

JOSH GREEN, M.D.  
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

P.O. BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
DAWN N. S. CHANG  
Chairperson**

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

**Friday, March 24, 2023  
1:00 PM  
State Capitol, Conference Room 229**

**In consideration of  
SENATE CONCURRENT RESOLUTION 115/SENATE RESOLUTION 109  
REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO  
ADOPT ADMINISTRATIVE RULES PROHIBITING RECREATIONAL BOATING  
ACTIVITIES IN MARINE LIFE CONSERVATION DISTRICTS.**

Senate Concurrent Resolution 115/Senate Resolution 109 request the Department of Land and Natural Resources (Department) to adopt administrative rules prohibiting recreational boating activities in Marine Life Conservation Districts (MLCDs). **The Department offers the following comments.**

The Department does not have any immediate plans to amend administrative rules to prohibit recreational boating activities in MLCDs but can consider such an amendment in the next rule package.

Mahalo for the opportunity to provide comments on these measures.

**DAWN N.S. CHANG**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

**LAURA H.E. KAAKUA**  
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

**SR-109**

Submitted on: 3/22/2023 10:51:22 AM

Testimony for WTL on 3/24/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
John Coller	Testifying for Kaneohe Yacht Club	Oppose	Remotely Via Zoom

Comments:

This bill is a knee-jerk reaction to the unfortunate incident that occurred at Honolulu Bay. Absolutely agree that the MLCs should be protected, but restricting all recreational boat use out of hand is heavy-handed and draconian. The vast majority of recreational boaters in Hawaii are good people who love and give these areas the respect they deserve. They are also state taxpayers who are entitled to enjoy their island home.

There are other things that could be done such as requiring recreational permits for overnight stays. In order to obtain a permit, the boater must agree to the rules in place to protect these areas and acknowledge the information being given to the boater (via the permit) on how to safely visit.

In response to the argument there are other places to anchor and moor, the answer is not so much. The state of Hawaii is one of the unfriendliest places in the country for recreational boaters. The state mooring facilities are a disgrace. The amount of slips and moorings available for boats traveling to the other islands is infinitesimal. It's like winning a lottery to get one.

Still allowing commercial use is extremely hypocritical. Commercial tourist boats bring in far more people and their boats are anchored in these areas far more than recreational boats so they would logically incur a greater risk to these areas. You are in effect denying access to local Hawaiians in favor of out-of-state tourists.

The rights of recreational boaters should be protected just as much as surfing and kayaking.



March 22, 2023

## COMMITTEE ON WATER AND LAND

Senator Lorraine R. Inouye, Chair Senator Brandon J.C. Elefante, Vice Chair

Date: Friday, March 24, 2023

Time: 1:00 PM

Place: Conference Room 229 & Videoconference State Capitol  
415 South Beretania Street

Regarding SR109

### Comment

HFACT is a not-for-profit, IRS 501c(5) organization, that advocates for small boat commercial, non-commercial, and recreational fishermen throughout Hawaii. HFACT board members sit on a number of federal fisheries management and endangered species advisory committees as well as state marine and coastal zone advisory committees; and HFACT is thoroughly familiar with and participates in ocean and marine resource management in Hawaii and the central Pacific.

A boat traversing an MLCDD doesn't necessarily cause harm to the marine resources within said MLCDDs. In some MLCDDs, the seaward boundaries are relatively far offshore and unmarked so identifying when a passing vessel, either commercial or recreational, would be in violation would be an enforcement problem. Also, some MLCDDs were not created in areas with extensive coral beds. We suggest that DLNR determine if and where banning such boating activities in MLCDDs are necessary and that such regulations be developed as the DLNR deems necessary. (Incidentally, DAR can regulate boating in MLCDDs already, without DOBOR rules.)

HFACT thanks the chair, vice-chair, and committee members for this opportunity to provide comment and to assist in providing food to the people of Hawaii and to assist in the conservation of Hawaii's natural resources.

Sincerely and Aloha,

Edwin Watamura  
Executive Director.  
watafishing @ gmail.com

***Hawai'i Fishermen's Alliance for Conservation and Tradition, Inc.  
2015 Leiloke Drive, Honolulu, HI.96822***



# Environmental Caucus of The Democratic Party of Hawai'i

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WTL\_03-24-23 SCR 115/219 SR109/157

TO: COMMITTEE ON WATER AND LAND  
Senator Lorraine R. Inouye, Chair  
Senator Brandon J.C. Elefante, Vice Chair

CONCERNING: SCR 115/ SR 109 Prohibiting Recreational Boating in Marine Conservation  
Districts  
SCR 219/ SR 157 Regulating Vessel Speed Near Humpback Whales.

POSITION: FULL SUPPORT

ALOHA Chair Inouye, Vice Chair Elefante and members of the Committee

The Environmental Caucus has an enrolled membership of more than 7,000 politically active Hawaii voters and we strongly support any bill that protects our oceans and sea-life.

These resolutions are so closely related we offer support to both for similar reasons.

Marine Conservation districts were created to protect the sea life in them for the future as a hope for restocking after ignorant or careless recreational boat owners have ruined the ocean they can access. We should not have to remind this committee about garbage thrown over the boat side or running to fast and hitting sea life. Sadly there are some who feel like they can fish anywhere they are. We do not need them to be anywhere near protected areas.

The same goes for protecting the whales, which come here to have their babies and bring in tourist dollars. The Humpbacks were endangered species and many people, and environmental and marine science groups, have labored to help bring them back to a safer sustainable population.

BUT how many times have we seen them arrive tangled in fish nets or wounded by a propeller, or starving because they swallowed plastic and could not digest food? We cannot protect them from all human refuse and abuse. But we can protect them here in Hawaiian waters.

