.

Please protect the whales on Maui.

Forbid the use of electric hydrofoil surfboards in Maui, December through May each year.

Mahalo.

HB-858

Submitted on: 2/8/2021 3:16:59 AM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nick Leason	Lift Foils	Oppose	No

Comments:

To Whom It May Concern.

I am not a resident of Hawaii and therefore my comments carry little weight in the decision process of the local community. I also design and build the electric hydrofoils that are the topic of discussion, therefore my opinion may be seen as biased, but I appreciate the opportunity to participate.

My statement is simple. Electric hydrofoils (eFoils) are a new and evolved surfboard, or personal watercraft if you will, that do not emit noise, wake or toxic fumes. They pose no threat to the community and allow people to enjoy and appreciate the water in a very ecological manner. Failing to understand the product and restricting its use is simply going to push people back to oversized watercraft driven by large and antiquated gasoline engines.

EFoils represent serenity on the water and we as an ocean community should be promoting an evolution away from large, fuel consuming craft into something more personal and far less taxing on the environment and our community. Limiting beaches to 3 efoils is practically a ban on the product all together and a large step backwards.

It's a brand new product and far from perfect, but I encourage everyone to look at the larger picture. These product pose no threats to the local community or our marine environment.

An equivalent comparison to this bill would be to say that electric bicycles are bad and should be limited. People would simply get back into their SUVs as a default.

Thank you for your time and attention.

Nick Leason.

HB-858

Submitted on: 2/7/2021 8:18:56 PM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Raimar Bylaardt II	Individual	Oppose	No

Comments:

Hydrofoils are fun, safe and environmentally friendly. They usually stay close to shore but far from the surf line up, making it not a threat to whales, surfers and other beach goers.

This bill makes no sense

It will kill responsible use of our waters and possible businesses that would generate jobs, income and taxes to our state.

Please don't ban electric hydrofoil in Hawaii

Mahalo



To: Honorable Chair Tarnas, Vice-chair Branco, and House Water & Land Committee members;
Feb. 9, 2021, 9:15 am

Re: HB 858 in SUPPORT

For the Fishes, dedicated to the protection of coral reef wildlife, supports HB858, which would require the counties to issue permits for the operation of electric hydrofoil surfboards and prohibit the operation of electric hydrofoil surfboards in the waters of west and south Maui between December 15 and May 15. We sincerely thank the Committee for considering this important matter that affects Hawai'i's threatened coral reef wildlife.

This measure is urgently needed now because:

- Electric hydrofoil surfboards (e-foils) create extreme underwater noise pollution, emitting a continuous high-pitched sound that is audible by swimmers, snorkelers and scuba divers for hundreds of feet, and likely over a much greater distance by marine life. Listen here: <https://youtu.be/Otb6-xjAp7U>
- Coral reefs, including those in Hawai'i, are among the most threatened ecosystems on Earth.
- A Feb. 4, 2021 New York Times article (attached) describes research confirming that by drowning out the natural soundscape of the ocean, human-made noise is causing immense stress and becoming unbearable for undersea life, which in many cases relies upon natural auditory cues for their very survival.
- Natural auditory cues are especially important for coral reef wildlife. Reef fish larvae develop and drift in ocean currents until they are large enough to settle onto a coral reef. Recent research indicates that these larvae are guided to coral reefs by the sounds emanating from them. Larvae that cannot detect those auditory cues, because they are drowned out by human-made noise, may never make it to a reef.

Scientists agree that 70% of Hawai'i's coral reefs could be lost by mid-century from increasing ocean heat waves that are projected to increase in frequency in the coming years, until they occur every year by 2035. Scientists also agree that reducing stressors is essential if coral reefs are to persist beyond this century.

We thank the committees for hearing this important measure and considering these points, and urge you end the harmful underwater noise pollution created by e-foils by passing HB858.

Sincerely,

Rene Umberger
Executive Director

In the Oceans, the Volume Is Rising as Never Before

A new review of the scientific literature confirms that anthropogenic noise is becoming unbearable for undersea life.

By Sabrina Imbler

Feb. 4, 2021

Although clown fish are conceived on coral reefs, they spend the first part of their lives as larvae drifting in the open ocean. The fish are not yet orange, striped or even capable of swimming. They are still plankton, a term that comes from the Greek word for “wanderer,” and wander they do, drifting at the mercy of the currents in an oceanic rumspringa.

When the baby clown fish grow big enough to swim against the tide, they high-tail it home. The fish can't see the reef, but they can hear its snapping, grunting, gurgling, popping and croaking. These noises make up the soundscape of a healthy reef, and larval fish rely on these soundscapes to find their way back to the reefs, where they will spend the rest of their lives — that is, if they can hear them.

But humans — and their ships, seismic surveys, air guns, pile drivers, dynamite fishing, drilling platforms, speedboats and even surfing — have made the ocean an unbearably noisy place for marine life, according to a sweeping review of the prevalence and intensity of the impacts of anthropogenic ocean noise published on Thursday in the journal *Science*. The paper, a collaboration among 25 authors from across the globe and various fields of marine acoustics, is the largest synthesis of evidence on the effects of oceanic noise pollution.

“They hit the nail on the head,” said Kerri Seger, a senior scientist at Applied Ocean Sciences who was not involved with the research. “By the third page, I was like, ‘I’m going to send this to my students.’”

Anthropogenic noise often drowns out the natural soundscapes, putting marine life under immense stress. In the case of baby clown fish, the noise can even doom them to wander the seas without direction, unable to find their way home.

“The cycle is broken,” said Carlos Duarte, a marine ecologist at the King Abdullah University of Science and Technology in Saudi Arabia and the lead author on the paper. “The soundtrack of home is now hard to hear, and in many cases has disappeared.”

Drowning out the signals



Seismic air guns on a seismic vessel in waters off Brazil. Leo Francini/Alamy

In the ocean, visual cues disappear after tens of yards, and chemical cues dissipate after hundreds of yards. But sound can travel thousands of miles and link animals across oceanic basins and in darkness, Dr. Duarte said. As a result, many marine species are impeccably adapted to detect and communicate with sound. Dolphins call one another by unique names. Toadfish hum. Bearded seals trill. Whales sing.

Scientists have been aware of underwater anthropogenic noise, and how far it propagates, for around a century, according to Christine Erbe, the director of the Center

for Marine Science and Technology at Curtin University in Perth, Australia, and an author on the paper. But early research on how noise might affect marine life focused on how individual large animals responded to temporary noise sources, such as a whale taking a detour around oil rigs during its migration.

The new study maps out how underwater noise affects countless groups of marine life, including zooplankton and jellyfish. “The extent of the problem of noise pollution has only recently dawned on us,” Dr. Erbe wrote in an email.

The idea for the paper came to Dr. Duarte seven years ago. He had been aware of the importance of ocean sound for much of his long career as an ecologist, but he felt that the issue was not recognized on a global scale. Dr. Duarte found that the scientific community that focused on ocean soundscapes was relatively small and siloed, with marine mammal vocalizations in one corner, and underwater seismic activity, acoustic tomography and policymakers in other, distant corners. “We’ve all been on our little gold rushes,” said Steve Simpson, a marine biologist at the University of Exeter in England and an author on the paper.

