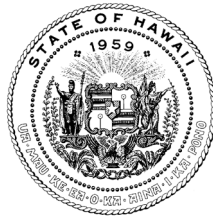


DAVID Y. IGE
GOVERNOR OF HAWAII



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
CONSUMER PROTECTION & COMMERCE

Thursday, February 10, 2022
2:00 PM

State Capitol, Conference Room 329, Via Videoconference

In consideration of
HOUSE BILL 1900, HOUSE DRAFT 1
RELATING TO THRILL CRAFT

House Bill 1900, House Draft 1 proposes to amend the definition of "thrill craft" to include surfboards using a motorized hydrofoil; and to also make updates to the definition of "thrill craft." **The Department of Land and Natural Resources supports this measure.**

Classifying surfboards with electric hydrofoils as "thrill craft" will help to prevent ocean user conflicts and increase safety. The amendments made to modernize the definition of "thrill craft" will help to prevent ambiguity in classifying certain vessels as thrill craft.

Thank you for the opportunity to testify on this measure.

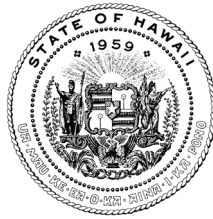
SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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

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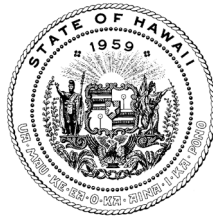
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COMMISSION ON WATER RESOURCE MANAGEMENT

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LAND
STATE PARKS

HB-1900-HD-1

Submitted on: 2/8/2022 6:25:39 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Alika Ferreira	Hawaii Efoil Experience	Oppose	Yes

Comments:

My name is Alika Ferreira and I oppose HB1900.

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 HB1900 seems to be addressing, and I would like to address each of them individually:

1. HB1900 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 propeller 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.

2. HB1900 states that the efoil reaches “speed capabilities of more traditional water vessel types, such as a thrill craft.” With a quick search on the internet, anyone can see that the speed capability of an efoil is not similar at all to the speed capability of a thrill craft such as a jet ski. The fastest efoil on the market today is boasted to reach a top speed of 34 miles per hour (source: fliteboard.com). The fastest stock jet ski can reach 67 miles per hour (source: powersportsguide.com). At a speed twice as fast as an efoil, jet skis certainly are more worthy of the “thrill craft” title. If you remove the suggestion of “such as a thrill craft” from HB1900, and simply compare the speed capability of an efoil to traditional water vessels speed capabilities, then we should consider the pontoon boat (41mph), the fishing boat (23mph), the dingy (28mph), the life boat (34mph), the sail boat (17mph), the ferry boat (32mph), the ski boat (36mph), and the yacht (66mph).

These are all very common boats at typical top speeds (source: shipfever.com). From this list of vessels, I would argue that the efoil speed capability is indeed “reaching the speed capabilities of more traditional vessel types”, but NOT that of a thrill craft. The efoil’s

speed is more like that of a typical life boat. That would put the efoil squarely in the “vessel” classification as DOBOR had determined in July of 2020.

HB-1900-HD-1

Submitted on: 2/9/2022 7:29:03 AM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
tony smith	Adventure IO Inc	Oppose	No

Comments:

As a business owner with an activity desk license in Hawaii, and a very responsible and conscientious subcontractor who runs eFoil lessons on Kauai, intentionally AWAY from other vessels, swimmers, surfers and any other marine hazards, I oppose classifying electronic foil boards in the same category as jet powered pleasure craft. They are more environmentally friendly. go 1/5th of the speed, require skill and awareness to operate and are much less ubiquitous than PWC. Thank you.

HB-1900-HD-1

Submitted on: 2/9/2022 3:24:49 AM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Damien LeRoy	LIFT FOILS	Oppose	No

Comments:

I would like to say Lift Foils, the leader and innovator of the Efoil, created Affialites and partners from around the world to grow this sport as safely as possible with 1 on 1 lessons. The goal is to inform every client and person on how to operate properly and safely, obeying boating/coastguard and marine patrol rules and respecting the waters they are riding in. Renting a jet ski is a loud, dangerous item while a Lift Efoil is silent and not detrimental to our economy and waters. An electric efoil is not gas, it is electric (as stated in the name). Everyone has the best interest to help inform and grow this sport in a safe and proper way. I do believe this will negatively impact many businesses and livelihoods who work in the industry and will cause more people to buy direct without taking lessons and instructions from these affiliates, therefore possibly creating a safety issue much bigger than this. We have these affiliates in place to ensure that these efoils are used as they were meant to be used: safely, respectfully, and with little impact on those around them (besides wanting one of their own!) Thank you for your time and understanding.

HB-1900-HD-1

Submitted on: 2/9/2022 11:29:56 AM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Rhavie Marino	E-Foil Hawaii	Oppose	Yes

Comments:

- the boards can easily be mechanically restricted under any suggested speed!

- the only NOAA research ever done was in cooperation with our company and all of the data finds the boards equivalent to ambient ocean sound. Especially at higher speeds! So any person who says they have scientific data is lying on the record! I also believe that since the NOAA study also produced data proving that outboard boat props are way louder than the legal decibel limit for whales, it's quite a conflict of interest that Rep Wildburger has a whale watching boat!

- with the existing a-class vessel designation, we have run an injury free company for over 2 years with the guidance of DLNR DOBOR. Until any other data comes forward, I don't believe general concerns should be making law amendments! With all of that said, it's also important to acknowledge that restricting the boards outside of whale season does not play to the argument of general safety and speed outside whale season?... it would seem as though the whales are still the target here and surely this is a major conflict of interested and not substantiated by any data at all! If anyone claims to have data such as I, you should ask for it to be entered into the records! Mine is readily available!

- there are many other facts that make this bill moot, and you will here them in my video testimony.

HB-1900-HD-1

Submitted on: 2/9/2022 12:22:03 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Benjam p Corbett	Foil Surfing Hawaii LLC	Oppose	No

Comments:

The E foil is not a thrill craft. #1 its electric , #2 its prop driven not jet drive. #3 its only 2.5 HP, #4 its a one person vessel,#5 its less then 100 Lb

Lets just call this what it is! The only reason this bill is being submitted is because 1 - 2 beach front property owners don't want this activity being done my therar homes. But don't forget E foiler are also wealthy well connected members of the community. And there way more E foilers that have invested \$10-50K in E Foils then individuals in favor of this bill.

Rafael Rivera III, Owner of an Efoil . Maui County.

For starters I would like to say the cause for concern on a very new watersport is great. As an owner of an Efoil for two years these times where we can educate others is fantastic. Last year the same bill was presented. And to the present date Efoils have not been highlighted as “unsafe” The DLNR has done what is necessary to calcify and manage efoils affectively. The rules set explain safe distance from shore (200 feet) low speed areas, safe operating distances, and the importance of operating clear of any sea life. Also having a boater’s certification and full registration. I feel these rules will continue to keep every person/animal safe on the beautiful waters of Maui.

FUN FACT: I was fortunate to be asked to do a controlled scientific sound test with Pacific Whale foundation scientist and DLNR scientist. They found that the sound of an efoil is equivalent to the ambient sound of the ocean. This was an honor for me to be a part of. This should show as an efoil owner we have more that love and respect for the ocean and its inhabitants.

To say that we should restrict Efoils is a uneducated mistake. Efoils are not dangerous. People with lack of education and respect for there surroundings is the issue. With this prospective. Cars should be off the roads, and ALL vassals in the ocean should be restricted. I believe there are personal agendas in play here because this is now old news resurfacing and wasting government official’s time. There are more important agendas that need attention here in Hawaii. So mahalo for wasting our time again Tina W.

A quick shout out to Maui volunteer Taylor-rose Stone. Who took the initiative during the COVID-19 shutdown, to launch her own study into e-foils and the acoustic noise that they generate and does it affect our humpback whales.

On July 30, the HIHWNMS deployed a temporary acoustic mooring with a SoundTrap 300HF recorder in waters 0.5 nautical miles (nm) from shore in Maalaea Bay. The sanctuary’s R/V Kohola and an E-foil operated by E-foil Hawai’i were then used to sequentially perform 0.25 nm transits by the mooring at 10 and 17 knots at distances of 50, 100, 200, 400 and 800 meters from the mooring. In addition to contributing to the study design, State of Hawai’i Acting Sanctuary Co-manager Jeannine Rossa and Sanctuary volunteers Taylor-Rose Stone and Raoul Paiz conducted outreach with E-foil users using the nearby beach to ensure that curious onlookers did not interfere with the research.

The data obtained will be used to compare the acoustic properties of the E-foil to the more conventional acoustic characteristics of an outboard-powered vessel. The results will provide information about whether E-foils should be considered a potentially distinct source of anthropogenic acoustic noise impacting humpback whales and other marine life.



And finally, I would like to close by welcoming Michelle Graham on board with us. She will be sitting in Sheryl, Amy, and Bo’s old office!

Stay well everyone!

