



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

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

February 15, 2022
3:15 PM
State Capitol, Teleconference

S.B. 2534
RELATING TO THE HAWAII HARBOR OCEAN SAFETY COMMITTEE

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

The Department of Transportation (DOT) **opposes** S.B. 2534.

S.B. 2534 proposes to establish the Hawaii harbor ocean safety committee within the DOT which will establish a plan for the safe navigation and operation of tank ships, tank barges, and other vessels within each harbor.

The United States (U.S.) Coast Guard has multiple oversight committees open to the maritime community which maritime safety concerns are raised, reviewed, and addressed. The Hawaii harbor ocean safety committee within the DOT duplicates the federal authority of the U.S. Coast Guard who is the responsible authority for safe navigation and operation of all maritime vessels.

Operators of tank ships, tank barges, and other vessels already operate under the rules and regulations of multiple agencies and their respective corporate offices. These agencies may include the U.S. Coast Guard, U.S. Environmental Protection Agency, U.S. Department of Homeland Security, U.S. Department of Transportation, Hawaii State Department of Health, and Hawaii State Department of Transportation.

Additionally, the mission and area of responsibility of the Hawaii Ocean Safety Team (HOST) includes recreational vessels, small boat harbors, and near shore waters within the State of Hawaii that are all outside the jurisdiction of the DOT, Harbors Division. If HOST is established within DOT, this would create a violation of jurisdictional authority of the DOT or would create a reduction in the mission and area of responsibility to only the deep draft commercial harbors of the State.

Thank you for the opportunity to provide testimony.

February 15, 2022

Dear Chair Lee, Chair Nishihara, Vice Chair Inouye, Vice Chair DeCoite, and members of the Committees,

The Hawaii Ocean Safety Team, Inc. strongly supports S.B. No. 2534 and proposes amendments.

Following a series of safety and environmental incidents in the 1980s and 1990s within US waterways, at the direction of Congress, the United States Coast Guard developed an initiative to promote the creation of Harbor Safety Committees for improved coordination of the Maritime Transportation System. Harbor Safety Committees (HSC) are now established across the United States in all major ports and waterways. These organizations rely on the resources and expertise of the maritime communities and are backed by State and Federal regulations. The HSCs are tasked with developing harbor safety plans which are reviewed regularly, addressing issues raised by state and federal agencies, and reporting findings back with any legislative recommendations.

The Hawaii Ocean Safety Team (HOST) was established to serve the 10 commercial harbors located on 6 of the 8 Hawaiian Islands. Similar to waterways in the continental US serving multiple ports, the HOST framework treats the main Hawaiian Island chain as a contiguous waterway. Due to the complexity involved in coordinating various county, state, and federal agency stakeholders across this broad maritime domain, HOST seeks the State of Hawaii's support in prioritizing harbor safety at the highest level.

S.B. No. 2534 will elevate the harbor safety initiative as an executive-level priority within the State and its partnering federal and commercial stakeholders. The bill would establish a Hawaii Harbor Safety Committee that would oversee the creation of a harbor safety plan, with subsequent annual reviews. Issues relating to harbor and maritime safety within the State would be coordinated through the Committee, with findings reported back to the Legislature.

The Hawaii Harbor Safety Committee could use the resources available and established through HOST to develop and annually review the harbor safety plan. In addition, the Committee could task HOST with exploring developing issues and recommending solutions. With the development and annual review of a harbor safety plan, emerging issues can be identified and resolved in a proactive manner, rather than to respond following an incident.

HOST agrees the Hawaii Harbor Safety Committee should be administratively attached to the Hawaii Department of Transportation – Harbors Division. The department's priorities include safe commercial activities within the State of Hawaii as stated in its mission:

To effectively improve and manage a commercial harbors system that facilitates safe and efficient operations of commercial cargo, passenger, fishing, and other commercial maritime-related

services and support activities within the State of Hawaii and which serves to sustain and enhance the State's economic prosperity and quality of life.

HOST understands that there are concerns regarding the scope of the proposed responsibilities of the Committee. While other states use similar language as in SB2534 as currently drafted, HOST believes that the focus of the measure should be on formulating and regularly updating a safety plan. To ensure that the focus remains on ensuring safety in our harbors, HOST has drafted amendments attached to this testimony.