Dr. Duarte wanted to bring together the various corners to synthesize all the evidence they had gathered into a single conversation; maybe something this grand would finally result in policy changes.

The authors screened more than 10,000 papers to ensure they captured every tendril of marine acoustics research from the past few decades, according to Dr. Simpson. Patterns quickly emerged demonstrating the detrimental effects that noise has on almost all marine life. “With all that research, you realize you know more than you think you know,” he said.



The endangered Maui dolphin is bound to a specific biogeographic range and cannot relocate to quieter waters. Richard Robinson/Nature Picture Library, via Alamy

Dr. Simpson has studied underwater bioacoustics — how fish and marine invertebrates perceive their environment and communicate through sound — for 20 years. Out in the field, he became accustomed to waiting for a passing ship to rumble by before going back to work studying the fish. “I realized, ‘Oh wait, these fish experience ships coming by every day,’” he said.

Marine life can adapt to noise pollution by swimming, crawling or oozing away from it, which means some animals are more successful than others. Whales can learn to skirt busy shipping lanes and fish can dodge the thrum of an approaching fishing vessel, but benthic creatures like slow-moving sea cucumbers have little recourse.

If the noise settles in more permanently, some animals simply leave for good. When acoustic harassment devices were installed to deter seals from preying on salmon farms in the Broughton Archipelago in British Columbia, killer whale populations declined significantly until the devices were removed, according to a 2002 study.

These forced evacuations reduce population sizes as more animals give up territory and compete for the same pools of resources. And certain species that are bound to limited biogeographic ranges, such as the endangered Maui dolphin, have nowhere else to go. “Animals can’t avoid the sound because it’s everywhere,” Dr. Duarte said.

Even temporary sounds can cause chronic hearing damage in the sea creatures unlucky enough to be caught in the acoustic wake. Both fish and marine mammals have hair cells, sensory receptors for hearing. Fish can regrow these cells, but marine mammals probably cannot.

Luckily, unlike greenhouse gases or chemicals, sound is a relatively controllable pollutant. “Noise is about the easiest problem to solve in the ocean,” Dr. Simpson said. “We know exactly what causes noise, we know where it is, and we know how to stop it.”

In search of quiet



Cargo on its way to the port of Vancouver in British Columbia. Alana Paterson for The New York Times

Many solutions to anthropogenic noise pollution already exist, and are even quite simple. “Slow down, move the shipping lane, avoid sensitive areas, change propellers,” Dr. Simpson said. Many ships rely on propellers that cause a great deal of cavitation: Tiny bubbles form around the propeller blade and produce a horrible screeching noise. But quieter designs exist, or are in the works.

“Propeller design is a very fast-moving technological space,” Dr. Simpson said. Other innovations include bubble curtains, which can wrap around a pile driver and insulate the sound.

The researchers also flagged deep-sea mining as an emergent industry that could become a major source of underwater noise, and suggested that new technologies could be designed to minimize sound before commercial mining starts.

The authors hope the review connects with policymakers, who have historically ignored noise as a significant anthropogenic stressor on marine life. The United Nations Law of the Sea B.B.N.J. agreement, a document that manages biodiversity in areas beyond national jurisdiction, does not mention noise among its list of cumulative impacts.

The U.N.’s 14th sustainable development goal, which focuses on underwater life, does not explicitly mention noise, according to Dr. Seger of Applied Ocean Sciences. “The U.N. had an ocean noise week where they sat down and listened to it and then went on to another topic,” she said.

The paper in *Science* went through three rounds of editing, the last of which occurred after Covid-19 had created many unplanned experiments: Shipping activity slowed down, the oceans fell relatively silent, and marine mammals and sharks returned to previously noisy waterways where they were rarely seen. “Recovery can be almost immediate,” Dr. Duarte said.

Alive with sound



Squat lobsters on Seamount X, a submarine volcano in the Philippine Sea. NOAA Vents Program

A healthy ocean is not a silent ocean — hail crackling into white-crested waves, glaciers thudding into water, gases burbling from hydrothermal vents, and countless creatures chittering, rasping and singing are all signs of a normal environment. One of the 20 authors on the paper is the multimedia artist Jana Winderen, who created a six-minute audio track that shifts from a healthy ocean — the calls of bearded seals, snapping crustaceans and rain — to a disturbed ocean, with motorboats and pile driving.

A year ago, while studying invasive species in sea grass meadows in waters near Greece, Dr. Duarte was just about to come up for air when he heard a horrendous rumble above him: “a huge warship on top of me, going at full speed.” He stayed glued to the seafloor until the navy vessel passed, careful to slow down his breathing and not deplete his tank. Around 10 minutes later, the sound ebbed and Dr. Duarte was able to come up safely for air. “I have sympathy for these creatures,” he said.

When warships and other anthropogenic noises cease, sea grass meadows have a soundscape entirely their own. In the daytime, the photosynthesizing meadows generate tiny bubbles of oxygen that wobble up the water column, growing until they burst. All together, the bubble blasts make a scintillating sound like many little bells, beckoning larval fish to come home.

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HB-858

Submitted on: 2/8/2021 6:27:17 AM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nick Hoke	Aloha Efoils	Oppose	No

Comments:

My name is Nick Hoke. I oppose HB858 on the grounds it is being presented in a rushed manner without enough input from all citizens affected. I agree some measures should be taken, but the ones presented in this bill are too extreme. I can explain why.

First, let me introduce myself. I'm a retired public safety career first responder from the mainland. When I retired from a 30 year career in public service I moved to Maui with my wife and we really enjoy all this island has to offer.

I run a small efoil operation on Sugar Beach; and when I say small I mean I have literally only two electric hydrofoil boards. I have a business license, insurance, and my commercial operating permit from DOBOR is on track to be finalized literally any day now. I would have had it by now but the DLNR has a significant covid backlog of paperwork to process. While I've been patiently waiting for my permit, I have not been charging for my lessons. Because of the pandemic, all of my riders have been local residents. I tell them they get a Kama'aina discount rate of 100% off. As a business model it's not profitable at all of course but I've gained a lot of experience, I've met a lot of really nice people, and I've made a lot of great connections. In the past several months I've taught over 150 people how to ride an efoil. They ranged in ages from 11 to 77. All of them have enjoyed the experience immensely.

I do understand that not everybody loves efoils. In the past year I have had a total of three people get mad at me; all of them thought my efoil was a thrill craft and therefore should not be out on the water at all. So yes, some public education is going to be needed. When asked what specifically triggered them about the sight of an efoil though, none of them were able to articulate to me just what exactly their problem was seeing an efoil cruising along silently; they just assumed it was a thrill craft. Electric foilboards are not thrill craft, and should never be in the same category as jet skis:

Jetskis weigh around 800 pounds; an efoil is 60.

Jetskis average around 200 horsepower; an efoil is 7.

Jetskis spew exhaust and oil; an efoil has zero emissions.

Jetskis make a lot of wake at speed; an efoil makes no wake.

Jetskis are 10 feet long; efoils are 5 feet long.

Jetskis have internal combustion engines that make a lot of noise; an efoil is electric.

Jetskis can go over 50 mph; an efoil tops out at 25. Although no efoiler I know goes anywhere near that fast; they can capably cruise a much slower speed, typically under 15 mph.

