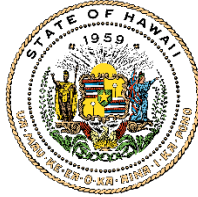


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GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA

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Testimony of  
DAWN N. S. CHANG  
Chairperson

Before the House Committee on  
WATER & LAND

Thursday, April 13, 2023  
9:00 AM  
State Capitol, Conference Room 430

In consideration of  
SENATE CONCURRENT RESOLUTION 227, SENATE DRAFT 1  
REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO  
IMPLEMENT AN IMMEDIATE FINE FOR GROUNDED VESSELS THAT HAVE  
REASONABLY CAUSED DAMAGE TO THE ENVIRONMENT OR CREATED A  
MATERIAL BURDEN ON THE STATE FOR ITS REMOVAL.

Senate Concurrent Resolution 227, Senate Draft 1 requests the Department of Land and Natural Resources (Department) to implement an immediate fine for grounded vessels that have caused damage to the environment or created a material burden on the state for its removal. **The Department supports this measure and suggests an amendment.**

Under Section 200-47.5, Hawaii Revised Statutes (HRS), a vessel owner has 24 hours to take steps to remove their grounded vessel from state submerged land, a shoreline, or a coral reef, and 72 hours to take steps to remove their grounded vessel from a sand beach, sandbar or mudflat before the Department may take control of the vessel. If a vessel owner does not take responsibility for their grounded vessel and the Department needs to step in, the vessel owner could also be charged under Section 200-41, HRS, for criminal abandonment of a vessel in state waters or on public property. The Department believes that these provisions provide a vessel owner with sufficient time to address their grounded vessel while still emphasizing that an expedient response is warranted.

Every year there are boat groundings, with the most boat groundings in West Maui. The Department supports this measure's intent to deter groundings and encourage boat owners to follow best maritime practices. To impose an immediate \$10,000 fine for any grounded vessel that has reasonably caused damage to the environment or created a material burden on the State for its removal, the Department believes that an amendment to Section 200-47.5, HRS, is likely needed, and defers to the Department of the Attorney General as to legality and process during the course of enforcements. Many of the groundings were predictable and therefore preventable

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HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

in that they occurred in Kona storms and boat owners could have moved their boats onto land or docked in harbors to wait out the storm. The Department suggests that the Legislature may want to include an exception for an unpredictable weather event akin to an “act of God”. Any fines collected should be deposited into the Boating Special Fund which is the fund that the Department uses to remove vessels when the Department needs to step in.

Mahalo for the opportunity to testify on this measure.

**SCR-227-SD-1**

Submitted on: 4/11/2023 12:03:19 PM

Testimony for WAL on 4/13/2023 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

Support