Thank you for considering this testimony in strong support.

A BILL FOR AN ACT

RELATING TO THE HAWAII HARBOR OCEAN SAFETY COMMITTEE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the Hawaii Ocean
2 Safety Team(HOST), a Hawaii non-profit corporation, serves as
3 the harbor safety committee for the State. Harbor safety
4 committees are local committees that address issues including
5 safety, security, mobility, and environmental protection of a
6 port or waterway with membership that includes representatives
7 of governmental agencies, maritime labor and industry
8 organizations, and public interest groups who work together for
9 the mutual benefit of all waterway users. The Hawaii Ocean
10 Safety Team's purpose is to enhance ocean safety by providing a
11 forum for communication between all levels of government,
12 industry, and the public to reach non-regulatory solutions. The
13 legislature further finds that since its formation in 1998, the
14 Hawaii Ocean Safety Team has tackled a number of issues to make
15 Hawaii's waters safer and cleaner, including advocating for aids
16 to navigation improvements, pollution and garbage dumping on
17 Hawaii's beaches, and resolution of conflicts between commercial

1 harbor users and recreational boaters, surfers, and jet-skiers.
2 The Hawaii Ocean Safety Team develops and agrees upon safe
3 operating practices when necessary to provide for effective and
4 efficient operations and evolutions.

5 The legislature further finds that it is in the interest of
6 the State to establish an ocean safety committee within state
7 government.

8 The purpose of this Act is to establish the Hawaii harbor
9 ocean safety committee within the department of transportation
10 to enhance ocean safety within all harbors in the State.

11 SECTION 2. Chapter 266, Hawaii Revised Statutes, is
12 amended by adding a new section to be appropriately designated
13 and to read as follows:

14 "§266- Hawaii harbor ocean safety committee;
15 establishment; members. (a) There is established within the
16 department of transportation for administrative purposes the
17 Hawaii harbor ocean safety committee to plan for the safe
18 navigation and operation of tank ships, tank barges, and other
19 vessels within each harbor in the State and shall prepare and
20 update by July 1 of each year a harbor safety plan, encompassing
21 all vessel traffic within each harbor. ~~that shall include:~~

1 ~~(1) A recommendation determining when tank vessels are~~
2 ~~required to be accompanied by a tugboat or tugboats of~~
3 ~~sufficient size, horsepower, and pull capability while~~
4 ~~entering, leaving, or navigating in State harbor; and~~

5 ~~(2) A review and evaluation of the adequacy of and any~~
6 ~~changes needed to anchorage designations and sounding~~
7 ~~checks; communications systems; small vessel~~
8 ~~congestion in shipping channels; placement and~~
9 ~~effectiveness of navigational aids, channel design~~
10 ~~plans, and the traffic and routings from port~~
11 ~~construction and dredging projects; procedures for~~
12 ~~routing vessels during emergencies that impact~~
13 ~~navigation; bridge management requirements; and~~
14 ~~suggested mechanisms to ensure that the provisions of~~
15 ~~the plan are fully and regularly enforced.~~

16 (b) The membership of the Hawaii harbor ocean safety
17 committee shall include at least one representative of:

18 (1) The department of transportation harbors division, who
19 shall serve as the chair;

20 (2) The department of land and natural resources;

21 (3) The United States Coast Guard;

- 1 (4) The United States Army Corps of Engineers;
- 2 (5) The National Oceanic and Atmospheric Administration;
- 3 (6) The United States Navy;
- 4 (7) The president of the Hawaii pilots association;
- 5 (8) The president of the Hawaii ocean safety team;
- 6 (9) A recognized nonprofit environmental organization
7 whose purpose is to protect marine resources, to be
8 appointed by the ~~governor~~ senate president;
- 9 (10) A recognized labor organization involved with the
10 operations of vessels, to be appointed by the ~~governor~~
11 speaker of the house of representatives;
- 12 (11) Tank ship operators, to be appointed by the governor;
- 13 (12) Dry cargo vessel operators, to be appointed by the
14 governor;
- 15 (13) Commercial fishing operators, to be to be appointed by
16 the governor;
- 17 (14) Tug or tank barge operators, who is not also engaged
18 in the business of operating tank ships or dry cargo
19 vessels, to be appointed by the governor; and
- 20 (15) Pleasure craft operators, to be selected by the Hawaii
21 ocean safety team;