Anticipating growing pains in this new sport, I just started a new facebook group about 2 weeks ago so all the local efoilers could be on the same page (literally) and we could get ahead of the curve and police ourselves and promote responsible efoiling in the Hawaiian Islands. We currently number several dozen and I have new members joining daily.

All of us efoilers take great offense at the broad categorization that “efoils are loud”. I personally have NEVER heard anybody complain to me that they are loud. I’ve met a lot of nice folks out on the water and on the beach; snorkelers, swimmers, divers, stand up paddle boarders, outrigger canoe paddlers etc. and not a single one of them has ever told me that efoils are loud. I have very specifically asked divers, swimmers, and snorkelers and they have all told me that they were in fact surprised at how quiet the electric motors are underwater. They are not completely silent; some people can hear them, but nobody has every complained to me that they were too noisy.

DOBOR and NOAA have started an acoustics study of efoil operations. I have been working with them and the preliminary results coming in are that the efoils are much more quiet than most people think, including the researcher I’ve been working with.

In fact, drones flying overhead are louder than efoils. When you stand on the beach and watch an efoiler, the road noise from cars driving by is louder. The waves crashing on the beach are louder. Planes flying overhead are louder. Outrigger canoe captains yelling commands to paddlers are louder than efoils. Music from boomboxes on the beach are louder than efoils. Some of the big whale watching boats are louder, even when they are literally more than a mile away.

Now if an efoiler is doing circles in the same vicinity as a diver and the diver is close enough to hear it, yeah the diver may get tired of hearing the electric motor after awhile. But that is not to say that they are “loud” at all. Because they are not.

We all agree that efoilers should stay away from swimmers, snorkelers, and divers. I operate exclusively from Sugar Beach, in an area where snorkelers, swimmers, and divers do not frequent very often. When they do show up, I do not go near them. There is plenty of room out there for all of us to enjoy the water at the same time. I operate several hundred feet offshore – far away from the rare snorkeler who may show up there, and I rarely go more than a half mile offshore.

My policy is to stay as far away from whales as I can. And every other efoiler I know also does that. Whales are interesting to watch but when we're out on our efoils we know better than to get anywhere near them, for many good reasons.

To lump efoils into the same category of PWC's and ban them all from the south/west side of maui would be devastating to the efoil community, and in fact drive all them to other beaches where they may be less room.

We propose, instead of an outright ban, that a law could be established regulating efoils to stay 500 yards away from the closest whale. That would be reasonable and easy to comply with.

Nobody understands how implementation of a 3 efoil limit per beach access rule would be enforced. Who came up with that idea and what was the reasoning behind it? How would 3 would be okay...but 4 would be one too many?

The cost of efoils ranges from \$7,000 to \$12,000 dollars. Because they are expensive, you are not going to be seeing a lot of yahoos out there on the water doing stupid things on them. Efoil owners are responsible, mature adults who understand we need to be careful out there and not ruin it for everybody else. I have not had any serious incidents or accidents involving efoil riders and any other people out on the water, nor have I heard of any accidents. Again, it's because efoilers respect their investments in their boards, and we respect the rights of other people recreating out on the water.

I typically spend several hours a week cleaning up the beach where I operate; I rake up debris and pick up all kinds of litter and trash that homeless folks leave behind there. More than once I've called the police to have them mark and remove derelict vehicles that tend to proliferate there. I want to leave the beach cleaner and in a better condition that it was when I got there. I never see any county maintenance vehicles or employees out there; it's just me and other private groups doing the clean up. Which is fine.

If anybody wants to come watch an efoil operating up close, I can arrange that easily. If anybody wants to watch a video of the typical Sugar Beach efoiling session that I offer, here's a nice short one from a couple months ago when I taught a 12 year old girl how to ride an efoil:

<https://www.youtube.com/watch?v=x422pok-wk>

Here's another (longer) video, showing a 69 year old man learning how to ride an efoil:

https://www.youtube.com/watch?v=MrbSfCFGdv0&feature=youtu.be&fbclid=IwAR1lx3KGGMkVqzVC-64BBt8r81CBr1PX3O_TKj5kGgIRIWcGTt_vm1RswXw

As you can see from both videos, I operate not too close to the shore, and not too far out to bother whales.

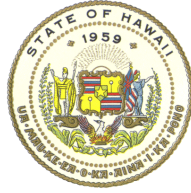
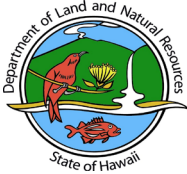
As for a licensing requirement to operate an efoil, that idea has merit. I don't know if that would be accomplished by taking an online course or an in-person course to learn safety aspects, but when and if that is made into law I would be glad to help in any way with any committees or officials to help come up with licensing/education requirements.

Thank you for giving me the opportunity to contribute to this discussion. I would encourage a more comprehensive analysis of this new sport that includes input from ALL parties involved so we can all work together to create the best implementation that will work best for everybody.

Nick Hoke

Maalaea

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
WATER AND LAND**

**Tuesday, February 9, 2021
9:15am**

State Capitol, Via Videoconference, Conference Room 430

**In consideration of
HOUSE BILL 858
RELATING TO ELECTRIC HYDROFOIL SURFBOARDS**

House Bill 858 proposes to prohibit the use of electric hydrofoil surfboards (e-foils) without a permit from the relevant county; create a permitting system for e-foils; require e-foils to be operated a minimum distance from shore; and limit e-foil operation on the south and west shores of Maui from December 15 to May 15 of the following year. **The Department of Land and Natural Resources (Department) appreciates the intent of this measure and offers the following comments.**

The Department's Division of Boating and Ocean Recreation (DOBOR) made a determination that e-foils are considered "motorized vessels and operators are required to operate their e-foils in compliance with all rules and regulations that pertain to motorized vessels including, but not limited to, speed and navigation requirements applicable to motorized vessels. DOBOR also has administrative rules which address reckless and negligent vessel operation on the water as well as fines in both statutes and administrative rules for violations of motorized vessel restrictions.

Alternatively, the Committee may consider including e-foils within the definition for "thrill craft" in Section 200-23, Hawaii Revised Statutes (HRS), and allow the Department to create a specific definition for e-foils in rule. By including e-foils within the definition for "thrill craft", various operating restrictions and whale season prohibitions will apply, pursuant to Sections 200-37 and 200-38, HRS.

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-858

Submitted on: 2/8/2021 9:03:22 AM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
James Andrew Beerer	Individual	Support	No

Comments:

In support. Unregulated motor vehicles in the ocean pose a safety hazard to human swimmers and marine mammals.

LATE

HB-858

Submitted on: 2/8/2021 9:18:59 AM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jessika	Individual	Oppose	No

Comments:

Testimony on House Bill 858

Electric Hydrofoil Surfboards; Limited Operation; Permits

Submitted by: Jessika L. Stauffer

Rep. Sonny Ganaden, Rep. Bertrand Kobayashi, Rep. Sam Satoru Kong, Rep. Dee Morikawa, Rep Takashi Ohno, Rep Bob Mcdermott, and members of the committee, thank you for allowing me to present this testimony in opposition to HB 858.

I am a resident of Lahaina HI. I am vehemently opposed to HB 858, on several levels.