We urge this committee to protect them from local boat operators who are just too foolish or too greedy for tourist dollars to slow down and keep a safe distance. Vote for both SCR115/SR109 and SCR219/SR157

Martha E Randolph SCC Representative  
for and on behalf of the Environmental Caucus of the Democratic Party of Hawaii

**SR-109**

Submitted on: 3/23/2023 10:27:29 AM

Testimony for WTL on 3/24/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ben Bland	Individual	Oppose	In Person

Comments:

Testimony in Opposition to SR109

My name is Benjamin H Bland III. I am a sailor, surfer, retired MFD Fire Captain and a retired Marine Biologist. I own a 29 ft sail boat and have sailed the water of Maui for thirty five years. I first surfed Honolua Bay in the fall of 1976. I operated the MFD rescue boat as a member of the rescue squad. I am the current Commodore of Maui Boat and Yacht Club and a member of Lahaina Yacht Club. I am a recreational boater.

Like many Maui residents I am angered by the total disregard that the owner of the 94 foot commercial yacht showed our previous ocean resource! I recognize our political representatives need to react to the outrage expressed by the people of Maui. However excluding recreational boaters from these waters does nothing to protect the bay! Members of Maui's yacht clubs have used the bay as a starting spot for sail boat races from Maui to Oahu for decades and have never damaged the water or reef. I am not aware of a recreational boat ever damaging Honolua Bay.

Let's consider the activities that most affect the Bay. Commercial tour boats bring as many as 150 visitors and residents to the bay on a regular basis, releasing various chemicals to the waters. Should we restrict their access to the Bay? On any day the surf is up, you will find 50 to 100 surfers in the water occasionally impacting the reef with their boards. Should we ban them from the Bay? Many paddling events originate in the bay. Should we ban them from the Bay? If the purpose of SR109 is to protect Honolua Bay should we ban all use?

So why single out recreational boaters? Politicians need to appease their constituents so they pick the smallest group of users to bear the blame for the damage. Commercial users are saved from this because they bring revenue to the state coffers and as a side benefit they would enjoy exclusive use of the moorings. Surfing and paddling are cultural activities enjoyed by many aui residents, myself included.

The legislation chooses DLNR to draft and enforce regulations knowing they avoid having to make a law that would cover this. DLNR can do this without public hearings.

SR109 is a knee jerk reaction to very real anger of which I share. However, that doesn't justify discrimination against a minority user of Honolua Bay. Where is the evidence to show this action will protect Honolua Bay?

**SR-109**

Submitted on: 3/22/2023 12:08:53 PM

Testimony for WTL on 3/24/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Peter Plotzeneder	Individual	Oppose	Remotely Via Zoom

Comments:

Before completely removing access, consider putting rules in place for example

1. No commercial activity
2. Size limitations (nothing over 50ft?)

**SR-109**

Submitted on: 3/22/2023 1:53:06 PM

Testimony for WTL on 3/24/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
ANDREA CHEUNG	Individual	Oppose	Remotely Via Zoom

Comments:

The incident at Honolua Bay with the Nakoia was horrible and was done by an individual who blatantly ignored established rules for protection of the marine life conservation district. His actions were done knowingly and illegally, even after he had been repeatedly warned by other people. He should be prosecuted to the full extent of the law for his actions.

That being said, SR109 will not stop the Jim Jones of the world. There were already rules in place to prevent what happened, and they were broken. Adding more rules like SR109 does not stop individuals from breaking established rules for protection. It also does not assist DLNR with enforcement of existing rules, the lack of which allows the Jim Jones of the world to believe they can act with impunity. This incident would not have happened if DLNR could enforce the existing rules.

SR109 does not solve that problem. SR109 prevents law-abiding, tax-paying kama'aina from enjoying their marine environment alongside commercial boaters who cater primarily to tourists. This law punishes those that were born and raised on these islands, those who have made it their home, and those that vote in re-elections. Basically, those that care, because they want to keep coming back and pass it on to their children. Meanwhile, tourists and commercial boaters who are only here to visit and make a profit are exempt. This is grossly unfair and targeted against kama'aina. Commercial tours litter all sorts of trash in our marine sanctuaries and snorkeling areas. I often dive to pick up trash from the sand and reef in areas where a commercial tour boat has recently moored.

SR109 is a hasty, knee-jerk reaction to make it seem like the State is doing something about the Honolua Bay incident when really it only punishes innocent locals and worsens a problem. How is DLNR going to enforce the new law if they do not even have the resources to enforce the existing laws? Policies should instead be introduced to support DLNR in their current work. Otherwise, it seems like the State only cares about what sounds good instead of what is actually good and helpful to our communities. Instead of SR109, let's instead introduce legislation that will support DLNR with enforcing the current rules and also supports the local community.



March 22, 2023

Aloha,

I am writing to you as a Maui resident who has been responsibly and respectfully visiting Honolua Bay on surfboards, sailboats and by land since the early 80's. Sailing there with my 'ohana has been an integral part of my childhood and one I would like to share with my future grandchildren.

In my lifetime, there has never been a grounded vessel in Honolua Bay until now. It is very unlikely that a boat will break off it's mooring and end up on the rocks, because the predominant trade winds blow offshore, away from land. This did happen with Nakoia, most likely due to the gross negligence on the part of an inexperienced boat handler. I don't believe that this will be a common problem moving forward in the future, as it has never been a problem before.

When boats visit Honolua Bay correctly, they impose the least amount of impact of any other visitor. They don't cause parking issues, they don't walk all over the reef, they don't make trails that cause erosion or leave any trash.