1 provided that the representatives required under paragraphs
2 (11), (12), (13), and (14) shall have navigational experience as
3 evidenced by having or having previously held a Coast Guard
4 Merchant Marine Deck Officer's license; a position on a
5 commercial vessel that includes navigational responsibilities; a
6 shoreside position with direct operational control of vessels;
7 or a position having responsibilities for permitting or
8 approving the docking of vessels in and around harbor facilities
9 relating to the safe navigation of vessels; provided further
10 that each member appointed by the governor shall be appointed
11 pursuant to section 26-34.

12 (c) The Hawaii harbor ocean safety committee shall consult
13 with the Hawaii ocean safety team in the development of the
14 harbor safety plan and its annual report. The chair may also
15 direct the Hawaii ocean safety team to address any issues
16 affecting maritime safety or security, as appropriate, and to
17 report its findings and recommendations to the legislature.

18 (d) The members of the Hawaii harbor ocean safety team
19 committee who are public officers shall serve without
20 compensation but shall be reimbursed for expenses, including
21 travel expenses, necessary for the performance of their duties.

1 (e) No member of the Hawaii harbor ocean safety commission
2 shall be made subject to chapter 84, Hawaii Revised Statutes,
3 solely because of that member's participation on the committee.

4 (f) The Hawaii harbor ocean safety committee shall submit
5 a report of its findings and recommendations, including any
6 proposed legislation, to the legislature no later than forty
7 days prior to the convening of each regular session beginning
8 with the regular session of 2023."

9 SECTION 3. New statutory material is underscored.

10

1 SECTION 4. This Act shall take effect on July 1, 2022.

2

Report Title:

Hawaii Harbor Ocean Safety Committee

Description:

Establishes the Hawaii Harbor Ocean Safety Committee.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

SB2534 SD1 PROPOSED-v3

SB2534 SD1 PROPOSED-v3

SB2534 SD1 PROPOSED-v3

February 15, 2022

Dear Chair Lee, Chair Nishihara, Vice Chair Inouye, Vice Chair DeCoite, and members of the Committees,

American Marine Corporation strongly supports S.B. No. 2534.

S.B. No. 2534 will elevate the harbor safety initiative as an executive-level priority within the State and its partnering federal and commercial stakeholders. The bill would establish a Hawaii Harbor Safety Committee that would oversee the creation of a harbor safety plan, with subsequent annual reviews. Issues relating to harbor and maritime safety within the State would be coordinated through the Committee, with findings reported back to the Legislature.

The Hawaii Harbor Safety Committee would use the resources available and established through HOST to develop and annually review the harbor safety plan. In addition, the Committee could task HOST with exploring developing issues and recommending solutions. With the development and annual review of a harbor safety plan, emerging issues can be identified and resolved in a proactive manner, rather than to respond following an incident.

The Hawaii Harbor Safety Committee should be administratively attached to the Hawaii Department of Transportation – Harbors Division. The department’s priorities include safe commercial activities within the State of Hawaii as stated in its mission:

To effectively improve and manage a commercial harbors system that facilitates safe and efficient operations of commercial cargo, passenger, fishing, and other commercial maritime-related services and support activities within the State of Hawaii and which serves to sustain and enhance the State’s economic prosperity and quality of life.

Thank you for considering this testimony in strong support.

Michael MacDonald

Vice President – Hawaii

American Marine Corporation (a Hawaii based corporation)



February 14, 2022

COMMITTEE ON TRANSPORTATION

Sen. Chris Lee, Chair; Sen. Lorraine Inouye, Vice Chair; and Committee Members

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS

Sen. Clarence Nishihara, Chair; Sen. Lynn DeCoite, Vice Chair; and Committee Members

Public Hearing, February 15, 2022 at 3:15 p.m., via Videoconference

**TESTIMONY of WILLIAM F. ANONSEN
MANAGING PARTNER/PRINCIPAL of THE MARITIME GROUP, LLC
IN SUPPORT of S.B. 2534**

My name is William Anonsen, Managing Partner/Principal of THE MARITIME GROUP, LLC. We strongly support SB 2534 which would establish the Hawaii Harbor Ocean Safety Committee to provide a structured forum for communications between all levels of government, industry, and the public to address and recommend actions to improve the safety, security, mobility and environment protection of our multi-island commercial harbors, waterways, and designated anchorages statewide.