First and foremost, I believe that there is not enough evidence established to conclude that these boards require a new amendment. With the exception of the rumor that a man was injured in Lanai, there has been no other harm, only complaints from onlookers who do not know what they are.

Having personally experienced riding these boards I can admit with the proper safety gear and instruction, they are way more friendly to marine life and people in the ocean than that of the non electric version, which has been linked to many public ocean accidents.

The electric foil board is a non visually fragile design and only built from light plastics. The hull is the same material as a surfboard. The propellers are built of a very weak light plastic. The boards are very low sound, no wake and, the most clean environmentally sound design propelled by a motor. The boards have very low HP and are mainly efficient and quick from the use of the aquadynamic design that makes them a foil. It is important to note that in Byron Bay, Australia the electric foil boards are the only motorized vessel permitted by the country to actively fly through the bay. Byron Bay is a marine protected sanctuary to put that into perspective. A little history, the foil boards started in open ocean professional sailing competitions around the world. It was designed to help become faster and more efficient creating less stress on the

boats. There has been no marine life or human life sanctions or legislation to prevent the sailing community from using this technology in over 10 years.

This bill allows for The county to offer more ocean lax to a boat with metal outboard propellers, gas fuel, high Horsepower, and extremely loud motor and a real potential to harm marine life, and frankly, anything that is in its way. On that note, I would like to add that having personally watched many boats this past year violating the DOBAR regulations I think your limited operation bill proposals be focussed towards boat owners or operators.

There are so many areas needing our state legislators' attention at this time, particularly in the area of covid related economics and unemployment. Legislators should be focused on improvements in funding public education and making the schools safer from the spread of the current Covid 19 virus. This bill serves as a distraction from what is REALLY important in terms of public education.

As an aunt of two young girls, I pray daily for their safety as they pursue their education and fear that this bill increases the danger to them.

Mahalo Nui Loa,

Jessika L. Stauffer

LATE

HB-858

Submitted on: 2/8/2021 9:29:38 AM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
dr. mary trotto	Individual	Support	No

Comments:

i support this bill, before these new boards become more prevelant. they go very fast have a rudder and could damage the baby whale, but more important the noise underwater could create a condition where the whales no longer come to our near shore waters off of south maui. We might not hear the noise but they surely do. It may interfere with their whale song communication. Until we know for sure that it has no affect on the whales they should be banned during whale season

LATE

HB-858

Submitted on: 2/8/2021 10:33:44 AM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rene Umberger	Individual	Support	No

Comments:

Aloha Chairs Tarnas and Nakamura,

I am testifying in strong support of HB858, primarily because of the extreme underwater noise pollution created by e-foils, and the harm it causes marine life.

I also request that you consider amending the bill to ensure that any county wishing to issue zero permits may do so. I believe this may be accomplished by simply replacing "shall" with "may" in , subsection (c), as follows: "Permits under this section may be issued by the counties."

Mahalo for this opportunity and I urge your support of HB858.

LATE

HB-858

Submitted on: 2/8/2021 10:54:21 AM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jenna Szerlag	Individual	Support	No

Comments:

As a diver of 18 years on Maui, I can assure you that electric hydrofoil surfboards create excessive noise underwater. I have experienced this from afar and circling directly above me. It is only a matter of time before a person, turtle or a whale is hit. Please pass this bill for the safety of our marine life and for those enjoying the ocean.

LATE

HB-858

Submitted on: 2/8/2021 11:06:05 AM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Katherine Shepherd	Individual	Support	No

Comments:

As a frequent scuba diver, I have found the recent surge of e-foils very disturbing. A few weekends ago I had one (if not more) buzzing over my head when I was under 10' of water. Not only are these boards loud underwater, but they really have no place buzzing by at a fast pace in the shallows where swimmers/snorkeling/spearfishermen/scuba divers are located. The e-foils shouldn't be operating during whale season - I find this very disturbing to see them out in Ma'alaea Bay when that is the birthplace of so many of our humpbacks who log and rest there. As I'm sure you know, baby humpbacks breath often and surface quickly and unexpectedly. Protect them now please.

Mahalo

Katherine Shepherd

LATE

HB-858

Submitted on: 2/8/2021 11:24:45 AM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Chris Valley	Individual	Oppose	No

Comments:

I am writing in strong opposition to this bill and the way it is written. Using an efoil is a slow, quiet, low impact recreational activity that mirrors stand up paddle boarding, surfing, or kayaking. It has zero emissions and is very green. Comparing an efoil to a jetski or a small boat is totally out of bounds and unwarranted. I just did an excursion on Bluewater rafting out of the Kihei boat ramp and we were on a small boat that did about 50MPH and had large, loud outboard motors on them, I have also been on an efoil several times and these two activities are not even remotely similar except for the fact that they both take place on the water. If this bill is truly about protecting whales or creating an environment of low impact for marine life and people in the water then you are big time going after the wrong thing. I am all for creating open dialog and discussion and creating rules for efoils to ensure the safety of residents and tourists as well as all marine life but to put a ban on a slow moving electric surfboard while allowing zodiac type boats to fly around at 50MPH seems so bizarre and backwards to me. This is a new sport and is something that can be amazing to residents and tourists alike and the first step should be open dialogue and learning before such an imposing bill is floated out there.

LATE

HB-858

Submitted on: 2/8/2021 1:31:45 PM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
David Fimone	Individual	Oppose	No

Comments:

Dear State of Hawaii,

HB858 is discrimination and social prejudice against people with disabilities.

I own an E-foil and have been operating for the last year on the waters around Maui. I always respect other swimmers and surfers steering clear of their paths. The Efoil is almost silent. People have alleged that the motor is "noisy" but in fact it is barely audible. We can submit sound samples both above and below the surface of the water to confirm this finding.

I have physical disabilities which prevent me from surfing. However, the E foil allows me to participate as others are able and enjoy ocean activities.

Please don't enact HB858 as its real intent is to further limit physically disabled people and reserve ocean sports for only the most athletic. Proposed law HB858 will in effect further ongoing "Ableism" is discrimination and social prejudice against people with disabilities and/or people who are perceived to be disabled. Ableism characterizes persons who are defined by their disabilities as inferior to the non-disabled

LATE

HB-858

Submitted on: 2/8/2021 1:52:06 PM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Bill Hardy	Hawaii Disability Rights	Oppose	No

Comments:

Rep. David A. Tarnas,

I am both an owner of an E-Foil and suffer from debilitating rheumatoid arthritis. Enjoying the Efoil is one of the only activities I can do now and the proposed HB858 aims to condemn myself and others with illness to a life without the sports we love. The sponsors of Bill HB858 aim to deprive those with medical limitations of the same as rights as those without disabilities. This proposed law is inherently racist. As a Disabled people of color this proposed law HB858 is flawed and intended to further injure.

Thank you for your consideration

LATE

HB-858

Submitted on: 2/8/2021 2:29:55 PM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
John Baehr	Individual	Oppose	No

Comments:

Aloha Ka Kou,

I have just been made aware this issue and I feel here on East side of Hawaii County there is no existing problems or complaints as there are only 3 efoils being used. Mainly in Hilo Bay and away from any other ocean users or sealife. Hilo Bay is very large with plenty of empty space. We are respectful of others at all times, we are not engaged in any commercial activity and these efoils are only for our enjoyment. Surfing areas have been lost due to lava inundation and our minimal surf breaks are overcrowded and dangerous. With efoils we are able to avoid surf breaks.