HB-1900-HD-1

Submitted on: 2/8/2022 2:25:02 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Molly Forstall	Individual	Oppose	No

Comments:

Thursday, February 10, 2022, the CPC Committee is set to consider HB 1900 “Relating to thrill craft”. This bill would incorrectly recategorize eFoils as Thrill Craft. I am opposed to this bill.

eFoils are quiet, electric, and non-polluting. As a resident of the Kailua Beach area, I enjoy watching eFoilers ride on calm days when there isn't enough wind for kite surfing. While I am not an eFoiler myself, I have found that those who do ride are very respectful of others kayaking, paddle boarding, or engaging in other activities on Kailua Bay.

An eFoil is nothing like other items categorized as "Thrill Craft". Thrill Craft, like wave runners and jet skis, are generally large, heavy, loud, polluting, operated at very fast speeds, and cause wakes. As such, they are, in my opinion, correctly limited in the locations in which they can be used. I do not want to be at the beach and hear the loud whine of jet ski engines.

In contrast, eFoils are relatively small (shorter than most surfboards), light (can easily be carried, unlike jet skis and don't require boat launch ramps or trailers), and are generally operated at relatively slow speeds (5-10 knots). This is much slower than jet skis and other Thrill Craft, and much slower than kite surfboards. They produce no wake.

I believe the legislature needs to slow down and gain a better of understanding of how eFoils operate before rushing to pass this bill. This hearing was scheduled with about 48 hours notice. How many people will fail to submit testimony because they did not receive notice in time? (Indeed, I signed up for notice but did not receive it--I heard about this hearing from an eFoiler.)

Furthermore, I am very concerned that if this bill passes, eFoilers will be limited to riding in a few very dangerous areas--that is, areas where true "Thrill Craft" are allowed. I don't want my friends to be competing with jet skis on the water--a competition that they will surely lose, perhaps even with tragic results. Please defeat HB 1900 and allow eFoilers to continue to safely enjoy the beauty of Hawaii's waters without putting them in danger.

HB-1900-HD-1

Submitted on: 2/8/2022 3:18:58 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Scott Forstall	Individual	Oppose	No

Comments:

Thursday, February 10, 2022, the Committee on Consumer Protection & Commerce is set to consider HB 1900 “Relating to Thrill Craft”. This bill would incorrectly recategorize eFoils as Thrill Craft. I am strenuously opposed to this bill.

IT COULD PUT THE LIVES OF eFOILERS AT RISK. It would also render worthless the thousands of dollars and hours many eFoilers have spent investing in this non-polluting, fun water activity that has been explicitly endorsed by the State in the office of DOBOR at Sand Island. Would the State reimburse these costs?

Thrill Craft, like wave runners and jet skis, are generally large, heavy, loud, polluting, operated at very fast speeds, and cause wakes. As such, they are, in my opinion, correctly limited in the locations in which they can be used. I do not want to be at the beach and hear the loud whine of jet ski engines.

eFoils, on the other hand, are quiet, electric, and non-polluting. A poster at DOBOR on Sand Island endorses eFoils as “a smooth, cool ride. It’s eco-friendly. It’s swift and silent.” DOBOR further endorses eFoils by running a program to register them.

eFoils are relatively small (shorter than most surfboards), light (can easily be carried, unlike jet skis and don’t require boat launch ramps or trailers), and are generally operated at relatively slow speeds (5-10 knots). This is much slower than jet skis and other Thrill Craft, and much slower than kite surfboards. They produce no wake. They are far quieter than boats, including whale watching boats.

If eFoils are forced to operate in the few, small areas where large, heavy, fast Thrill Craft operate, like jet skis, then THE LIVES OF THE eFOILERS WILL BE AT RISK. It would be similar to forcing bicyclists to ride on the highway alongside cars and trucks. If a jet ski were to crash into an eFoiler, the eFoiler would suffer serious injuries.

My friends and I enjoy safely riding eFoils when the wind is low and other options, like kite surfing, wing surfing, and wind surfing are not possible.

Please defeat HB 1900 and allow us to continue to safely enjoy the beauty that Hawaii has to offer in our quiet, non-polluting, fun manner with our community.

HB-1900-HD-1

Submitted on: 2/8/2022 3:43:39 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
James Dvorak	Individual	Oppose	Yes

Comments:

I am writing to express my opposition and frustration with the proposed law HB1900.

I believe HB1900 it is an extreme over reach and over regulation that targets a select group of citizens for no reason under the guise of environmental protection.

Both the Hawaii State DLNR and the State Attorney General have previously ruled that Efoils are not to be classified as thrill craft. Despite being provided with this information, representative Tine Wildberger is making her second attempt to use her power to impose her will on her fellow citizens by attempting to re-classify Efoils as a thrill craft in an attempt to restrict their access to the ocean.

Efoils have been operating safely in Hawaii waters for years. In that time there have been no incidents of any kind involving people, whales, or marine life.

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

Boats and many other watercraft are not banned during whale season or classified as thrill craft. Why would a different rule or logic be applied to a far less environmentally impactful watercraft like an Efoil?

I believe that if enacted HB1900 will be a legal and enforcement nightmare as it targets Efoils by name only instead of addressing the way that a particular watercraft is used. People will just use a different watercraft with a different name or design until that watercraft is restricted or banned. Banning and restricting a certain watercraft is not the answer.

The answer is to identify any problems that may exist and then make reasonable laws to address and target those problems instead of the watercraft used.

Sincerely, James Dvorak

HB-1900-HD-1

Submitted on: 2/8/2022 3:44:28 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
luke k.	Individual	Oppose	No

Comments:

im a resident of hawaii. i surf, hydrofiol, efoil, swim, snorkle, and in the past owned a jetski. putting efoils with jetskis is a BAD BAD idea. the jetskis will destroy these efoils. there is no comparison, its like putting a race car next to a bicycle and having them race around a small track. jetskis are powerful machines and the reason why we keep them seperate. efiols have a small motor smaller then any boat in hawaii.

it would be more fair to put boats with jetskiis in 1 category and create a seperate category for efoils called the "slow and steady" water vessels.

whoever proposed this bill has no idea what they are doing. this is going to get people killed and severly injured. this is why we dont paint white stripes on highways and have crosswalks.

with all due respect i wonder how many representties that are proposing this bill and voting on this bill actually know what an efoil is or have seen one up close or used one?

HB-1900-HD-1

Submitted on: 2/8/2022 4:13:22 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Matthew Elsasser	Individual	Oppose	No

Comments:

My name is Matthew Elsasser and I oppose HB1900.

I'm a 28 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". The e-foiling community has welcomed with open arms all of those that would like to take a deeper dive into these vessels' potential effects. Just last year a group of Maui efoilers worked with whale activists to analyze the potential effects on whales, of course they found the efoils to be nearly silent and to have no negative effects on the marine life. Despite these findings Tina Wildberger has refused to work with anyone in the efoiling community to come up with solutions that work for all parties. Her proposed adjustments to the thrill craft bill fail to realize that e-foils are already governed under the laws of a vessel under 10 horse power. efoils are not unregulated under the current laws. Tina has another bill HB1901 that seeks to ban the use of 2-storke engines by 2024 and replace them with electric motors. Yet at the same time she is pushing to make electric vessels like efoils less accessible in Hawaii. It doesn't make sense.

Just as it was last year, this is a rushed decision to shut down efoils without any input from the users involved or factual evidence regarding the noise emitted, potential safety concerns, ect. 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.

HB-1900-HD-1

Submitted on: 2/8/2022 5:25:28 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jaimee Dvorak	Individual	Oppose	No

Comments:

I'm writing to express my extreme opposition to

HB 1900

My family and I chose to purchase an Efoil to access the ocean for diving and fishing instead of a boat for the following reasons.

- It does not require a trailer or use of a boat dock or harbor as it is hand carried and is one of the lightest watercrafts on the market.
- It is electric and is one of the quietest personal watercrafts on the market with the least environmental impact.
- Compared to a boat it is a vastly more affordable and environmentally responsible way to access the ocean.

If this bill is enacted it would force my family and I to purchase a boat instead which would be much more expensive, larger, louder, and polluting way to access the ocean which would be exactly the opposite outcome of what this bill is claiming to to achieve.

It is my hope that those reading this testimony will see this bill for what it truly is, an attempt by a group of individuals attempting to impose their will and perfected choice of watercraft on their fellow citizens.

Sincerely, Jaimee Dvorak

HB-1900-HD-1

Submitted on: 2/8/2022 6:14:33 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Travis Gulnac	Individual	Oppose	No

Comments:

Aloha,

I strongly oppose HB1900. Classifying an efoil as a thrill craft / in the same category as a jet ski is illogical based on the following reasoning. An efoil is whisper-quiet, creates no wake, weighs 60 lbs., averages 15 knots, and has an electric 5 hp motor. In contrast, a jet ski weighs 750 lbs., is capable of speeds of 65 knots, and has a gas-powered 300+ hp motor. Furthermore, by this same logic, boats would also fall into this thrill craft category.

If efoilers are creating a safety or marine concern, we need to address the issue, not just ban them or reclassify them as a thrill craft. Why not educate efoilers, have them take a boater's safety course, or create an efoil safety course. There's no reason an efoil can't safely operate just like any other vessel in Hawaii. Educate, don't discriminate.