Why let one irresponsible boater ruin the ocean experience for all local families? Let's protect the bay and allow our local community to enjoy it.

I am in support of some common sense regulation that manages all activities at Honolua Bay including boating, snorkeling, surfing and curbs illegal dumping there. Creative thinking could set regulations in place that would provide funding to support the care and maintenance of such a special place.

Mahalo for you time,

Keahi Ho

March 23, 2023

Aloha,

I am writing as a Maui resident in opposition to SR109. My partner Keahi Ho and I enjoy visiting Honolua Bay on our sailboat with our children a few times per year. We have always treated the area with the respect, reverence and safety that the beautiful Bay deserves. It is not an exaggeration to say that this is our favorite adventure with our 'ohana and we look forward to sharing this experience with our future generations.

Last summer, we visited Hā'ena State Park on Kauai and were impressed with how that community had reformed and regulated local and tourist traffic. It may be worth speaking to the state about the changes they made to preserve and share the beauty of Hā'ena. Here is a link to their well-organized website: <https://dlnr.hawaii.gov/dsp/parks/kauai/haena-state-park/>

Like many on Maui, we were horrified to wake up and receive a text from our friend about the grounding of Nakoia a few weeks ago. With the prevailing offshore wind system that pushes boats out of the Bay towards Molokai, as sailors, we could not imagine how this could have possibly happened. The only explanation we could come up with is that the owner must have been driving in the dark and driven the thing into the reef. It was a heartbreaking event to witness and we are grateful to DLNR efforts to get it out of there.

While groundings are common off of West Maui with a Kona storm, the grounding at Honolua is an extremely unlikely situation with the prevailing trade winds blowing offshore, and to our knowledge has not ever happened before.

This incident seems to have been caused by gross negligence of an inexperienced boat owner, who is not a Maui resident. One solution to the issue of inexperienced boat operators would be that boat owners should not be able to operate 90-foot vessels without a professional captain on board.

As surfers, we also drive up to Honolua to surf. The increase in land traffic in the area we have observed over the years is concerning. Shutting down Honolua Bay to vessels will only increase this problem. We hope that there can be a community solution for all visitors to the Bay, by land and sea to preserve and maintain this exceptionally beautiful place.

Mahalo,  
Ali Grimes

TESTIMONY OF James Callahan **IN STRONG OPPOSITION OF**  
SR 109 – REQUESTING THE DEPARTMENT OF LAND AND NATURAL  
RESOURCES TO ADOPT ADMINISTRATIVE RULES PROHIBITING RECREATIONAL  
BOATING ACTIVITIES IN MARINE LIFE CONSERVATION DISTRICTS.

Aloha Chairs, Vice Chairs and Honorable Members of the Committees,

My name is James Callahan and I am writing **in strong opposition of SR109**. This resolution is a poorly thought, knee-jerk response to one isolated incident. It's a political candy bar for the Senate to show that they are taking action in response to social media hype and the international embarrassment our State suffered surrounding the events of the Nakoia grounding.

Let's make the recreational boaters pay the price. Afterall, we've already paid the price for the Nakoia's salvage via DOBORs harbor slip fee fund. Now we'll pay the price again by further restricting recreational boaters in what are only a handful of safe anchorages in Hawaii waters.

Where are the commercial operators in this conversation? Afterall, they have installed and maintained 90% of the unsanctioned day use moorings in Hawaii. The elephant in the room was Nakoia on one of these unsanctioned moorings in the early morning hours that it broke free? I think most of us know that answer.

Senators, rather than penalize recreational boaters, why not put your money where your mouth is and get the day use mooring program FUNDED

## Status Quo-Oahu

- 47 buoys surveyed
- 9 used unapproved construction techniques
- 2 were actively failing
- 33 unsanctioned moorings



# Hundred Foot Hole



Source Hawaii DNB Program 2017

<https://vimeo.com/240558858>

Respectfully,  
James Callahan

**SR-109**

Submitted on: 3/21/2023 2:59:21 PM

Testimony for WTL on 3/24/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Bruce Baum	Individual	Oppose	Written Testimony Only

Comments:

If a restriction is imposed, it should include ALL boaters.

Commercial boats cause more damage due to the large size of their large capacity.

**SR-109**

Submitted on: 3/22/2023 9:22:07 AM

Testimony for WTL on 3/24/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mark Logan	Individual	Oppose	Written Testimony Only

Comments:

Aloha Law Makers,

I vehemently oppose this resolution as currently written.

I am a recreational sailor that has sailed in Hawaiian waters for the better part of 50 years. I have safely anchored in many bays, including but not limited to, Waimea, Honolua, La Perouse, and Hanalei on literally hundreds of occasions without incident. I, and most, recreational boaters take every precaution to ensure their respective vessels do not interfere with or damage the various ocean ecosystems present in our Marine Life Conservation Districts (MLCDs).

I fully support protecting our MLCDs from activities that would prevent the disturbance or destruction of delicate ocean ecosystems within these areas. I'm especially concerned about the many commercial operations that actively seek out marine life in MLCDs so as to expose Hawaii's visitors to these animals, often allowing close up encounters and encouraging their customers to swim in close proximity to dolphins, turtles, and other aquatic species.

It is unfair that the entire recreational boating community should be singled out and prohibited from activities in MLCDs due to the abhorrently gross negligence of a one irresponsible boat owner/operator at Honolua Bay.

I would ask instead that the DLNR conduct better enforcement of existing rules and or adopt specific rules for the safe regulation of anchoring, mooring, and recreational boating activities in our MLCDs.