Causing harm or being obtrusive is the last thing we do or want to do. As far as other islands/counties, I have no idea what may be occurring there, but whatever those issues are, I feel that we here in Hawaii County should be left out of it.

Respectively,

John Baehr

LATE

HB-858

Submitted on: 2/8/2021 3:16:51 PM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Cavallo	Individual	Oppose	No

Comments:

I oppose HBH 858 because its based on false information.

Not everyone with an e-foil is doing a business therefore no need for a permit unless you plan on using your e-foil as a business.

E-foils are not the same as, or near anything like a jet ski /thrill craft vehicle, so e-foils should not be put in that same category.

E-foils are quiet and produce 0 emissions.

Please reconsider the rules this bill puts e-foil under.

Please educate yourselves before taking such drastic measures.

I invite anybody who would like to try my e-foil, free of charge, to see for themselves what we are talking about.

Michael Cavallo 808-250-8687

Please vote NO on HB 858

LATE

HB-858

Submitted on: 2/8/2021 3:48:31 PM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Moran	Kihei Community Association	Support	No

Comments:

Aloha Chair Tranas;

Mike Moran for the Kihei Community Association (KCA) on Maui standing in strong support of HB 858 concerning "e foils" used within the Whale Sanctuary waters.

As you are aware while the HIHWNMS is shared by all counties, by far the greatest segment of those waters are around Maui County. KCA's area spans most on South Maui, and since the Sanctuary opened in 1998 we have actively worked to insure it was more than a sanctuary in name only.

Just one action, KCA was part of a hui which proposed what became HCR58 HD1 SD1 in 2007, and was passed UNANIMOUSLY by this body to make these waters a no dump, no discharge zone.

Today we are here asking you to pass HB 858 to insure this new hazard to our beloved Humpbacks is not used within, when mother whales are giving birth to and then nursing pups before they depart for their long northbound journey to feeding grounds.

Mahako for you consideration.

Mike Moran President Kihei Community Association

LATE

HB-858

Submitted on: 2/8/2021 4:23:30 PM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Benjamin Ferris	Individual	Oppose	No

Comments:

Aloha. My name is Ben Ferris. I am a firefighter, farmer, and foiler born and raised on Kauai.

This bill catches my attention and raises concern as I and many friends enjoy electric foiling (efoiling) in our Hawaii waters year round and do so responsibly.

My concern is that this bill and those supporting it are not adequately or correctly informed about efoils and could make regulations that are inappropriate and do not address efoils in Hawaii correctly.

I humbly ask our lawmakers to consider the following before making a decision.

Efoiling is a completely new sport and therefore needs its own unique set of guidelines. It is not appropriate to put efoiling in the same category as a thrill craft or jet ski. They are much smaller, slower and more controllable than a thrill craft.

Efoils are very quiet. Much more quiet both above and below the water surface than any boat. It is inappropriate to reference noise as a factor in this situation without first eliminating boat noise.

Efoils are very rarely taken far enough offshore to be within the proximity of whales. Furthermore efoils are very maneuverable and quickly stopped therefore avoiding marine life is not an issue.

Education to efoil users in Hawaii is important and having a "Safe Efoiler" course would be a great plan of action to keeping all of Hawaii's ocean users and wildlife safe. Furthermore regulating efoils in context to proximity of the beach and other ocean users would be very appropriate and useful.

The issues in this bill are not realistic nor do they address the real concerns with efoiling.

I humbly ask those voting on this bill do adequate research and get a well rounded perspective before allowing any laws regarding efoiling to pass.

Mahalo!

Ben Ferris

LATE

HB-858

Submitted on: 2/8/2021 5:27:49 PM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sandra Baehr	Individual	Oppose	No

Comments:

Aloha!

I am a 57 year old female who grew up utilizing our beautiful ocean waters for recreation, health and well being (surfing, swimming, paddling and diving). I have surfed since a child, it has always been a part of my life. I live on the East side of the Big Island in Hilo. Unlike the other islands we have limited surf breaks on the east side. With a growing population our surf breaks have become crowded and sometimes aggressive in nature. My heart still desires to fly over the water in connective bliss with the ocean. I have found that with my efoil. The electronic efoil allows me to truly escape the confines of crowds and to freely fly over the water. I do not need nor desire to be in a surf break around others. I have the freedom to get away from people. I am conscientious of other recreational water craft in the area and give them a wide berth so as not to disturb or annoy them. I am respectful towards others and all sea creatures.

I understand that there are some commercial ventures that are causing some issues with efoils, and like surf schools should be insured, regulated and controlled. I don't feel it is fair that we must suffer the consequences of those who are trying to capitalize on a recreational sport.

My efoil is for my escape, my well being, my health. Like all water craft, they must be utilized with responsibility toward others and nature.

I thank you for your time and consideration concerning this matter. Bless you for your service to our beautiful state of Hawaii and its people.

Sincerely,

Sandra Baehr

LATE

My name is Matthew Elsasser and I oppose HB858.

I'm a 27 year old who was grown up on the beautiful island of Maui and now work for the e-foil manufacturer Lift Foils. My love for the marine environment is part of what lead me to work for Lift, we strive our hardest to make the greenest mode of transportation and recreation on the water. I believe the DNLR's website, describes an efoil best. "IT'S A SMOOTH, COOL RIDE. IT'S ECO-FRIENDLY. IT'S SWIFT AND SILENT. IT'S A VESSEL AND IT NEEDS TO BE REGISTERED WITH DNLR TO BE OPPOERATED LEGALLY IN HAWAII STATE WATERS".

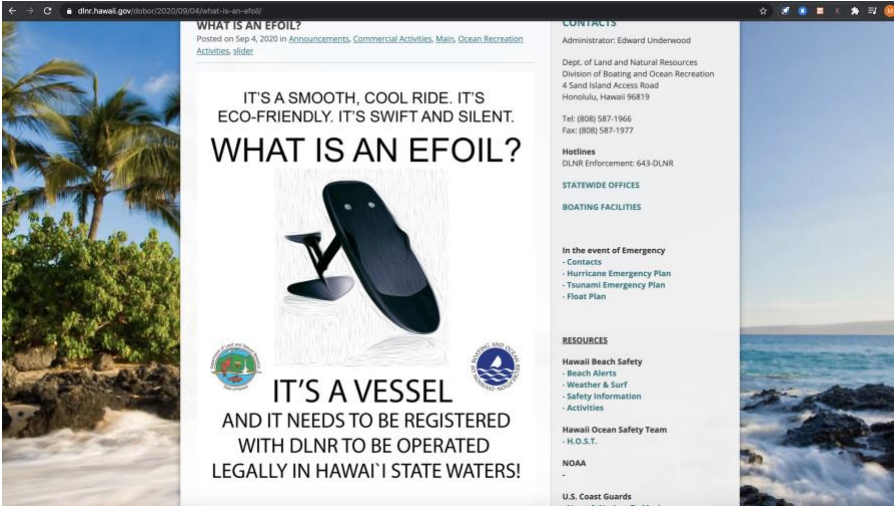
While I greatly appreciate Representative Tina Wildbergers concern about protecting the marine life on Maui, I believe she has been misinformed about e-foils and their impact on marine life. On her Facebook post she refers to e-foils as "loud". Has Tina Wildbergers witnessed an efoil operate in person before writing this proposed law? It appears this is a rushed decision to shut down efoils without any input from the users involved or factual evidence regarding the noise emitted. The Maui efoil community has already been working in conjunction with whale activists to monitor the sound emissions from efoils. I recommend we wait for these scientific findings to conclude before we jump to shutting down a completely environmentally friendly activity.