Mahalo,

Travis Gulnac

HB-1900-HD-1

Submitted on: 2/8/2022 6:58:29 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Scott Whiting	Individual	Oppose	Yes

Comments:

I strongly oppose HB-1900.

There is a significant precedent that needs be considered. Powered foil boards have been in use in Hawaiian waters for over a decade without any significant safety issues concerning swimmers or marine life. The main difference is Kite foil surfers travel at faster speeds, are more agile and can accelerate faster than an E-foil. The wind provides much more power than an E-foils battery is capable of providing. I have not heard of any injuries attributed to efoils. E-foils are typically used when there is not enough wind to kite surf so they do not increase the density of foil boarders. E-foils are not used in the breaking waves so they don't interact with traditional surfers.

There are significant differences between an E-foil and other thrill craft. Efoil's have no fuel, no exhaust, no noise, no wake, no trailers. E-foils typically operate below 15 mph.

It would be very dangerous to force E-foils to operate in the same areas with jetskis and boats. Jetskis are much faster and a massive amount of weight. An e-foil being hit by a jets ski would be like a pedestrian being hit by a car.

HB-1900-HD-1

Submitted on: 2/8/2022 7:48:44 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Larry Stevens	Individual	Support	No

Comments:

Water sports are so much fun. But our marine mammals can't evade them because they are so quick and so quiet. Treating them as thrillcraft means that we can regulate them during whale season when so much else is happening.

I support this bill.

HB-1900-HD-1

Submitted on: 2/8/2022 7:51:46 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Anneli Munkholm	Individual	Oppose	Yes

Comments:

E-foils are not thill craft, but boards that take training and significant skill sets to ride. Because they use an electric motor they are extremely quiet and do not disturb the wildlife as per NOAA study. We all want to protect the whales in Hawaii, and today's rules are already in place today that protect whales from unnecessary disturbances in terms of approach distance etc. that e-foilers need to adhere to similar to other water crafts. Everyone should be encouraged to use electric vehicles when being in Hawaii water in the whale season due to low noise, no wake, and being non-polluting. Instead let's focus on banning the use of any water crafts that use gasoline, which pollute, are noisy, and create large wakes during the whale season.

I'm an efoil user and every time I launch or come back to shore I'm met with many people (both locals and tourist alike) who are amazed by efoils and want to learn more. They are facinated by how quiet and peacefully I can be riding on the water, and their feedback is always postive on how they enjoyed watching it. That is the extreme opposite of people riding thill crafts such as jet skies which are noisy and annooying for beach goers.

I'm extremely dissapointed that my own districts representative of South Maui is proposing this bill which will limit the use of environmently friendly efoils under the notion that they may be harming whales, when there is zero basis for that to be case. I strongly oppose this measure. Let's encourage the use of efoils and instead limit gas propelled water crafts in our waters.

HB-1900-HD-1

Submitted on: 2/8/2022 9:26:11 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Vadym Ustymenko	Individual	Oppose	Yes

Comments:

I oppose this bill!

HB-1900-HD-1

Submitted on: 2/8/2022 9:38:51 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Shachar Jeffrey Argov	Individual	Oppose	Yes

Comments:

I strongly oppose this bill and would like a chance to speak during the hearing.

ALEKSANDR PEREDEREYEV

29 JANUARY 2022
3475 AKALA DRIVE
KIHEI, HI 96753

HOUSE OF REPRESENTATIVES
THIRTY-FIRST LEGISLATURE, 2022
STATE OF HAWAII

RE: LETTER OF TESTIMONY CONCERNING DEFINITION OF THRILL CRAFT, AS USED IN THE STATE BOATING LAW, WITH PARTICULAR INCLUSION OF THE TERM SURFBOARDS USING A MOTORIZED HYDROFOIL.

H.B. NO. 1900 "RELATING TO THRILL CRAFT"

Your Honor:

I oppose the movement to revise H.B. NO. 1900 "RELATING TO THRILL CRAFT" to update the definition of "thrill craft," as used in the State [of Hawaii] boating law(s) to include the term "surfboards using a motorized hydrofoil." For the purpose of this letter of testimony, the term "surfboards using a motorized hydrofoil" will be interpreted by implication to include associated or often interchangeably used terms, including but not limited to, "electric-powered hydrofoil surfboard;" "electric foilboard;" "electric hydrofoil;" "e-foil;" and, "efoil." For the purpose of brevity, the aforementioned terms will be collectively referred to within this letter of testimony as "efoil(s)."

The proposed revision to Section 2 of Section 200-23, "Hawaii Revised Statutes," determines that a "thrill craft" is defined by the following parameters:

- (1) Is less than sixteen feet in length as manufactured;
- (2) Is capable of exceeding a speed of fifteen miles per hour;
- (3) Is typically designed to be operated by a single operator, but may have the capacity to carry passenger while in operation; or
- (4) Is designed to provide similar operating performance to a "personal watercraft," as defined in title 33 C.F.R. section 174.3, through a combination of small size, propulsion machinery, performance characteristics, and hull design.

Parameters (1) to (3) are unobjectionable. Parameter (4), however, is not *entirely* applicable. Title 33 CFR Section 174.3 – Definitions defines the term "personal watercraft" as follows:

Personal watercraft means a vessel propelled by a water-jet pump or other machinery as its primary source of motive power and designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than sitting or standing within the vessel's hull.

Furthermore, Title 33 CFR Section 174.3 – Definitions defines the term "vessel" as follows:

Vessel means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

The inclusion of "or capable of being used, as a means of transportation on water" presents a contradiction of interpretation to the aforementioned proposed parameters to the definition of the term "thrill craft." *Merriam-Webster* defines the term "transportation" as follows:

- (1) *an act, process, or instance of transporting or being transported;* or,

(2) (a) *means of conveyance or travel from one place to another;* (b) *public conveyance of passengers or goods especially as a commercial enterprise.*

The implication of the term “thrill craft,” as used and interpreted by the State of Hawaii, is reasonably interpreted as being of or related to a craft designed or used to experience a thrill, as opposed to a craft being used as a means of transportation. *Merriam-Webster* defines the term “thrill” as follows:

- (1) *a feeling of great excitement or happiness; or,*
- (2) *a tingling of or as if of the nerves produced by a sudden emotional reaction; or,*
- (3) *a very exciting or enjoyable event or experience.*

Accordingly, while what is defined in United States law as a “personal watercraft,” and, therefore, a “vessel,” is unobjectionable, United States law, specifically, Title 33 CFR Section 174.3, does not seek to determine or otherwise set forth the parameters of intended or implied intent of use.

It is wholly objectionable to debar use of a single or class of “personal watercraft(s)” on the basis of perceived intent as interpreted by the State of Hawaii. In acknowledgment of an efoil’s ability to travel from one place to another, it is not improbable for a persons with an (registered) efoil to specifically deploy the “personal watercraft” to leverage its propulsion, and therefore, transportation capabilities to engage in a water rescue of another persons (e.g., if found to be in a state of injury or unconsciousness or otherwise exhibiting an inability to swim or otherwise stay afloat). Such an eventuality could not be practicably determined to be in pursuit of “thrill” or the experience of “thrill.” The same example can be applied to the specific use of other “personal watercraft(s)” such as jet ski, WaveRunner, wet bike, surf jet, miniature speed boat, hovercraft, and so on; however, the legalities concerning other “personal watercraft(s)” is not within the intended purpose of this letter of testimony.

I advocate for the implementation of reasonable regulations concerning training for the safe use of efoils and legal consequences for the willful misuse of efoils and negligent behavior concerning efoils and the clear and present safety of other persons, marine (or other) life, and the environment writ large.

Thank you for your time and consideration.

Sincerely,

Aleksandr Peredereyev

HB-1900-HD-1

Submitted on: 2/9/2022 4:23:49 AM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
steve oldenburg	Individual	Oppose	No

Comments:

As an active efoil user I fundamentally disagree that this activity is a thrill craft and should be classed with other thrill craft. The efoils are nearly silent, have no wake, and are not disruptive to others that are enjoying the target environments. Please do not class efoils as a thrill craft.

HB-1900-HD-1

Submitted on: 2/9/2022 4:36:08 AM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ryan stager	Individual	Oppose	No

Comments:

Hi I ride Efoils here in south Florida with big plans to come to Hawaii to Foil this summer it will be my 1st time to Hawaii as well , I've personally never had a problem operating one, I believe with the right education and safety gear on like wetsuit and life vest and helmet they are safe to operate , I personally believe banning them would effect tourist like myself and others from wanting to come to the state of Hawaii being you guys are a island you heavily depend on tourism just like South Florida does and I believe being as open and welcoming is the way to go !

Aloha

Ryan

HB-1900-HD-1

Submitted on: 2/9/2022 4:54:29 AM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Richard William Ellis	Individual	Oppose	No

Comments:

As a fequent visitor, I oppose the measure.

HB-1900-HD-1

Submitted on: 2/9/2022 4:59:25 AM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
patrick denis	Individual	Oppose	No

Comments:

I oppose to this Bills , has it doesnt make sense at all. Example : E-foil are electric and do not anything wrong to the sea life compare to cruiseships that come and go.