**SR-109**

Submitted on: 3/22/2023 9:22:34 AM

Testimony for WTL on 3/24/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Victor Lozano	Individual	Oppose	Written Testimony Only

Comments:

To Whom It May Concern,

The grounding of the large yacht was gross negligence on the part of the vessels owner, a person that obviously has no respect for the laws written or the comunity let alone the envorment. This one grounding at a site that is held in the highest priority to the community should be a leason to all but most of all to our government who has been charged to up hold the laws that are on the books. Laws are being broken every day out on the ocean and our law enforcement is out gunned, short staffed and not where they need to be if they have priority areas. I'm asking, please do not make another law that takes away the rights of honest hard-working law-abiding citizens because one rich self absorbed law breaking individual distroyed an area that will recover.

Sincerely, Victor Lozano

**SR-109**

Submitted on: 3/22/2023 9:25:20 AM

Testimony for WTL on 3/24/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Thomas Wood, PE, MSCE, DBA	Individual	Oppose	Written Testimony Only

Comments:

I oppose imposing these restrictions because they are contrary to the basic philosophy of how park or preservation area is managed. These types of set asides, from Yellowstone, to the Grand Canyon, to Volcanoes, areas such as National Parks, State Parks and other preservation areas are not created to prevent any human activity or human enjoyment of them. Rather, they are created to preserve the natural beauty and to enhance the human enjoyment of them now and into the future. We should not consider denying access to these areas as the primary tool to enhance preservation, as that severely impacts the second objective of enhancing human enjoyment of these same areas.

The more connected all of us are to our natural world; the more likely it is that we will have respect for it and the more likely we will act to preserve it. Education to help prevent accidents, and remediation to correct the damage done when accidents inevitably occur is a far better approach to reach the twin objectives of preserving and enjoying our natural world.



**SR-109**

Submitted on: 3/22/2023 11:04:25 AM

Testimony for WTL on 3/24/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Rich McCreedy	Individual	Oppose	Written Testimony Only

Comments:

I am a Kaneohe resident. I am a boat owner and a very active boater. I strongly oppose the prohibition of recreational boating activities in Marine Life Conservation Districts(MLCD) I have been sailing interisland in Hawaii since 1975. Hawaii already has a limited number of safe anchorages, to eliminate any more would be very unsafe and detrimental to recreational boating. An unintended consequence of prohibiting anchoring in the present safe anchorages may be more boats running aground because of boaters utilizing less secure anchorages.

I would support adding more secure moorings in MLCD. I would look at the example of the Caribbean. They have plentiful moorings that recreational boaters can use, thus protecting coral from anchor damage.

I would support stiff penalties for negligent boat operators, but please do not eliminate any more of the few secure anchorages in the state. I can remember anchoring in White Manele Lanai and Tunnels Beach Kauai. Hawaii has a long history of boating. Require boaters to be responsible, but do not remove any more of the few options we have remaining.

Rich McCreedy

**SR-109**

Submitted on: 3/22/2023 11:39:59 AM

Testimony for WTL on 3/24/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mark Petritz	Individual	Oppose	Written Testimony Only

Comments:

Please don't restrict the law abiding public based on the illegal actions of 1 person on Maui

**SR-109**

Submitted on: 3/22/2023 12:12:53 PM

Testimony for WTL on 3/24/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
William Leary	Individual	Oppose	Written Testimony Only

Comments:

S.R. 109 is an unjustified overreaction to the unlawful activities of a single individual, and it should not be adopted.

For many decades now, Hawaii’s recreational boating community has used the areas encompassed by Hawaii’s Marine Life Conservation Districts responsibly and without incident. These areas, including Honolulu Bay, Waimea Bay, and Kealahou Bay, have expansive areas of sand bottom that are ideal for safely and securely anchoring recreational vessels without negatively impacting the areas’ sensitive ecosystems. This responsible use of the Marine Conservation Districts has allowed recreational boaters to enjoy these areas alongside other users.

A single individual disregarded the two hour limit and the overnight use restrictions of the day-use mooring regulations and irresponsibly moored his vessel in Honolulu Bay for more than two days. This illegal use of the day-use mooring ultimately resulted in the vessel’s grounding and damage to the sensitive ecosystem in the bay. This individual should be held accountable for his illegal activities.

Compliance with existing regulations will ensure that the areas’ sensitive ecosystems are protected and allow all of us, including recreational boaters, to enjoy these Marine Life Conservation Districts. Additional restrictions, including S.R. 109, are not necessary.

Bill Leary, Author of Noodles Notes on Fifty Years of Sailing in the Hawaiian Islands, [noodlesnotes.com](http://noodlesnotes.com)

**SR-109**

Submitted on: 3/22/2023 1:54:29 PM

Testimony for WTL on 3/24/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Paul Miles	Individual	Oppose	Written Testimony Only

Comments:

Greetings,

I am writing in opposition to the proposal to limit recreational boating in Marine Life Conservation Districts (MLCD).

I have owned a 37ft sailboat in Hawai‘i for a decade. What I have learned in that time is that sailing in the Hawaiian Islands is challenging:

1. There are very few recreational harbors and in the harbors that do exist there is limited or non-existent space to accommodate locally based boats sailing inter-island. For example: It is virtually impossible for a boat based on Oahu to find overnight moorage at Lahaina Harbor or Manele Bay.
2. The distances involved in sailing inter-island usually demand an overnight passage. Even passages from one anchorage or harbor to another on Oahu will require several hours of beating through large seas in at least one direction: something beyond the comfort level of most local sailors, especially owners of small sailing vessels.
3. There are very few sheltered anchorages, and the anchorages that do exist are more often than not untenable due to wind speed, wind direction or swell.
4. Boats sailing inter-island must plan their timing carefully according to forecast wind and waves. These conditions must be suitable for both sailing to and returning from their desired anchorage, and the conditions in the anchorage must be suitable for the duration of time at anchor.
5. The state has very few mooring balls installed at anchorages throughout the state. These moorings are great for protecting reefs from damage by boat anchors, but they are tethered 10 feet below the surface and are often occupied by commercial vessels.