In summary an efoil produces no wake, does not have a combustion engine, does not leave any pollution in the water, and is nearly silent. It does not meet the criteria of a thrill craft as evident by the DNLR'S classification of the efoil as a vessel on September 4th 2020.

I'm more than happy to assist and provide an efoil for any sound testing, in the end I believe we will find efoils have far less noise and greenhouse gas pollution than a Pacific Whale Foundation boat.

Kind Regards,

Matt Elsasser



LATE

HB-858

Submitted on: 2/8/2021 5:56:44 PM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Susan O'Shaughnessy	Individual	Support	No

Comments:

I am in full support of this bill. I am a Maui resident, scuba diver, nature lover, and concerned citizen. I am concerned for the safety of whales and of human beings. I have been underwater several times when the efoils have come overhead. The sound is deafening. I have been underwater during an earthquake and can testify that the efoils are louder. I have also observed them close to whales and close to snorkelers. I have seen drone footage of efoils over whales. Jason Polakow posted a youtube video entitled Foiling With Whales taken off shore Maui. He claims he did not know the whales were there. But isn't that the point? Going that fast and weaving back and forth means he would not know where they were. It also means that the whales will have difficulty evading especially with a calf.

We may think that it is just whales and dolphins that suffer from elevated noise in the ocean, but even crustaceans, fish and coral are affected. See the article "In the Oceans the Volume Is Rising as Never Before" by Sabrina Imbler, New York Times, Feb 4, 2021.

Thank you for your consideration.

Sincerely,

Susan O'Shaughnessy

LATE

HB-858

Submitted on: 2/8/2021 6:34:13 PM
Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
corey barth	Individual	Oppose	No

Comments:

Aloha,

I am testifying in strong opposition to the proposed HB858 Bill for numerous erroneous assumptions about this amazing new green technology, called Efoiling. Efoiling is an all-electric, no-wake hydrofoil that glides effortlessly and quietly through the water. There is no gas, oil, or emissions from this vessel. Classifying this vessel in a category compared to thrill crafts/jet skis and high-speed boats is like comparing apples to oranges and illogical. We should be promoting green innovations such as these not opposing. The future of maritime travel will be electric and because of the massive increased efficiency, it will most definitely involve foil technologies. We need to be on the right side of history here and champion while steward this technology forward.

The idea of issuing permits, designating beaches or lengths of coastline, and limiting times of the year that we can operate Efoils infringes and unfairly singles out a certain group of individuals. To my knowledge, there have not been any incidents of Efoilers hitting any whales, marine life, or individuals during their time on the water. Acoustically, the Efoil motors are electric and are whisper-quiet (much like an electric car), compared to that of a boat or jet ski. Our operating speed averages approximately 10 knots, so we are not flying at excessive speeds or even close to what other vessels are capable of reaching. Furthermore, the motor and propeller are mounted on the aft section of the hydrofoil, behind the wing, and come with an enclosed safety shroud that protects the propeller, preventing any harm to marine life or the operator. Lastly, we are already required to register our vessels with DLNR, just like other boats. If we are in the wrong, we have identification numbers clearly visible that can be reported.

Most people at the beach are amazed and intrigued by what we are doing. They ask lots of questions and are genuinely interested and fascinated by the concept of how it works. In my opinion, education and good stewardship are the most logical step towards mitigating this new vessel on the water. I suggest the operation of these vessels should follow the same rules and laws a boat operator follows (ie. certain distances from the coastline, other vessels, divers & marine districts,) and

strongly oppose Efoils be classified in the same category as jet skis or high-speed thrill craft.

Mahalo,

Corey Barth

LATE

HB-858

Submitted on: 2/8/2021 9:22:04 PM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
victoria martocci	Maui County CORA Permit holder	Support	No

Comments:

Aloha Chair Tarnas, Vice Chair Branco, and members of the committee. My name is Victoria Martocci and I'm testifying today as a member of the Commercial Ocean Recreation industry and Maui County CORA Permit holder in support of HB858.

I'm a Scuba Instructor who's organization conducts shore-based excursions, and I'm also a Boat Captain who's organization offers dive charters. We hold multiple State and County Commercial Use Permits which allow us to conduct activities both shoreline and in State waters. So I am somewhat familiar with the established permitting process at both the County and State levels.

I support the implementation and enforcement of both State and County Commercial Use permitting processes for this new activity of e-foiling, as well as future new innovations in watersports. It just makes sense.

Further, as a member of the Commercial Ocean Recreation Industry, it is my belief that prioritizing safety is in the best interest for all watersport industries. §200- (b) references "outside a designated distance" which probably is an attempt to address an area of concern: proximity. The fast-speed aspect of e-foils may not be safely compatible in close proximity to other human-speed watersports, such as snorkeling, swimming, and scuba, especially when teaching inexperienced people this new watersport of e-foil.

Having been snorkeling and also diving while e-foils were in the area, I can attest that it is easy to hear the e-foils in the area over great distances; however, it is difficult to ascertain their location. Due to the way sound travels in water, it is near impossible to know which direction the e-foil is in relation to oneself. Also it can be difficult from water

level to locate e-foilers, visually, as they do not create a noticeable wake. These aspects are additional safety concerns that should be addressed in committee.

Lastly, as a boater myself, I want to mention that the current terminology that we have for operating motorized vehicles or watercraft in populated areas is "slow no wake;" however, if e-foils were to be relegated to slower speeds at ingress/egress areas, they would necessitate new language, as e-foils are essentially wake-less at speed.

Mahalo for the opportunity to testify in SUPPORT of HB 858.

-Victoria Martocci

LATE

HB-858

Submitted on: 2/8/2021 9:24:22 PM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kimberly Howard	Individual	Support	No

Comments:

I support imposing limits on the use of electric hydro foil boards in the ocean waters in Hawaii, especially during whale season and in swimming and snorkeling zones. These are dangerous craft which move at a high rate of speed. Hydro Foil are jet powered craft. The beginners using these foil boards are unable to control their crafts. I witnessed five such craft racing around in circles about a quarter mile off of Polo Beach on Maui, and they raced around at speeds that compared to jet skis. The five raced in a very large area which happened to be in an area where whales frequent. As the craft came near shore they came dangerously close to swimmers. The impact from a foil can cause serious injuries to both swimmers and marine life. I am an avid paddler, surfer, open ocean swimmer. I have lived in Hawaii all my life outside of college in San Diego and a project in Micronesia. Limits on rentals and on operating hydro foils need to be put in place before someone or some animal is seriously injured. Thank you.