HB-1900-HD-1

Submitted on: 2/9/2022 5:03:54 AM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Vladimir Trifonov	Individual	Oppose	No

Comments:

HB-1900-HD-1

Submitted on: 2/9/2022 5:44:54 AM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mandy Mejia	Individual	Oppose	No

Comments:

I opposed this bill passing. We as United States citizens should have the right to enjoy any watercraft we choose to use. This is a free country and as so as long as we follow logical rules and guidelines that are in place to protect the environment there is no harm to use e-foils or other watercrafts. Also it is extremely dangerous to categorize e-foils and jet skis as the same as they are not, since the two are two totally different and separate types of watercrafts. On the other hand I also see this is becoming more of a race issue in this state then actual sport watercrafts usage, this day should be ashamed of letting their people bash other races since the white race is looked down upon in the state. I don't believe you have either the science or enough information to ban any thrill crafts to the state.

HB-1900-HD-1

Submitted on: 2/9/2022 5:47:47 AM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
james stewart	Individual	Oppose	No

Comments:

I oppose this bill due, efoils have little to no impact on the environment compared to the many other activities that are going on in Hawaiian waters. Efoils have been a great device to use for almost all ages, with proper teaching and guidance from instructors on all islands this can be a safe and controlled activity for all to enjoy.

HB-1900-HD-1

Submitted on: 2/9/2022 6:13:33 AM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Tuan Tran	Individual	Oppose	No

Comments:

I think this law ia overly restrictive for eFoilers and will limit the foiling to very defined areas. This is a hazard for foilers and others.

HB-1900-HD-1

Submitted on: 2/9/2022 7:55:29 AM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Larry Nunnery	Individual	Oppose	No

Comments:

eFoils are the future of water sports. If used properly they are super safe. They use no fuel to danger the environment. They are nothing like a jet ski. Most of the time you ride your eFoil at about 10 miles per hour compared to 30 or 40 on a noisy jet ski. Also eFoils are really quite with their electric engines and while riding they create no waves.

HB-1900-HD-1

Submitted on: 2/9/2022 7:59:50 AM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Colette Ferris	Individual	Oppose	No

Comments:

I do not support placing efoils in the same category as thrill craft. E foils do not pose threat or harm to ocean life, they are not a source of noise pollution And are powered by Nonpolluting Electronic motors That do not support the high speed of Thrill craft such as jet skis.

HB-1900-HD-1

Submitted on: 2/9/2022 8:03:58 AM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Rohn Boyd	Individual	Oppose	No

Comments:

Hi,

I am a 61 year old Kauai resident and I strongly oppose this bill. Ive been riding Efoils safely and responsibly since I first came into the sport 3 years ago. To compare the Efoil with thrill craft is reckless and irresponsible at best. There's no comparison in weight, size, nor speed between currently classified "thrill craft" and the Efoil. Ive never seen a whale while foiling and often surf my Efoil under no power in the same vicinity as other foilers. Please stop this madness.

Thank you,

Rohn Boyd

HB-1900-HD-1

Submitted on: 2/9/2022 8:09:04 AM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Michael Cavallo	Individual	Oppose	Yes

Comments:

My name is Michael Cavallo, and I am a Kihei resident, local waterman and I am also totally opposed to HB1900.

I am a thrill craft owner and operator, and I am also an e-foil owner and operator.

I invite you all to witness for yourself the difference between the 2 vehicles:

A thrill craft sits 3 people with cruising speeds up to and beyond 50 miles per hour with a gas powered engine. The e-foil, single person, cruises about 10- 15 miles per hour, with an electric motor.

Michael Cavallo 808-250-8687.

E-foils are already regulated and registered with DLNR in the state of Hawaii. If any e-foil breaks the law, you can take photos / videos of the infraction and report to the DLNR.

If any e-foilers were doing anything wrong, where is the evidence? Nowadays everyone has a camera in their hands.

If there are bad apples in the bunch, they are easy to identify under current regulations.

Thank you for your time and please vote NO on HB1900.

Michael Cavallo

808-250-8687

HB-1900-HD-1

Submitted on: 2/9/2022 8:30:42 AM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
stephen eckstrom	Individual	Oppose	No

Comments:

Efoils should not be considered thrill crafts. They are nothing like Jet Skiis.

Efoils are not fast, they do not make noise, they do not create a wake, THEY ARE NOT DANGEROUS.

Taking away efoil riding areas is not what the government should be mandating. It's overreach. Please do not pass this legislation. Just because it is new does not mean it is dangerous and should be legislated.

HB-1900-HD-1

Submitted on: 2/9/2022 8:31:58 AM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Victor Nunnemaker	Individual	Oppose	No

Comments:

Thrill craft?? I respectfully OPPOSE this bill. E-foil boards are as environmentally friendly as they come. We allow gas and electric powered leisure boats, wave runners, surf boards, SUP boards, kite surfing, and on and on...yet this bill would specifically target an environmentally friendly way for people to enjoy and use open water space (usually where there are no waves) and otherwise few people utilizing them? Targeting e-foil boards is a sad waste of tax payers time and money and would be an egregious exercise of power. Are "thrill" motorcycles and other landbased "thrill craft" next on the docket? Please allow to Live and let live. E-foil boards are not hurting the environment, are a great form of exercise and an easy way to get out into nature and commune with the ocean for people who may not otherwise be able to do so. Thank you for considering these points. I oppose this bill. It targets the minority for no valid reason. Thank you.

HB-1900-HD-1

Submitted on: 2/9/2022 8:39:29 AM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Eileen McKee	Individual	Support	No

Comments:

Aloha,

I strongly support the passage of HB1900.

Although this legislation is only for during whale season, this thrill craft needs a bit more regulating. I witnessed a person on one of these buzzing machines (poor honu!), that seemingly never rode one before, crash right onto the reef at Maluaka. This legislation is a good start, and these machines should be as regulated the same as jet skis. Novices should have to pass some sort of training.

Mahalo for considering my testimony.

Eileen McKee

Kihei

HB-1900-HD-1

Submitted on: 2/9/2022 8:50:41 AM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
kyle roarke	Foil, Inc	Oppose	No

Comments:

This is a very sloppy way to regulate eFoils. Classifying them as jet skis is completely wrong and stems from a misunderstanding of what they actually are. eFoils are silent electric surfboards that can be used in the most fragile ecosystems without causing environmental harm. They are significantly slower than jet skis, make no noise and produce absolutely no pollution.

They are used within 100 yards of the shoreline and pose no threat or disturbance to whales or other marine life. They should not be used near swimmers and current Hawaii regulation already prevents that.

Please understand what you are regulating and make meaningful regulations based on what the product is rather than applying regulations from a dissimilar product. These regulations could be dangerous and life threatening for eFoil users.

HB-1900-HD-1

Submitted on: 2/9/2022 8:54:16 AM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
jeff vining	Individual	Oppose	No

Comments:

I strongly oppose HB 1900. I have owned or ridden jet skis my whole life and just recently purchased a hydro foil board. These boards aren't even close to being a jet ski and should not be classified with them.

HB-1900-HD-1

Submitted on: 2/9/2022 9:08:53 AM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
shane durkopp	Individual	Oppose	No

Comments:

This cannot pass. Recreation vehicles like this are much safer and more friendly to the environment than almost all other forms of recreation. Please do not pass this bill.

Shane Durkopp

HB-1900-HD-1

Submitted on: 2/9/2022 9:17:08 AM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Scamahorn James	Individual	Oppose	No

Comments:

While regulation may seem inevitable, I implore you to consider our unique situation here on Kauai. The e foil as a craft is quiet, makes no significant wake and pales in comparison to the recreational boats and kayaks allowed on Wailua river in regards to any potential damage to the resources. As I understand listing them as thrill craft would prevent their use on the river. I understand there are concerns on Maui, we on Kauai would appreciate the opportunity to help establish guidelines for the crafts which would be more in tune with our conditions, such as the regulations involving where such craft may be used.
thank you for your time

james scamahorn

HB-1900-HD-1

Submitted on: 2/9/2022 10:09:34 AM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
kerri ballard	Individual	Support	Yes

Comments:

I spend a great deal of time in the ocean at Palauea beach (aka White Rock). It is a hobby of mine to remove plastic and garbage underwater here where it collects on the coral about 20 feet deep. During the course of this activity I often encounter e-foils. They are extremely loud underwater and sound much like a drill biting into concrete. The first time I heard one I thought someone was doing construction underwater. Sometimes I am shocked at how far away the efoil can be heard. It is heartbreaking to go to the ocean to relax only to feel assaulted by this intense noise. I can only imagine how our marine life is affected.

In addition to the noise, I have been nearly hit twice by novices and have witnessed more seasoned operators circling whale pods.

We have an opportunity to curtail the expansion of this intrusive activity now before more people make the large cash outlay for this motor sport and then feel the need to defend it.

Many thanks,

Kerri Ballard, Makawao

HB-1900-HD-1

Submitted on: 2/9/2022 10:10:42 AM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
kevin newburg	Individual	Oppose	No

Comments:

In no way does an efoil justify the same onerous reuglations as a jetski. I strongly oppose this regulation.

kevin

HB-1900-HD-1

Submitted on: 2/9/2022 10:15:28 AM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
David Lee	Individual	Oppose	No

Comments:

I urge you not to classify e-foils as “thrill crafts.”