Given the challenges for local recreational sailors listed above, it is exceedingly rare that the wind strength, wind direction, swell direction and height, channel conditions and a sailor’s available free time all align so that he or she might be able to plan a trip to any anchorage or harbor outside their immediate area.

Based on this, I believe that the blanket prohibition of recreational sailors from MLCDs is an overreaction to an individual accident, the cause of which is still in question. The likelihood of overuse or damage from recreational sailors is exceedingly rare.

Commercial vessels use MLCs much more often than recreational sailors, and these vessels are typically large, burn diesel or gasoline, and disgorge dozens of passengers into the sea multiple times per day. The rare visit on the wind by a small sailboat can hardly compare to the environmental degradation caused by daily commercial activities.

Those of us who pay monthly slip fees to DLNR to keep our sailboats in the harbors here do so gladly: because even though sailing in Hawai'i is challenging, we have a chance (if the stars align and conditions allow) to occasionally drop anchor or pick up a mooring ball in a place like Honolulu Bay - which I have done exactly twice in my ten years of owning a boat and paying slip fees to the state.

I recommend against adoption of this bill. It would make more sense to limit vessel size or commercial activities in these areas. The state could also require an online mooring permit payment for MLCs that DLNR can spot check - with revenues going to the installation and maintenance of more mooring balls to protect MLCs from anchor damage.

Thank you for your consideration.

**SR-109**

Submitted on: 3/22/2023 2:39:58 PM

Testimony for WTL on 3/24/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Christopher Evans	Individual	Comments	Written Testimony Only

Comments:

Hello: My name is Christopher Evans, I am a marine biologist, did my graduate work at UH, and taught marine science at Hawaii Pacific University for 25 years. I am a diver and conservationist and believe that there should be some boating regulations in State protected areas but that recreational boating should also be allowed.

First of all, there should be permanent and maintained mooring buoys installed which would then limit the number of boats and no anchoring allowed. Someone should be required to be on the boat at all times, particularly if there are divers in the water. The boat operator needs to be certified by the State Boating Program or something equivalent from another state or country. There should be specific boat moorings for both commercial and recreational boaters. Sometimes commercial operators monopolize areas and think they are more important than locals or other recreational boaters. Finally no fishing and no overnight stays in these protected areas. Rules need to be monitored and enforced.

Thank you and Aloha, Chris Evans

**SR-109**

Submitted on: 3/22/2023 3:42:13 PM

Testimony for WTL on 3/24/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Shaen C Tarter	Individual	Oppose	Written Testimony Only

Comments:

Dear Hawaii State Senators:

I share everyone's dismay and frustration at the recent motor vessel grounding at Honolua Bay, Maui. It and many other locations in our state deserve especially respectful and careful treatment for all users.

My family and I have spent the night on our sailboat in Honolua Bay on three different occasions. Each time we easily avoided touching any coral, avoided conflict with the never ending parade of commercial vessels, and continued on to our next destination with lovely memories.

Punishing all the other responsible and capable mariners for the actions of one is such a common, and in most cases, easiest and most thoughtless response. Hold people accountable for their actions. Please allow the rest of us to enjoy the many special places in our state as we always have.

I oppose SR109 because it is wildly too broad. If anything might fairly address the incident and reduce the risk of recurrence, a simple, reasonable limitation of vessel length would dramatically lower the potential of environmental damage related to another unintentional grounding.

Respectfully,

Shaen Tarter

**SR-109**

Submitted on: 3/22/2023 6:08:45 PM

Testimony for WTL on 3/24/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Douglas Hagan	Individual	Oppose	Written Testimony Only

Comments:

Oppose.

I am in support of some common sense regulation that manages all activities at Honolua Bay including boating, snorkeling, surfing and curbs illegal dumping there. Creative thinking could set regulations in place that would provide funding to support the care and maintenance of such a special place.



**SR-109**

Submitted on: 3/22/2023 7:51:14 PM

Testimony for WTL on 3/24/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Marcy Fleming	Individual	Oppose	Written Testimony Only

Comments:

.R. 109 is an unjustified overreaction to the unlawful activities of a single individual, and it should not be adopted.

The State of Hawaii has justifiably set aside Marine Life Conservation Districts to preserve areas of our state. For years we have used these areas without incident and with respect for the rules and other. These areas, including Honolua Bay, Waimea Bay, and Kealahou Bay, have expansive areas of sand bottom that are ideal for safely and securely anchoring recreational vessels without negatively impacting the areas' sensitive ecosystems. This responsible use of the Marine Conservation Districts has allowed recreational boaters to enjoy these areas alongside other users.

A single individual disregarded multiple restrictions and irresponsibly moored his vessel in Honolua Bay for more than two days. This illegal use of the day-use mooring ultimately resulted in the vessel's grounding and damage to the sensitive ecosystem in the bay. This individual should be held accountable for his illegal activities.

Compliance with existing regulations will ensure that the areas' sensitive ecosystems are protected and allow all of us, including recreational boaters, to enjoy these. Additional restrictions, including S.R. 109, are not necessary.

Mahalo for your consideration

**SR-109**

Submitted on: 3/22/2023 8:47:04 PM

Testimony for WTL on 3/24/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Christopher Jordan MD	Individual	Oppose	Written Testimony Only

Comments:

This is a ridiculous resolution. Why not restrict everyone from all national parks? As a sailor I have really enjoyed Honolulu Bay with snorkeling and enjoying its beauty. Because of one awful incident by a power boater please do not limit access to the public for this magnificent area.