LATE

HB-858

Submitted on: 2/8/2021 9:40:24 PM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
VERNE WOOD	Individual	Oppose	No

Comments:

After my retirement last year I spent \$12,000 on an eFoil which is referred to in this article as an Electric Surfboard.

I don't surf anymore because it is too crowded and too dangerous so I purchased this eFoil so that I could continue to enjoy the health benefits of Ocean Recreation without having to deal with the crowds. I am in my late 60s yet I can still go out on the ocean and have some quiet time to myself while getting my exercise. I don't bother anyone and no one bothers me.

My eFoil is powered by a battery that I recharge with my solar panels so this is a very green activity with no carbon footprint. We need to encourage these sorts of things.

Passing legislation that compromises the benefits of these eFoils would be a disservice to all so PLEASE VOTE AGAINST HB858.

Mahalo.

LATE

HB-858

Submitted on: 2/8/2021 11:53:28 PM
Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nicolas Nettleship	Individual	Oppose	No

Comments:

My name is Nicolas Nettleship. As a brief background, I've lived on Maui many years much of that time in the ocean. That always meant having respect for aloha for everyone else using and enjoying one of Hawaii's greatest assets.

In 2018 I became the Hawaii distributor for Lift Foils, the first eFoil manufacturer and industry leader . I've sold about 20 eFoils in the past two years, mostly on the other islands, and am currently a Maui affiliate.

Regarding the proposed bill, I think a few clarifications are in order:

E-Foils are required to be registered every year and have HA numbers displayed just like boats do. They are classified as propelled vessels and subject to all of the applicable rules and restrictions. For example: No wake (or very slow speed) within 200 ft of any beach, dock, swimmer, surfer, etc...

E-Foils are not, by definition, thrill-craft which are propelled by a jet thrust impeller. Instead they have a brushless marine electric out board propeller with three inch blades and a protective shield.

E-Foils are virtually silent. There's no wake or noise of water moving. I bring this up because of apparent complaints about "Noisy E-Foils". (There are motorized surfboards which are very loud, or perhaps someone was giving lessons with a bullhorn).

I have recently seen a number of eFoils close to the shore in North Kihei which appeared like lessons with three or four students and two instructors. People have told me they paid for lessons given by a different, newer manufacturer. As commercial activity that would require permits and the adherence to existing regulations.

Typically, the majority of E-Foil riding is done far from shore to avoid shallow obstructions as well as maintain the required safe distance. Limiting the number of users to 3 for a particular beach seems completely random and without logic.

As the number of foils of all types continue to grow at an accelerated rate, there will eventually need to be safety rules and restrictions put into place. But the proposals in

this bill are redundant to existing laws and are being put forth without accurate information or adequate research.

Thank You, Nicolas Nettleship

LATE

HB-858

Submitted on: 2/9/2021 8:06:54 AM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Abraham Shouse	Wefoil LLC, Founded January 2019 in Hawaii	Oppose	No

Comments:

H.B. NO. 858

Hello and thank you for this opportunity. It's seems due time to address the considerations of not only this bill but also the reality of a fantastic new sport everyone seems to want to do. I have been flying on my electric hydrofoil surfboards, for years now. It's been the best kept secret. However they are fully registered now and I'm thankful for that.

For the attention to H.B. NO. 858, Section 1 page one line 11, it is not something I endorse. I recommend no less than two go out at one time and preferably more than three, in pairs ideally just in case any one needs assistance whether a remote or board battery dies before returning, or a malfunction happens and in the worst case a injury occurs. It should be like a dive buddy system. Going on an adventure where honestly we would need to rely on each other to survive. That aside, there is no limit on thrill crafts operating or vessels allowed in the ocean. Also considering each vessel in the ocean that is in operation (excluding efoils) there are usually containing more than a single passenger, we all want our families to go together knowing that is safer. For me personally to go Wefoil with my wife and one other couple is regular. Also more friends and family are lining up to go out next as you could imagine we all want to go. It should not be limited to three in any circumstance. To have more out together makes it safer as long as you are not within a small area or endangering those around you by being reckless. Also since you do not have a paddle it is preferred that riders do not venture off shore too far which would involve more risk in doing so. Staying out from the shore doesn't always make sense especially here on Big Island where it's vastly deep and windy just out 100' from shore at times. Also leashes should be required for the board and it's remote, because we usually take a swim break and wouldn't want to loose anything. These are all things to consider.

Wefoil is proving to be the safest and easiest efoil, available soon, made in Hawaii.

Thank you for your time.

Aloha,

Abraham Shouse

HB-858

Submitted on: 2/9/2021 8:18:57 AM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Taylor-Rose Stone	Individual	Comments	No

Comments:

Taylor-Rose Stone t4ulifec@gmail.com

Independent Field E-Vessel/E-Foil Study by Taylor-Rose Stone

Submitted 02/08/2021

1. I began this study on 12/28/2020. My observations to date.
2. I have been on the beach eight times since December, with the following findings.
3. Nick Hoke of Aloha E-Foils has been a huge help. I have met at least five different owners of various E-Foils from different manufactures. Of those five I have videotaped two and recorded the sound they make on shore.
4. All of the E-foils examined are about the same size, about 5 feet in length and with blades approximately 28 inches long.
5. Some of these E-Foil propellers are encased, while others are not. The majority of these have a high-pitched squeal that could be compared to a blow dryer.
6. I have so far been unable to coordinate with NOAA to do acoustic testing/recording; I can relate what I have been told by divers, and what I have heard in observing owner demonstrations.
7. My observations on the impact to whales includes not only E-foilers but also the tour boats, canoe clubs, kayakers, and sup boards.

FINDINGS to Date:

The high pitch sound from E-Foils can be heard from the shore on some models.

Of the five E—Foilers I have spoken to, there is consensus in their operating speed. The riders all prefer a speed range from 8-11 mph. All riders state that going any faster makes controlling these vessels harder and dangerous.

Ed Lyman, entanglement specialist from NOAA, reports he has heard E-foils from about 500 yards away while diving.

Native divers report audible detection from distances of about 300 feet.

I have witnessed turtles within 10 feet of shore at risk from E-foils returning to shore, where the operators are unaware of the turtles in front of them. This is a noticeably visible concern.



Initially, the E-foilers were operating within the buoys. Lately, however, they are going much further and are definitely in Whale territory. Many E-foils have been observed riding in the areas where I observed many whales last year.

The whales I have observed have stayed significantly away from the Sugar Beach area. Thus far during this study, the most E-Foils observed at an any one time was four. Most of these stayed within the buoy area. At no time did I witness any disrespect from the E-Foilers; more disrespect and neglect of the buoy limits came from kayakers and canoes.

I have also listened to Nick Hoke explain the sanctuary rules and distance limits regarding Whales to newcomers learning to ride E-Foils.

I cannot as yet quantify the underwater noise as the acoustic study in coordination with NOAA is still pending; however, it is notable from shore on some models.

To date, I have not witnessed any E-Foilers harassing Whales. I do, however, have significant video footage of tour boats, canoe clubs, and kayaks chasing Whales.

Safety concerns and complaints.

Safety:

From Divers: Many divers use diving buoys to identify their location. Two divers both expressed the same concern: they worry about getting hit in the head by the E- Foils, as the divers do not always remain close to the diving buoys. These same divers also reported the distances from which E-foil sound can be heard.