Hawaii is the only major seaport system in the nation which does not have a formally structured Harbor Safety Committee to address these critical issues. The U.S. Coast Guard has long recognized the importance and beneficial value of local harbor safety committees as the key to safe, efficient, and environmental sound port operations.

The role and importance of Hawaii's seaports cannot be over-emphasized in view of our dependence on a reliable, safe, cost effective and operational efficient ocean transportation system. Ocean surface transportation is our state's lifeline. Our seaports remains the only viable means to service the largest share of Hawaii's economic needs, as such our harbors and waterways must be safeguarded to ensure their safety, efficiency, and capability.

As a multi-island state, we can all agree that Hawaii's economic sustainability is dependent upon waterborne transportation, which must be operated in a safe, effective, and efficient manner to optimize the state's critical port facilities. The Department of Transportation-Harbors Division has the statutory responsibility for managing the state's ocean transportation network, pursuant to Section 266-2, Hawaii Revised Statutes (HRS). To accomplish this mandate and objective, we must provide DOT-Harbors with the authority and resources to adequately perform their fiduciary responsibilities.

The establishment of this committee will help to protect our critical harbors and waterways at Hawaii's nine commercial harbors and designated anchorages to ensure that they are operated in a safe, accessible, and most economical manner as possible in meeting the needs of our multi-island state both today and in the future.

Mahalo for the opportunity to comment in support of S.B. 2534

Sincerely,

William F. Anonsen

Managing Partner/Principal

***1221 Kapiolani Blvd., Suite 1032, Honolulu, Hawaii, 96814
Tel: (808) 589-1223 www.The-Maritime-Group.com***

SB-2534

Submitted on: 2/14/2022 2:42:41 PM

Testimony for TRS on 2/15/2022 3:15:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Thomas Heberle	Testifying for Hawaii Pilots Association	Support	Yes

Comments:

Hawaii Pilots Association supports SB 2534.

As an island state, Hawaii is highly dependent on our commercial harbors for delivery of the vast majority of consumer goods needed by Hawaii’s residents and visitors. Safe operations in our harbors are vital to ensure the uninterrupted and timely delivery of these goods. SB 2534 provides a framework for developing and periodically updating a Harbor Safety Plan. Harbor Safety Plans have been created in many of the major ports in the United States including Los Angeles, Long Beach, San Francisco, Puget Sound and San Diego. A Harbor Safety Plan for Hawaii’s ports would provide a proactive forum for identifying, assessing, communicating and implementing operational and environmental measures beyond statutory and regulatory requirements. A major goal of this plan would be to promote safe, secure and efficient use of Hawaii’s commercial ports.

Thank you for considering this testimony in support of SB 2534.



**THE SENATE
THE THIRTY-FIRST LEGISLATURE
REGULAR SESSION OF 2022**



**COMMITTEE ON TRANSPORTATION
Senator Chris Lee, Chair
Senator Lorraine R. Inouye, Vice Chair**

**COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND
MILITARY AFFAIRS
Senator Clarence K. Nishihara, Chair
Senator Lynn DeCoite, Vice Chair**

**MEASURE: SB2534
DATE: Tuesday, February 15, 2022
TIME: 3:15 p.m.**

**TESTIMONY OF THE OCEAN TOURISM COALITION REQUESTING TO BE
INCLUDED HAWAII HARBOR OCEAN SAFETY COMMITTEE.**

Dear Chairs, Vice Chairs, Members of These Committees.

The OTC represents over 300 small ocean tourism businesses state wide. Commercial boating, such as dive and snorkel boats, does not have an identified representative on the proposed Harbor Safety committee despite being one of the primary users of State Boating Facilities. Commercial boating comprises a large portion of the Hawaii maritime labor and industry, and it should be represented on the committee.

Commercial boating offers valuable input for developing safe operating practices in the harbors. Our captains and staff are on the “front line” of harbor users, and it is important that their voice are heard on this committee. Also, members of the commercial boating industry have knowledge of the “day to day” operations of harbors, which means a committee that doesn’t include commercial boating will not have sufficient information to make informed recommendations.