Christopher Jordan MD

4516 Lawai Road

Koloa, Hi. 96756

808-651-0329

**SR-109**

Submitted on: 3/23/2023 12:17:56 AM

Testimony for WTL on 3/24/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kate Thompson	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Senator Inouye and Vice Chair Elefante and Senators on the Water and Land Committee,

Thank you Senators for your concern for Hawai'i's bays, beaches, coral and marine wildlife.

I understand the importance of this bill. I agree, we need to protect marine areas.

I oppose SR 109.

The proposed bill has merit yet it could severely prevent the movement of boats and the enjoyment of ocean experiences.

There needs to be more community involvement in the designation of which bays and areas apply.

I am a recreational boater in Hawaii. I hold a USCG Captain's license (50 Ton Master) and I have had the opportunity to Skipper yachts in various parts of the world. This has given me the chance to see how successful mooring ball programs successfully protect coral and marine life.

I have anchored many 35-45 foot sailboats, including my own, in a responsible way in Honolua Bay over the years. There is a large patch of sand in the middle of the bay that is safe to anchor in and not harm coral or fish.

The mooring ball program at Molokini is working quite well.

I suggest a monthly working group meetings with the boating and coral protection community (via zoom) to designate the areas, and determine the rules.

For recreational boats, under 48 feet, I think anchoring in the sand with (non-coral) boulders should allowed.

For commercial boats, we need to continue and enhance mooring ball programs.

Mahalo,

Kate Thompson

Sailing Vessel Makaanahale

[katet@me.com](mailto:katet@me.com)

[Kate.Thompson@surfparking.org](mailto:Kate.Thompson@surfparking.org)

**SR-109**

Submitted on: 3/23/2023 7:49:42 AM

Testimony for WTL on 3/24/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
john Foti	Individual	Oppose	Written Testimony Only

Comments:

Deer's sirs,

As well intended as this bill may be, it is a bad idea.

I am a strong advocate for conservation and in fact am presently working with a group on creating an FMA (MLCD) in the Kailua ahupuaa. A large percentage of Hawaii's near shore waters are slated for protection by some form of MLCD. One of the reasons for creating MLCD's is to protect the natural resource so that they can be preserved for USE by future generations. They are not intended to become aquariums to look at and not used. The lawaia of our generation want to preserve them to enhance fish and wildlife populations for sustainable harvesting. Use of boating in these areas is and should forever be allowed for sustainable resource harvesting and other cultural practices, including canoe paddling and racing, which require escort, course set up and official boat use in areas slated for future MLCDs. If you want more MLCD's in the future you will need the support of the lawaia and other Kane/wahine o ke kai.

Don't shoot us all in the foot because of one boneheads stupidity. And be careful of the unintended consequences of your prooosed legislation.

if this bill goes forward, our MLCD effort will certainly die.

aloha

John Foti

**SR-109**

Submitted on: 3/23/2023 7:57:48 AM

Testimony for WTL on 3/24/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Heidi Speedie	Individual	Oppose	Written Testimony Only

Comments:

Recreational boats have cleared annual safety regulations by USCG and have trained staff to operate boats and lifeguard their passengers. By bringing guests to the bay to appreciate the scenery underwater and below, by way of the water, the boats keep hundreds of people each day from driving cars, parking on the road and climbing down the terrain to access the water. They educate the guests about care of the ocean and reef and insist on reef safe sunscreen. The guests use this information as they continue on their visit of Maui and even other islands. Please don't punish responsible boat owners and guests because of one person's mistake.

**SR-109**

Submitted on: 3/23/2023 8:55:27 AM

Testimony for WTL on 3/24/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Hugh Atkinson	Individual	Oppose	Written Testimony Only

Comments:

Does this resolution also include commercial activities in Honolua Bay? The damage done by commercial snorkel boats is by far more extensive and ongoing than by the few of recreational boats. I have seen 6 commercial snorkel boats anchored within the bay at one time, each with over 40 snorkelers. I have seen snorkelers stand on coral heads and touch coral and other sea life. If you want to save Honolua Bay please limit commercial activities within the bay.

**SR-109**

Submitted on: 3/23/2023 8:58:38 AM

Testimony for WTL on 3/24/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ezra wansor	Individual	Oppose	Written Testimony Only

Comments:

Commercial boat operators are the most educated, safe, responsible licensed captains on the water. Please do not punish this industry based on one incident.



**SR-109**

Submitted on: 3/23/2023 9:57:45 AM

Testimony for WTL on 3/24/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
branden fredrick	Individual	Oppose	Written Testimony Only

Comments:

aloha,

my name is Branden Fredrick amd i have been boating in Hawaii for twenty years and and 15 years before that as well. the incident woth "Nakoa" was unexcusable. Jim Jones was negligent in many regards and should have the book thrown at him. However the actions of one idiot should not penalize everybody. Rather than add more regulation, the current was already not enforced, (illegal charter,, more than 2 hrs on day use moorings)add more education. some other options to what is being proposed is the following: 1) treat it like waimea bay and only allow sailboats 2) set a sizelimit for the bay at 65' (largest Maui tourcat is 65') a boat larger than that does not fit in the bay or on a mooring 3) require dlNr to check a copy of the state required boater education certification when renewing/applying for boat registration for at least thr boat owner, (even though "Nakoa" was documented, their dinghy would have dlNr registration. 4) enfirce the rules that are already in place

**SR-109**

Submitted on: 3/23/2023 10:07:28 AM

Testimony for WTL on 3/24/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Peter Fisher	Individual	Oppose	Written Testimony Only

Comments:

My name is Peter Fisher, recreational sailor living on Maui full time.