I have witnessed the irritation shown by native fisherman with the E-Foils encroaching or entangling their fishing lines, which are not visible in the water. Nick Hoke corroborates these reports.

Conclusion:

First and foremost, the sole purpose of my research is protecting the Whales. As an Inuit Native, these whales are a sacred animal and should be treated as such. We

consider all animals our relations. One Humpback Whale will sustain an entire village for a year and no part of the sacred animal is wasted. No new mother of any species wants to be stalked or harassed.

I've had the privilege this year of watching three moms teaching their babies the exercises they need to make the journey to Alaska. In one afternoon, I watched a baby breach 20 times in front of me. No boats were around to bother them – it was spectacular! All of these observations were from shore.

We as a society take for granted our natural resources and think we will always have them available to us. COVID should be a testament that freedoms and privileges are fragile and can be taken away in an instant.

In fairness to all parties trying to make a living with E-foils: I understand. I've been an entrepreneur most of my life. I think rules need to be in place during Whale season. It's only five months out of twelve.

All vessels need to be bound by rules in the sanctuary. The tour boats are the worst: I have no doubt that five boats bearing down on a whale must be deafening. That needs to stop. If we are limiting the time and area where e-Foils can operate, perhaps we also need to consider doing a lottery of what time slots the tour boats can go out and designate areas for tours.

I will continue to conduct this study through May. I will be documenting and videotaping all vessels as well as the E-Foils. If anyone out there has a boat and hydrophone, I could sure use the help.

In closing, remember first and foremost this is a protected area for the Whales from December 15- May 15. The Whales have only been coming here since 1967. With too much harassment, they will leave these waters permanently and we can only blame ourselves and technology for that.

This report will go to NOAA, DOBOR, Tina Wildberger (HI State Representative), and Nick Hoke of Aloha-E-Foils.

Please feel free to contact me as I welcome feedback and any new information.

LATE *Testimony submitted late may not be considered by the Committee for decision making purposes.

HB-858

Submitted on: 2/9/2021 8:48:28 AM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Donica Shouse	Individual	Oppose	No

Comments:

I oppose HB858 row 11 #1. If there is no limit to the number of boats in an area, the same should be true for efoils. I support that for safety reasons all efoilers should use the buddy system same as other water activities safety is in numbers. Please don't put a limit on my ability to safely enjoy the ocean. Please do not limit the number of efoils to 3.

Thank you.

Rhavie Marino
CEO of E-Foil Hawaii
105 Awaiku St. Lahaina, HI 96761

January 8, 2008

Honorable Representatives of:
THE THIRTY-FIRST LEGISLATURE
REGULAR SESSION OF 2021

VIA VIDEOCONFERENCE:
Conference Room 430
State Capitol
415 South Beretania Street

Dear Representatives,

As CEO of the E-Foil Hawaii(EFH), I am writing to voice my strong opposition to H.B.858, the bill to establish:

(b) Each permit shall restrict the operation of an electric hydrofoil surfboard to be outside a designated distance from the shore and for a limited duration; provided that permits shall not be issued to allow for:

(1)

The concurrent operation of more than three electric hydrofoil surfboards at the same designated beach and designated period of time; and

(2) The operation of electric hydrofoil surfboards in violation of sections ‘200—37 Ci) and 200—38 Cc)

(c) Permits under this section shall be issued by the counties. Counties shall have sole discretion for determining the manner in which shores are partitioned for purposes of this section and may deny the operation of electric hydrofoil surfboards at specific beaches, along certain lengths of a shore, or during certain periods of time.

SECTION 2. Section 200-37, Hawaii Revised Statutes, is amended by amending subsection Ci) to read as follows:

“(i) Between December 15 and May 15 of each year, no person shall operate a **thrill craft**[T] or electric hydrofoil surfboard, or engage in parasailing, water sledding, or commercial high speed boating, or operate a motor vessel towing a person engaged in water sledding or parasailing on the west and south shore of Maui as provided in section 200-38.”

SECTION 3. Section 200-38, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(Cc) Notwithstanding any other law to the contrary, no person shall operate a **thrill craft**, operate an electric hydrofoil surfboard, engage in parasailing, operate a motorized vessel towing a person engaged in parasailing, engage in commercial water sledding or commercial high speed boating, or operate a commercial motor vessel towing a person engaged in water sledding between December 15 and May 15 of each year in the waters of west and south Maui from Pu’u Ola’i to Hawea Point.”

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

SECTION 5. This Act shall take effect on July 1, 2021.

I strongly oppose the bill H.B. 858 recently introduced, and urge you to support a continuance or denial of this bill for lack of a thorough investigation. This bill directly discards the work already accomplished by Chairperson Suzanne Case and her team at DLNR DOBAR of Hawaii conducted in September of 2020. In September of 2020, the DLNR recognized that all E-Foil Boards would be classified as A VESSEL. This determination was established by four main facts:

1. The VESSEL has an outboard propulsion system
2. The VESSEL is electric
3. The VESSEL is under 5 horse power
4. The VESSEL is not jet propulsion.

I am one of the only citizens of Hawaii to currently hold an active commercial permit. Showing that the state observes E-Foil Hawaii(EFH) as a professionally run and trusted business. I would like to add that at no time in the months from January 2020 to September 2020 did I receive any investigational questions pertaining to how our company successfully operates in Hawaii waters. Our company was one of the first to

proceed with creating a curriculum that is framed around DLNR DOBAR, USCG OCEAN SAFETY, and CORA regulations. Our employees are all CPR Certified, HI Boaters Safety Certified, and hold over 300 hours on the E-Foil Boards. EFH employees also have taken out over 1100 riders with not one emergency or negative interaction with marine life, on-lookers, or any other vessel, or ocean activity.

At this time I would like to suggest a future potential amendment or procedure to modify the process by which a citizen acquires such a permit. We would like to collaborate with the DLNR DOBAR of Hawaii in implementing our current training curriculum for all potential E-Foil Board owners and operators. We are prepared to offer our professional SOP outlining the class and certification we can offer to potential permit applicants. The idea was designed around that of our standard Hawaii driving permit. Any E-Foil Board owners or operators interested in a permit would be directed to E-Foil Hawaii by DLNR DOBAR to fulfill our E-Foil Board State Regulations and Safety Class. Our company would offer in-person or online classes pending our governors corona compliances. Once the customer has obtained and verified with DLNR DOBAR there completion of the mentioned class, then and only then would the owner/operator be qualified to apply for a formal permit. This would also act as a great filter for the State's DLNR DOBAR.

If the bill remains unchanged, it will compromise the opportunity to take steps to advance the education on the DLNR DOBAR existing regulations and legislation. We believe the existing legislation for Hawaii VESSELS reflects a great design for properly organizing the behaviors of the E-Foil Board riders.

E-Foil Hawaii represents more than 25 employees who are involved in all aspects of following DLNR DOBAR's regulations. We are committed to promoting and protecting the existing design. Once again, I urge you to oppose H.B. 858. Please do not hesitate to contact me if you have any questions or if I may be of assistance in any way.

Mahalo,

Rhavie Marino
CEO of E-Foil Hawaii
Email: Rhavie@E-FoilHawaii.com
Phone: 808.419.5331