Therefore, we respectfully request the following representative be included in the bill:

“(14) Commercial boating operators, such as dive and snorkel boats, to be appointed by the governor.”

Thank you for this opportunity to testify.

Sincerely,
Ocean Tourism Coalition

SB-2534

Submitted on: 2/13/2022 12:03:23 PM

Testimony for TRS on 2/15/2022 3:15:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Michael Anderson	Testifying for IBU Hawaii	Support	Yes

Comments:

I support this Bill as it is creating an effective body to help promote safety to the States Maritime workforce, environment, equipment and piers which help keep commerce in the Harbors of Hawaii flowing efficiently. We all Know the importance Hawaii's Harbors play in the supply chain of our local economy, and we must ensure that we are doing our best to facilitate success for the future of our commercial ports. HOST is an important part of identifying, developing, and introducing solutions to help the waterfront achieve that.

LATE

SB-2534

Submitted on: 2/14/2022 4:28:45 PM

Testimony for TRS on 2/15/2022 3:15:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Freedom Dennis	Testifying for Sause Bros.	Support	No

Comments:

Aloha Kakou,

We are in support of SB2534. We see this as an excellent opportunity to promote public welfare by raising awareness of our State's critical maritime industry and how the public interacts within the maritime domain.

Aloha,

Freedom

SB-2534

Submitted on: 2/13/2022 3:49:55 PM

Testimony for TRS on 2/15/2022 3:15:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Gabriel Nelson	Individual	Support	Yes

Comments:

HOST has been useful to harbor and ocean users stakeholders for decades as a forum for government, industry, and the ocean-going public to meet, discuss, and create non-regulatory solutions to problems & safety issues.

HOST is TODAY engaged in projects to:

-Deconflict commercial traffic and recreational users of Kahului Harbor following a near fatality of a wingfoiler.

- Create a QR code sticker used to track ocean gear which will help the Coast Guard save time, resources, and lives.

- Re-start the Honolulu Harbor Festival in order to promote harbor awareness & ocean safety in Honolulu.

At last week's meeting, HOST addressed the 1/14/22 tsunami event and latent advisory. HOST has stood up a subcommittee to explore ways to get alerts to key harbor stakeholders in a timely fashion at any time of day. At the same meeting, HOST heard from DLNR about shoaling at the Maunalua Bay boat launch.

HOST is useful to the State of Hawaii, and the organization's role should be formalized as outlined in SB2534, and in accordance with the precedents set by all of the west coast states.

STRONG SUPPORT OF S.B. No. 2534

Robert H-H Harter
45-131 Waikalua Road, Kaneohe, HI 96744

As a participant with the Hawaii Ocean Safety Team, Inc. (HOST) **I strongly support S.B. No. 2534.**

A Harbor Safety Committee (HSC) is the kind of organization needed in make our local ports and waterways safe and secure. The organization relies on the resources and expertise of the maritime communities and are backed by State and Federal regulations. A HSC tasked with developing harbor safety plans which are reviewed regularly, addressing issues raised by state and federal agencies, and reporting findings back with any legislative recommendations.

The Hawaii Ocean Safety Team (HOST) was established to serve the 10 commercial harbors located on 6 of the 8 Hawaiian Islands. Similar to waterways in the continental U.S. serving multiple ports, the HOST framework treats the main Hawaiian Island chain as a contiguous waterway. Due to the complexity involved in coordinating various county, state, and federal agency stakeholders across this broad maritime domain, HOST seeks the State of Hawaii's support in prioritizing harbor safety at the highest level.

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HOST agrees the Hawaii Harbor Safety Committee should be administratively attached to the Hawaii Department of Transportation – Harbors Division. The department's priorities include safe commercial activities within the State of Hawaii as stated in its mission: To effectively improve and manage a commercial harbors system that facilitates safe and efficient operations of commercial cargo, passenger, fishing, and other commercial maritime-related services and support activities within the State of Hawaii and which serves to sustain and enhance the State's economic prosperity and quality of life.

Thank you for considering this testimony in **strong support of S.B. No. 2534.**

Robert H-H Harter
45-131 Waikalua Road, Kaneohe, HI 96744