I am a 70 year old former windsurfer and kiteboarder. I no longer have the strength to do those activities. I took up e-foiling as a way to get back out onto the water in a safe manner. It does require more skill than simple planing on the surface of the water so it is still challenging. My 71 year old wife also picked it up. The last time we were out for a session at Wailua River, we met 2 other e-foilers who were younger but had injuries which kept them from their previous water sports (water skiing and surfing).

My daughter and her boyfriend are accomplished surfers. When they came for a visit, they did an obligatory test of our e-foil but spent the other 95% of their time surfing. E-foiling is not thrilling enough.

I’m not saying that e-foiling is only for the elderly and disabled but it would be a disservice to them to restrict their use in places like the Wailua River.

Thank you

HB-1900-HD-1

Submitted on: 2/9/2022 10:19:11 AM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Timothy Skinner	Individual	Oppose	No

Comments:

Hi, This seems like a rush to judgment with some other hidden agenda here. An eFoil isn't in the same vehicle class as a PWC or Jet Ski. eFoils are significantly lighter than PWC's and move at roughly 1/4 to 1/3 the speed. The rated horsepower for eFoils is less than 10, approximately 7.5 KW. The State of Hawaii didn't classified eFoils as Thrill Craft...why in the world is someone from the Kihei district trying to override this? Not that we should wait for incidents, but I'm unaware of any issues, problems or accidents that one could point to as a reason to go forward with this banning effort. Last year, this same representative tried a different approach, claiming the excessive noise that these electric vehicles produced was harmful to the whales. That was laughable. A noise study was performed (early 2021) at Sugar Beach (with numerous eFoils operating at the same time), the conclusion was that the noise was equivalent to ambient ocean noise. So now, this very same representative is trying a new approach to solving a problem (that's not a problem). eFoil operators are just as responsible for looking out for whales or humans as any other marine operator. I'm unaware of any incidents with eFoils interfering with the whales in south Maui. Please stop the madness. Thank you, Tim Skinner

HB-1900-HD-1

Submitted on: 2/9/2022 10:19:11 AM

Testimony for CPC on 2/10/2022 2:00:00 PM

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Timothy Skinner	Individual	Oppose	No

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This letter is 10 pages total including all pictures.

I oppose the bill due to the following simple reasons:

1. What is an efoil?

Electric hydrofoil is also known as an efoil. Efoil is a surfboard with a hydrofoil attached to the bottom that also has a small electric motor. It works on the same principle as a plane, with low speed the fin in the water is able to provide lift of the board lifting the board out of the water. The motor has a propeller guard which assures no injury to user, bystanders and sea life. Safe low speed allows of lift of the board.

PLEASE SEE PICTURES ATTACHED BELOW.

2. Efoil is NOT a thrill craft by definition from the Attorney General of Hawaii.

The multipage letter from the attorney general of Hawaii to representative Tina clearly details that efoils do not fall into this category due to size, engine output/power, fire extinguisher requirements, launching from a boat launch, etc. It is not correct to change the definition of thrill craft to include efoils rather than creating a new category for this devices and future devices. Efoils do not have a risk of fire like gasoline consuming jetskiis. Efoils are not transported on trailers thus it would be illegal to use a boat launch to launch them. Likewise, it would be extremely dangerous to launch one from the boat launch due to the boat/trailer traffic and slippery concrete conditions of the launches which can cause injury.

3. It is extremely dangerous and life threatening to put jetskiis and efoils in close proximity.

Efoils have very slow acceleration, most do not ride over 15 MPH, I have personally never ridden mine over 10 MPH nor would it be possible in the high swell waters of hawaii. To put efoils and jetskiis together in the same spot will create bloodshed. Efoils are slow and require balance, Jetskis do not. Jetskiis have rapid acceleration, quick maneuvering and create a lot of turbulent water. **THIS IS ALL EXTREMELY DANGEROUS TO EFOILING.** Efoils work on the same principle as planes, imagine landing a plane at HNL when there are 80 MPH cross winds. If you survive the landing, it will not be pretty. When I see jetskiis approaching me when I efoil I get off my board and just wait until they go by.

The rule that all efoilers follow is if you see a jetski or a jetboat move away far.

4. Create a new class for efoils.

We all agree that there should be some regulation with not only efoils but hydrofoils and other new devices coming up on the market. Rhavie Marrino (efoil Hawaii) has been working on this for 2 years with DLNR and DOBOR. We believe that every one can enjoy their favorite water activity but we should regulate it in a safe way.

5. Non for profit or association regulation of efoils.

We would like to propose regulation with a dedicated class or certification process that makes sure individuals are able to ride solo, know how to ride and familiarize them with the DLNR rules or each area. However, placing efoils into the thrill craft category is not the way to go. This created danger as previously stated. The classes can be handled on each island by the respective rental facility which have already agreed to take on the cost of this. I believe this should be tried for 1 year and then discussed in an open forum to see how it is working rather than making this ban.

6. Efoils are extremely quiet.

NOAA did a study to test the noise of the motors underwater and results of the motor test were that the noise is not anything more than normal ocean sounds when underwater. This is a tiny motor making almost no noise. Compare it to the HUGE boat motors that go by which make a huge amount of noise in comparison.

7. Efoils do not pollute the water with gas, oil, rust and exhaust.

As DOBOR states they are eco-friendly. EFOILS DO NOT even generate a wake thus it doesn't disturb other boats that are moored.

9. Representatives that are voting on the bill may not know what an efoil is, have never seen one used one or have never ridden one.

This is why we are educating the public, new riders and representatives and senators in order to create a good, safe and happy environment for everyone to play in the ocean. We welcome all representatives to some join us and see for themselves as well as learn and ride with us. On Oahu all the efoil members get together for a ride at 8am on the last Sunday of every month,

10. Efoils are used by older individuals and the disabled.

My father cannot go surfing due to the inability to swim out to the waves but with the assistance of the small motor on the efoil he can still go out on the ocean and ride swells allowing him to continue to enjoy the beauty of the ocean. Companies have used efoils to allow individuals with disabilities to enjoy the freedom of the ocean. **THIS IS TRUE PROGRESS DUE TO INNOVATION AND IT SHOULD BE APPLAUDED, NOT CONDEMNED.** These activities and progress are positive for society as a whole as we evolve and they should be applauded and not banned. **Please see pictures attached below.**

11. Racist comments by the proponents of HB1900.

I am shocked and appalled to see the racist comments submitted to the Land and Water Committee by the proponents of HB1900 as a smear campaign. Please show them we Hawaiians are not all like this and we welcome people of all colors, backgrounds and cultures to our islands with open arms. Please see attachment at the bottom on the last page.

Thank you for your time.

IT'S A SMOOTH, COOL RIDE. IT'S
ECO-FRIENDLY. IT'S SWIFT AND SILENT.

WHAT IS AN EFOIL?



IT'S A VESSEL
AND IT NEEDS TO BE REGISTERED
WITH DLNR TO BE OPERATED
LEGALLY IN HAWAI'I STATE WATERS!

Advertising poster compliments of DOBOR. This is hung and distributed in several locations for users to know that board have to be registered with DOBOR as well as that this is an eco-friendly and silent board.



Picture of electric hydrofoil board (aka Efoil). Notice it contains a surfboard, a mast with a fin at the bottom, plus a small low power motor with its propeller encased in a protective cover to prevent injury to rider and sea life.

We utilize Efoils to allow individuals with disabilities the opportunity to explore the ocean and to provide such individuals the ability to lead as close to normal lives as possible. In the following pictures you will see a training session where individuals with various disabilities, specifically ones which prevent normal mobility, have the ability to learn how to efoil, understand the safety aspects and become proficient in riding efoils. This allows individuals to enjoy alternatives to surfing which they are not able to due to their disabilities yet it also opens up the world of ocean activities and exploration. We should all encourage lawmakers to make laws which will continue to not only allow but also encourage such activities for the general public and specifically for disabled individuals and those that volunteer their time in order for this to happen. We all should encourage efoil innovation, help with its expansion and work together to create rules for its safe enjoyment, NOT prohibit it and close down opportunities to individuals with disabilities. Please consider devoting your time to help those less fortunate either as a volunteer or a supporter of this movement... Lets continue to show the world how amazing Hawaii truly is.