I'd like to comment on the proposal to restrict or eliminate recreational boats in Honolua bay.

Eliminating recreational boats in the bay, will do nothing to protect the environment. The big motoryacht was a single event that is not representative of recreational boaters in the islands. If you want to protect the environment in the bay, you'll need to restrict or eliminate commercial activity! There are multiple big catamarans with at least 50 people on board multiple times a day so you have hundreds of tourists floating in the water with whatever sunscreen and other chemicals on their bodies also not aware that they may be harassing marine wildlife and destroying corals by touch or standing on them. They are in most cases, innocently unaware, and/or ignorant about the environment they're in.

Recreational boaters are on the other hand mostly local residents who are very much aware and appreciate the sensitive environment and are careful. So I think this proposal is backwards. You should eliminate commercial activity if you're really serious about the environment. Respectfully,

Peter Fisher

**SR-109**

Submitted on: 3/23/2023 10:17:27 AM

Testimony for WTL on 3/24/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
William Lewis	Individual	Oppose	Written Testimony Only

Comments:

Do not ban recreational boats from Honolua Bay.

Please ban commercial boats from Honolua Bay.

**SR-109**

Submitted on: 3/23/2023 11:33:52 AM

Testimony for WTL on 3/24/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Alison Stanford	Individual	Oppose	Written Testimony Only

Comments:

I'm writing to respectfully state my opposition to the proposed banning of boats in Honolua Bay on Maui. I've been sailing in to Honolua since 1978 and believe the proposal for SR109 and related bills, was in response to the recent actions of one arrogant, incompetent and negligent boat owner that led to the grounding of the Nakoia. Please do not take the bay away from the many experienced, qualified sailors and power boat users because of the actions and inactions of the Nakoia's owner. Whether private or commercial, the boat operators before Nakoia have navigated it safely, and shared it's wonders to visitors from the local community and the world and should retain the right to do so. Hold the negligent boat owner responsible to the fullest extent of the law, and keep the bay open to the majority of boat operators that won't abuse the privilege. Thank you for your consideration.

Aloha State Legislators,

I am a resident of Oahu, Senate District 12, and have owned a sailing vessel for recreational use for the past 3 years. I am writing in response to SCR 115 / SR 109 and language prohibiting recreational boating use in Marine Life Conservation Districts (MLCDs).

First, some questions:

1. Why is this bill aimed at recreational boaters with no language pertaining to commercial operators or the types of vessels? Access to the natural environment should be available to everyone, and if regulated, regulated equally.
2. Has there been discussion on enforcing rules that are already in place prior to placing an outright ban? Especially one that targets people that had nothing to do with the incident that triggered this bill?
3. Has there been discussion on having a permit system where recreational boaters can visit MLCDs with a permit? Or something similar? This could provide funding for preservation and management and allows equitable use by all.
4. Has there been a review of the June 2009 Maui Marine Protected Areas Recreational Management Analysis to provide guidance on appropriate actions for protecting MLCDs such as Honolulu Bay?

I can appreciate the quick action on trying to eliminate any future damage to MLCDs and I agree that something needs to be done to protect these areas. Given that this bill is being proposed due to the recent grounding in Honolulu Bay, I would like to know whether or not the current rules would have prevented the damage that occurred. If current rules are not working, it doesn't seem like another, broader rule, is the solution. Understanding why the recent grounding incident happened is important. If, in part, it was due to ignoring rules, then how will more rules prevent this? Is there a funding issue for enforcement? Are there solutions (permits, required education) that could result in continued boating use of Honolulu Bay that will not have unreasonable adverse effects on the natural environment? Without knowing the extent of discussion that has taken place to create a solution that is fair for both preservation and human access, I cannot agree with an outright ban on recreational boating in MLCDs.

I do not have a history of what has or has not worked in the past. I understand I am jumping in last minute but want to say that I hope there will be a solution that allows recreational boating access to Honolulu Bay.

I do not support an outright ban on recreational boating in Marine Life Conservation Districts.

Regards,

Vanessa Cass

Oahu Resident, Senate District 12

**SR-109**

Submitted on: 3/23/2023 12:04:03 PM

Testimony for WTL on 3/24/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
James Ramsey	Individual	Oppose	Written Testimony Only

Comments:

Recreational boaters are largely a responsible group who endeavor to preserve the waterways in Hawaii for use by current and future generations. A full ban on all recreational boating alienates Hawaii residents from the very things that make our island home special. We must preserve access to these waterways and promote boater education.

**SR-109**

Submitted on: 3/23/2023 12:13:37 PM

Testimony for WTL on 3/24/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Amanda Funkhouser	Individual	Oppose	Written Testimony Only

Comments:

Aloha. I am opposed to this bill for the simple reason that one negligent person's actions should not adversely affect the rest of us as responsible boaters. Honolua bay is a beautiful place that should be able to be enjoyed by everyone responsibly. The issue that should be discussed is enforcing the current rules/laws already in place. Had an enforcement officer patrolled the area we could have avoided this whole mess. Banning use of the bay is not the solution, create other ways to hold boaters accountale and make it easier to report boats in violation.

**SR-109**

Submitted on: 3/23/2023 12:46:22 PM

Testimony for WTL on 3/24/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Theo Morrison	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I am testifying in opposition to SR109.