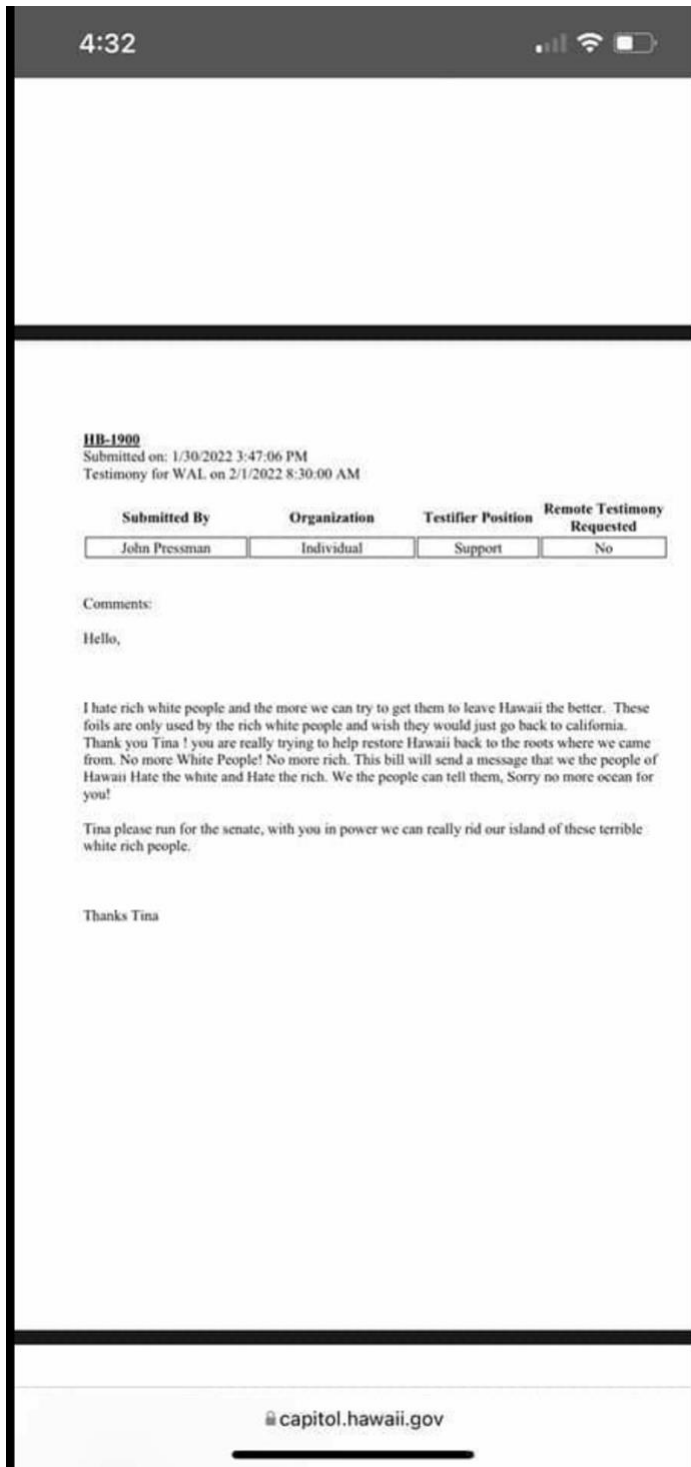
Attendees and volunteers of efoil learning session.











Letter of testimony to the land and water committee from proponent of HB1900. This clearly is a racist smear against all residents of Hawaii. It is sad to see that such racism exists and that individuals on the proponent side are providing such testimony rather than true facts in regards to this bill. I hope that the house representatives take this into consideration to have a fair and unbiased discussion with facts and not racist opinions.

HB-1900-HD-1

Submitted on: 2/9/2022 10:49:32 AM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Yvonne Barkley	Individual	Support	No

Comments:

Aloha Representatives Johanson and Kitagawa,

HB1900 Relating to Thrill Craft

February 10, 2022 at 2pm

IN SUPPORT of HB1900

My name is Yvonne Barkley and I am a cetacean researcher with the Cooperative Institute for Marine and Atmospheric Research.

I support of HB1900, legislation to designate efoils as thrill crafts and ban them in specific areas and times of year, such as the waters off South and West Maui during whale season. Allowing these motorized watercrafts to continue operating without any regulations is unsafe to wildlife and other ocean users.

I don't use them personally, but have experienced others using them while I surfed or paddled in areas where other motorized watercrafts were not allowed. They have come surprisingly close at higher speeds than other watercrafts. I have seen some efoilers also snag reef in shallower areas and almost hit turtles. All of this suggests that not all users abide by the safety rules that the opposition claims everyone adheres to.

Efoils are obviously an enjoyable, inclusive motorized ocean sport that allows those with physical disabilities to experience the beauty and thrill of being on the water. But classifying it as a thrill craft now simply supports ocean safety for everyone, human and marine life alike.

Technology will undoubtedly advance for efoils. Without regulations in place now, there is potential for these watercrafts to pose even more significant water safety issues in the future.

Thank you.

HB-1900-HD-1

Submitted on: 2/9/2022 11:54:37 AM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ben Leathers	Individual	Oppose	No

Comments:

Adding this restriction to efoils will only make things harder for efoils to go have fun safely. I would like to see some evidence that efoils are dangerous before we make the legislation.

HB-1900-HD-1

Submitted on: 2/9/2022 12:23:09 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Charles Fields	Individual	Oppose	No

Comments:

As evidenced by the DOBOR eFoil poster, eFoils are "Eco-Friendly" and "silent." eFoils move slower than Kite Boarders (which, for some reason, are not affected by this bill), do not pollute, have no record of injuring any living creature in the waters surrounding Hawaii, foster collegiality amongst groups of eFoilers, and would be subject to collision if forced to operate in the same confined areas as the larger, faster, and more dangerous jet skis. eFoilers are conscientious of their surroundings, stay away from swim buoys and swimmers, snorkelers, divers, boats, and honu. Please vote "No" on this bill. Thank you.

HB-1900-HD-1

Submitted on: 2/9/2022 12:23:18 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Anmol Luthra	Individual	Oppose	No

Comments:

Efoiling is not only something near and dear to my heart, as something that's radically transformed my life for the best, it is also a primary reason for my part time residence in Hawai'i. I strongly believe that restricting the use of efoils be devesating to the free spirited appeal of surf and outdoor recreational culture that attracts many residents and tourists to the islands.

HB-1900-HD-1

Submitted on: 2/9/2022 12:30:05 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Patrick James Rader	Individual	Oppose	No

Comments:

Aloha,

I feel strongly that this bill should not move forward. Electric powered hydrofoil surfboards (efoils) are low power water toys and are not on par with higher powered thrillcraft. Classifying efoils as thrillcraft would require launching from boat harbors which would endanger operators as well as unnecessarily congest boat ramps (users would be required to hand carry the surfboards up/down boat ramps on foot amongst actual boats/thrillcraft!

Efoils are currently classified as vessels and as such already must follow rules and regulations regarding speed near shore and near swimmers/snorkellers, enforcing current regulations should be sufficient.

Thank you for considering my testimony.

HB-1900-HD-1

Submitted on: 2/9/2022 12:52:11 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mary Shepherd	Individual	Support	No

Comments:

I support HB1900. We can't have these thrill crafts operating during whale season, just as we don't allow jet skis. Our baby whales come up for air so often and shouldn't be harrassed or struck by these fast moving craft. More commonly I'm seeing efoils are being operated by beginners in the shallow waters of Ma'alaea Bay, making this even more concerning.

Mahalo

HB-1900-HD-1

Submitted on: 2/9/2022 1:07:01 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Adam Moore	Individual	Oppose	No

Comments:

Bottom Line Up Front: eFoils should not be classified as thrillcraft as this would make them less safe.

eFoils operate at less than 20mph. On Kauai, there are no designated thrill craft operating areas. If they are classified as thrillcraft, they would be required to operate outside the designated ocean recreation management area (ORMA) which goes out to 3000 feet. This is too far out for a battery operated craft and puts users that much closer to marine life, such as whales. The current classification of eFoils as vessels is sufficient. Classifying them as thrillcraft would require users to hand carry and launch in harbors that may be congested. An eFoil has a small profile and requiring them to operate in and out of harbors is an unacceptable risk. Mahalo for your time.

HB-1900-HD-1

Submitted on: 2/9/2022 1:26:31 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mario	Individual	Oppose	No

Comments:

To whom it may concern.

I want to start from the fact that efoiling changed my life. Efoiling is the new yoga. It's the new way for me to meditate in the morning, and to be in contact with nature. It's silent and smooth, and let me feel one with the elements. Efoiling is nothing else that the evolution of foiling. An efoil is something completely different from a thrill craft. Efoils don't have the capacity to carry passengers. Efoils are powered by an electric motor, and not by a combustion engine powering a water jet pump. Efoils are not noisy, and they don't disturb wildlife. Efoils are part of the sustainbale future we want to live in.

Thanks,

Mario Alvisi

HB-1900-HD-1

Submitted on: 2/9/2022 1:34:49 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Benjamin Ferris	Individual	Oppose	Yes

Comments:

My name is Benjamin Ferris. I was born and raised on Kaua'i and work here as a firefighter. I own an efoil and ride it regularly in the Hanalei area.

In over 2 years I have not had any negative incidents or negative interactions with anyone regarding efoiling. Most comments are "wow that thing is so quiet".

I oppose HB1900 - to classify and regulate efoils as thrill craft because **It would not be appropriate to limit efoils with thrill craft regulations when the operation does not compare and the concerns do not apply.**

When reading HB1900 it is clear the main concern, and reason to classify efoils as thrill craft is because an efoil "is capable of exceeding a speed of fifteen miles per hour".

In reality, although capable of speeds over 15mph, Efoils are very rarely ridden that fast. If passed this bill would be comparable to limiting my toyota tacoma to a race track because it is capable of driving 100mph. The truth is, I do not have the skill nor desire to drive that fast. It is the same for efoils.

Unlike boats and thrill craft, it is very challenging to go fast with an efoil. As a result most riding is done at slow speeds between 8 and 12 mph. These speeds have been collected during multiple sessions with a variety of GPS instruments.

The reality of these slow speeds make the concerns outlined in house bill 1900 irrelevant and the proposition inappropriate.

Efoils absolutely need guidelines and regulation especially as the sport grows. However those guidelines and regulations need to be appropriate.

Any current issues should be addressed by enforcing the current rules defining efoils as vessels which regulates their use in proximity to shore, other ocean users, and marine life.

For future regulation as efoiling grows there should be new guidelines created specifically for this new sport.

In closing - Here are the facts - Efoils are silent, ridden at slow speeds, create no wakes, and have zero emissions. This is good for Hawaii's ocean and the people who enjoy it. Let's create guidelines that are appropriate for this fun, un-intrusive, and environmentally responsible sport. Let's not limit efoils with thrill craft regulations when the operation does not compare and the concerns do not apply.

Thank you for listening to this testimony. Please consider it and the others given in making a decision. Thank you

HB-1900-HD-1

Submitted on: 2/9/2022 1:49:03 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Corey B Shaffer	Individual	Oppose	No

Comments:

The E foil is not a thrill craft. #1 its electric , #2 its prop driven not jet drive. #3 its only 2.5 HP, #4 its a one person vessel,#5 its less then 100 Lb

Lets just call this what it is! The only reason this bill is being submitted is because 1 - 2 beach front property owners don't want this activity being done my therar homes. But don't forget E foiler are also wealthy well connected members of the community. And there way more E foilers that have invested \$10-50K in E Foils then individuals in favor of this bill.

HB-1900-HD-1

Submitted on: 2/9/2022 1:57:56 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Yulia Valera	Individual	Comments	No

Comments:

The E foil is not a thrill craft. #1 its electric , #2 its prop driven not jet drive. #3 its only 2.5 HP, #4 its a one person vessel, #5 its less then 100 Lb.

The only reason this bill is being submitted is because 1 - 2 beach front property owners don't want this activity being done my therar homes. E foiler are also wealthy and well connected members of the community. And there way more E foilers that have invested \$10-50K in E Foils then individuals in favor of this bill.



LATE

February 10, 2022, 2pm

To: Chair Johanson and Members of the House Committee on Commerce & Consumer Protection

Re: SUPPORT HB 1900 HD1; Relating to Thrillcraft

For the Fishes, dedicated to the protection of coral reef wildlife, supports HB1900, which would update the definition of thrill craft in statute, to include e-foils.

This measure is necessary for numerous reasons, including:

- 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 to the noise created underwater by e-foils, here: <https://youtu.be/Otb6-xjAp7U>
- Coral reefs, including those in Hawai'i, are among the most threatened ecosystems on Earth. 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 committee for hearing this measure and in doing so, regulating activities that contribute to potentially harmful underwater noise pollution.

Sincerely,

Inga Gibson, For the Fishes

Policy@FortheFishes.org

LATE

HB-1900-HD-1

Submitted on: 2/9/2022 2:05:11 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Michele Triplett	Individual	Support	No

Comments:

Efoils are clearly a thrill craft and a danger to our whales.

LATE

HB-1900-HD-1

Submitted on: 2/9/2022 2:11:57 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Brad Knight	Individual	Oppose	No

Comments:

To classify efoils (electric hydrofoil boards) as “thrill craft” would be a bad idea. Making it illegal to ride at our favorite locations is not right. If a select few individuals are riding where there are a lot of surfers then they should get ticketed or have to pay a fine. I believe the majority of us who eFoil do not want to do so near snorkelers/swimmers/kayakers/surfers or anybody where it could be dangerous for either party. Our efoils are quiet, have no wakes, and we really don't ride very fast. Please don't let this bill pass. Thank you for your time and consideration.

LATE

HB-1900-HD-1

Submitted on: 2/9/2022 2:35:08 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mike Wilda	Individual	Oppose	No

Comments:

The E foil is not a thrill craft. #1 its electric , #2 its prop driven not jet drive. #3 its only 2.5 HP, #4 its a one person vessel,#5 its less then 100 Lb

Lets just call this what it is! The only reason this bill is being submitted is because 1 - 2 beach front property owners don't want this activity being done my therar homes. But don't forget E foiler are also wealthy well connected members of the community. And there way more E foilers that have invested \$10-50K in E Foils than individuals in favor of this bill. Thee e-foils are the future, they are another way to use the ocean and they are exceptionally quite. Please don't pass this bill.

LATE

HB-1900-HD-1

Submitted on: 2/9/2022 3:15:57 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
George Burnette	Individual	Support	No

Comments:

I oppose harassing or potentially harassing whales during whale season here. It's a common sense measure to protect something amazing about Hawaii that draws many people here. Please pass it.

LATE

HB-1900-HD-1

Submitted on: 2/9/2022 3:17:38 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Alberto Zendejas	Individual	Oppose	No

Comments:

The E foil is not a thrill craft. #1 its electric , #2 its prop driven not jet drive. #3 its only 2.5 HP, #4 its a one person vessel,#5 its less then 100 Lb

Lets just call this what it is! The only reason this bill is being submitted is because 1 - 2 beach front property owners don't want this activity being done my therar homes. But don't forget E foiler are also wealthy well connected members of the community. And there way more E foilers that have invested \$10-50K in E Foils then individuals in favor of this bill.

LATE

HB-1900-HD-1

Submitted on: 2/9/2022 3:44:30 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
stefan p schweitzer	Individual	Oppose	No

Comments:

Clean Energy! : Efoils are not noisy...they use a battery to power a very quiet electric motor which emits a quiet humming sound. No gas, no oil, no fumes, no sign of having been on the water.

No Wakes! Efoils produce no wakes. The 1" wide mast can only barely ripple a smooth water surface.

Slow and Low: Efoils travel inches above the water with only the 1" wide mast disturbing the surface of the water. Rarely does anyone exceed the speed of the swell they're riding.

Here some girls ride eFoils in the ocean :)

<https://youtu.be/D-fOGcGLpGg>

Efoils are not like Jet ski's...from:

<https://www.jetdrift.com/jet-ski-top-speed/>

Kawasaki Jet Ski top speed numbers vary from 54 - 67 mph...

WORLD RECORD HOLDER of the OFFICIAL FASTEST PWC in the WORLD with a TOP SPEED of 123.2MPH

<https://youtu.be/YVq2Xp6nvf0>

Jet Skis are thrill craft ...eFoils are a gentle smile

Please do not categorize eFoils as Thrill Craft

thank you, Stefan Schweitzer

808-639-4457 please call or
text with questions

LATE

HB-1900-HD-1

Submitted on: 2/9/2022 5:40:32 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Priscilla Stuckey	Individual	Support	No

Comments:

Aloha, Chair and Members of the Committee, I strongly support the ban on thrill craft use during whale season. Thrill craft make disturbing sounds underwater, an annoying whine that can carry long distances, as I know from snorkeling at great distances from them. Whales use an aural medium rather than visual medium to carry on their lives. Thrill craft add an annoying whine to their aural environment, which no doubt disturbs their behaviors and activities. In addition, thrill craft users run their craft at high speed offshore in deeper waters, which is exactly where whales might be swimming. These craft should absolutely be kept far away from whales! I strongly support banning thrill craft use during whale season to minimize danger and disturbance to whales. Please pass HB1900. Thank you.

LATE

HB-1900-HD-1

Submitted on: 2/9/2022 5:45:04 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jenna Szerlag	Individual	Support	No

Comments:

I have been a resident of Maui for 19 years who enjoys the ocean and cares for our marine life. I support HB1900 and the decision to classify efoils, motorized hydrofoils as thrill craft. They should not be treated any different than other currently regulated motorized personal watercraft.

LATE

HB-1900-HD-1

Submitted on: 2/9/2022 7:53:48 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ann Leighton	Individual	Oppose	No

Comments:

The wording of this bill is flawed and appears to have been drafted by people who really have no idea what an eFoil actually is. It refers to 'a surfboard with an electric hydrofoil.' It is NOT a surfboard, it's a hydrofoil board with a propellor powered by an electric motor. Even the large ones weigh far less than 100 pounds. Given its electric propulsion, it's power and speed are limited and are far less than any PWC - commonly known as a "JetSki" which is actually a trade name of a Kawasaki product - that is powered by a gasoline engine or any motor boat. Due to these factors, the safety implications are minimal.

If this Bill is passed, eFoiling would be prohibited in Wailua River in Kauai. What DLNR really needs to look at is the number of rental kayaks on this river - hundreds each day on multiple commercial tours and rented out by individuals or small groups. They're all over the river and they're the ones causing navigation hazards in the water. The trail up to Uluwehi Falls and the base of the falls are being trampled!

If this bill passes - and it's a pile driver being used to pound a pin into a very small sponge in that it addresses ONE issue in ONE place on ONE island - there will be a lot of unhappy people. New technology frightens people and the knee-jerk reaction is to reject things: to wit, I remember many years ago a prominent Kauai resident made this comment in regard to PWCs: "I don't know what they are but I don't want them here." And HB1900 is doing the same thing.

Did anyone talk to the eFoiling community about what WE can do to enhance safety? Or was the genesis of the bill a result of a few very loud voices finding a target to regulate?

I am 66 years old and a 4th generation resident of Kauai. I have been in the water my entire life. If my eFoil will be classified as a thrill craft I'll enroll in and complete the State Thrill Craft Safety Class. If we are excluded from Wailua River, we will take the issue up with DLNR State Parks, which has kuleana over the river.

Please educate yourselves before throwing all of us under a regulatory bus.

Sincerely,

Ann Leighton

LATE

HB-1900-HD-1

Submitted on: 2/9/2022 9:36:41 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ann Pitcaithley	Individual	Comments	Yes

Comments:

2/9/2022

My name is Ann Pitcaithley and I am testifying in strong support of HB 1900. I am speaking as a private citizen and as an advocate for marine life and public safety.

I am testifying in strong support HB 1900 to classify motorized hydrofoil surfboards as “thrill crafts.”

Although they may appear silent above the water, these electric motorized hydrofoil surfboards (aka e-foils) run at 7000 rpm. Compare that to boat motors, like the big PWF boats which run at 1500-1800 rpm, and rafts with big outboards run at 2000-4000 rpm. Motorized hydrofoil surfboards easily doubles that of other motorized crafts ~this high rpm creates a very high frequency whirl from the prop spinning so fast. These high frequencies can disrupt marine mammals’ communication. We know that whales who come to give birth in the shallow waters of Maui depend on communication for their survival. Turtles, dolphins, and other marine life are also affected.

These sounds made by e-foils are also audible by swimmers, snorkelers and scuba divers for hundreds of feet.

There are a growing number of businesses operating out of South Maui and West Maui that offer lessons and rent out these e-foils. It is a very profitable enterprise. There are also private owners of these e- foils added to the mix.

The blades on the hydrofoil are very sharp and dangerous. Many of the people operating these are unskilled. Although they wear helmets, impact vests and protective clothing, in the event of a collision, others nearby in or above the water such as stand up paddle boarder do not have same protection. As an avid stand up surfer frequenting South and West Maui waters, I have personally had the frightening experience of e-foil operators approaching too close to me at great speeds.

Coral reefs, including those in Hawai‘i, are among the most threatened ecosystems on Earth. 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. Also, since e-foils launch from the beach, they have been known to run into the coral reefs.

Due to all the reasons stated above relating to protection of marine life and public safety, I strongly believe that e-foils should be classified as “thrill craft.” Furthermore, I believe that e-foils should be prohibited year-round.

Mahalo for allowing me to provide testimony

LATE

HB-1900-HD-1

Submitted on: 2/9/2022 8:41:30 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Shanda Vaught	Individual	Oppose	No

Comments:

Hi,

I would like to respectfully disagree with the classification of motorized hydrofoils as thrillcraft. The measures implemented to restrict the use of thrillcraft came about because of the likelihood of danger to other citizens and disruption of whale habitats. Thrillcraft are restricted, basically, because any idiot can rent one and cause havoc. This is not the case with motorized foil boards. Speaking as someone who has unsuccessfully attempted to ride one and watched experienced watermen repeatedly face plant as they learned the skill, this is not something that any tourist can do. The people who ride are largely experienced and skilled. They are not running over swimmers, or colliding with each other. Additionally, the efoils are extremely quiet and don't disturb the whales or wildlife like thrillcraft do. There are already laws prohibiting people from bothering whales. This proposed rule change is unnecessary. It is just lawmakers trying to solve a problem that doesn't actually exist. We don't need another rule that the DLNR is understaffed to enforce anyway. If you have noticed people on efoils harassing whales or getting in swim zones (which, to be clear, I have not)- those people are breaking existing laws. Maybe you should be focusing on increasing resources for that type of enforcement and education. In short, the proposed rule change doesn't make sense. Electric foils are surfboards. They are not used like thrillcraft and do not pose the danger to people or wildlife that thrillcraft do. I am against the proposed rule change.

Thank you,

Shanda Vaught

LATE

HB-1900-HD-1

Submitted on: 2/9/2022 9:23:44 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
eric thorstad	Individual	Oppose	No

Comments:

This bill, clearly targeting efoils, is fundamentally flawed in that none of the problems inherent to the original jetski/thrillcraft are present with efoils. They don't reach half the speed of a jetski, they are essentially silent, leave no wake, are environmentally friendly, and are not likely to be operated by novices. Current laws already protect surf breaks and marine mammals: this law is misguided and unnecessary.

LATE

HB-1900-HD-1

Submitted on: 2/9/2022 9:29:54 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Sean Lau	Individual	Oppose	No

Comments:

There is no evidence that a hydrofoil and or electric hydrofoil surfboard is anymore dangerous then surfing on a standard surfboard. All users of a hydrofoil and electric hydrofoil surfboard are always aware of their surroundings and environment. The skill level a rider needs to ride a hydrofoil is well above a user of a standard surfboard. The electric hydrofoil surfboard provides the operator an easier time on the water, and the skill required to operate one is still higher than the regular surfboard and or standup paddle board. The amount of electric hydrofoil Surfboards on the water at any giving time is minimal. They are very cost prohibitive, and then owner/operator is unlikely to the take them where it will cause damage to persons and/or property.

There are already too many restriction on thrill craft operators as is. As someone who enjoys the sport, we don't need more bills or laws written and passed by those who probably have never ridden a hydrofoil and are not involved in the sport.

Thank You,

Sean Lau

HB-1900-HD-1

Submitted on: 2/9/2022 8:48:48 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mark Holland	Individual	Oppose	No

Comments:

I strongly disagree with classifying efoil boards as thrill crafts. The problems have all been from commercial operations. Ban the commercial use and rental of efoil boards. Leave the consumers riding their own efoil boards alone. Jet skis were regulated as thrill crafts because inexperienced riders were causing accidents. Mostly on rental equipment. Efoil boards are used by experienced surfers. Let's keep it that way. The existing laws already make it illegal to operate near whales, or in swim zones. We do not need more laws. Efoil boards are environmentally clean, electric crafts. They are quiet and do not bother people or marine life. Efoil board and powered surfboards are not thrill crafts. Thank you.

LATE

HB-1900-HD-1

Submitted on: 2/9/2022 9:35:01 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Bradley Santos	Individual	Oppose	No

Comments:

I believe that e-foils shouldn't be classified in the same categories as thrill craft for a number of reasons, but I'll just mention one or two. One it's battery life is limited to a few hours unlike boats or jetskis which can be out all day. Another example it being different is that it's more like a surfboard or foiling by being able to shut off the use of the electric motor at any time and one can use their momentum to surf and foil the waves or swells which other thrill craft such as a jet ski wouldn't be able to do. Also the same skills as foiling are needed and efoiling allows people a safer and easier step in learning the skills of foiling.

I believe there was a concern for wildlife and environment. To this concern I would also state my disagreement and have to say this activity is more environmentally friendly than several other thrill craft activities due to it running off of electricity and not gas. Also the sound pollution is almost nothing especially compared to a boat or jet ski. Yes there should be some rules for this new water activity to make sure the operation is safe around other people but not in the same category as thrill craft.

LATE

HB-1900-HD-1

Submitted on: 2/10/2022 6:25:52 AM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lisa M. Welter	Individual	Support	No

Comments:

I have personally witnessed individuals riding these board narrowly miss snorklers and swimmers.

I can only imagine the wildlife they are endangering.

LATE

HB-1900-HD-1

Submitted on: 2/9/2022 10:43:22 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ben Weintraub	Individual	Oppose	No

Comments:

I am opposed to including efoils as "thrill craft". Efoils are electric, driven by a prop, not a jet, with a 2.5 horsepower engine. It is a one person vessel of less than 100 pounds. They make no noise, move relatively slowly, and are not a danger to other people in the water. Hawaii is a wonderful place to learn new skills, and eFoils are on the cutting edge of sports. They can help people learn to ride non-powered foils, which are certainly not considered thrill craft. Mahalo.

The E foil is not a thrill craft. #1 its electric , #2 its prop driven not jet drive. #3 its only 2.5 HP, #4 its a one person vessel,#5 its less then 100 Lb Lets just call this what it is! The only reason this bill is being submitted is because 1 - 2 beach front property owners don't want this activity being done my therar homes. But don't forget E foiler are also wealthy well connected members of the community. And there way more E foilers that have invested \$10-50K in E Foils then individuals in favor of this bill.

LATE

HB-1900-HD-1

Submitted on: 2/10/2022 1:46:19 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Starling Faraon	Individual	Oppose	No

Comments:

No noise and no pollution electric watercraft should be allowed and supported! Electric hydrofoils are an amazing way for people to enjoy Hi waters. Please allow these crafts to continue to be used in safe ways throughout Hi .

Aloha

Starling