Having sailed with my family for more than two decades, I was appalled by the grounding of the Nakoia at Honolua Bay. However, the bad actions of one boater should not negatively impact the enjoyment of this pristine area by other responsible boaters. What regulations cover bare boat charters? Why was a boat of this size allowed to sail without a certified captain on board? Maybe there should be a permit process for use of the bay by recreational boats. In my 30+ years on Maui, this is the first time I have heard of a grounding in the bay. This is a safe anchorage because the prevailing winds blow off shore. This irresponsible boat owner should be denied a license to operate a boat in Hawaii. Please don't throw the baby out with the bath! The vast majority of local boaters are responsible and respectful and should be allowed to visit Honolua Bay.



**SR-109**

Submitted on: 3/23/2023 1:00:24 PM

Testimony for WTL on 3/24/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
James Mills	Individual	Oppose	Written Testimony Only

Comments:

Dear Land and Water Committee Chair Inouye, Vice Chair Elefante and Honorable Members of the Legislature -

I oppose SR109 as it unnecessarily restricts law abiding and environmentally considerate recreational boaters from anchoring in the only safe and environmentally responsible anchorage in the south shore of Oahu. The anchoring restriction proposed in SR109 includes the sandy patch of anchorage in Mamala Bay, just west of the natatorium, stretching the short distance from approximately Kapahulu Ave to the Royal Hawaiian Resort - known locally as "The Bite." This is the only sandy area on the south shore that does not include coral heads. Likewise, it is the only area with acceptable swell and surf for a safe anchorage. The only other safe anchorage is to the west inside the Keehi channel and within the industrial area of Keehi lagoon. If this anchorage is restricted it will likely result in boaters dropping anchor over coral head areas thereby causing more damage. Or boaters will only have the use of the few mooring balls near near Turtle Canyon in front of the Hilton resort. These mooring balls are already eavily used by the charter boat/snorkle industry and other boaters. Further pressure on these mooring will degrade their structural integrity and place more people at risk of injury as the waters are always full of swimmers, snorklers and boaters.

Additionally, many boaters along the south shore have used the bite responsibly for upwards of 40 years without boating damage to the environment. Surfers, swimmers and divers/snorklers do more damage to the reefs from impacts of thier boards, standing/impacting corals and sun screen that boaters ever have. The state lacks many natural achorages and being an ocean based state boating is key to our culture.

The recent boating accidents in Maui were mostly facilitate by an DLNR that is lacking in resources and enforcement. Support of DLNR in these areas is the primary and best means to protect our reefs.

I highly encourage you to oppose SR109 as written.

Sincerely Jams Mills

**SR-109**

Submitted on: 3/23/2023 2:07:27 PM

Testimony for WTL on 3/24/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Holly Testa	Individual	Oppose	Written Testimony Only

Comments:

As a recreational boater having anchored in Honolua Bay in accordance with existing regulations, I am appalled at the events that took place leading to the introduction of S.R. 109. However, as is so often the case in the aftermath of such an adverse event, S.R. 109 is attempting to curtail the rights of the most easily targeted group of users— recreational boaters — as an indication that “something has been done”. But by prohibiting recreational boaters, this resolution tilts the scale towards privatizing what should be a public resource by giving commercial boats essentially free reign of the area at the expense of responsible local recreational boat users. This resolution will not address the problem it seeks to address. Enforcement of the existing mooring regulations would have addressed the problem. Additionally, holding the irresponsible boat owner (who notably uses the boat commercially and yet claims he was unaware of the rules) sends a strong message.

My experience at Honolua Bay indicates that the commercial boats that frequent this area are equally likely to damage the beautiful natural resources that are supposed to be protected by Hawaii’s Marine Life Conservation Districts—perhaps even more so due to the high volumes of inexperienced users that they bring to the area each and every day at the expense of a fragile and already damaged ecosystem and the profit motive that drives visitation when it is perhaps not appropriate. And yet, this resolution clearly omits these frequent and heavy users altogether. Why? If the goal is to fully protect the area, I would probably support a closure that included **all vessels, commercial and recreational**, with an exception for research vessels. This resolution instead targets a single class of users, the vast majority of which are responsible boaters following existing rules.

Honolua Bay has expansive areas of sand bottom that are ideal for safely and securely anchoring recreational vessels without negatively impacting the areas’ sensitive ecosystems. This responsible use of the Marine Conservation Districts has allowed recreational boaters to enjoy these areas alongside other users. Issue permits to recreational boaters in advance if you must to regulate the area adequately, but do not deny users of the chance to enjoy this public resource responsibly.

Compliance with existing regulations will ensure that the areas’ sensitive ecosystems are protected and allow all of us, including recreational boaters, to enjoy these Marine Life Conservation Districts.



RE. Testimony SR 209: S.R. 109 is an unjustified overreaction to the unlawful activities of a single individual, and **it should not be adopted.**

Hawaii's recreational boating community has used the areas encompassed by Hawaii's Marine Life Conservation Districts responsibly for decades without incident. These areas, including Honolulu Bay, Waimea Bay, and Kealahou Bay, which have expansive areas of sand bottom that are ideal for safely and securely anchoring recreational vessels without negatively impacting the areas' sensitive ecosystems. This responsible use of the Marine Conservation Districts has allowed recreational boaters to enjoy these areas alongside other users.

Closing off our citizens' ocean refuge and access of bays and marinas and limiting boat ramps and marina facilities is not a solution. Education and enforcement of existing laws we already have is sufficient.

Compliance with existing regulations will ensure that the areas' sensitive ecosystems are protected and allow all of us, including recreational boaters, to enjoy these Marine Life Conservation Districts. **Additional restrictions, including S.R. 109, are not necessary.**

In recent Honolulu Bay incident a single individual disregarded the two hour limit and the overnight use restrictions of the day-use mooring regulations and irresponsibly moored his vessel in Honolulu Bay for more than two days. This illegal use of the day-use mooring ultimately resulted in the vessel's grounding and damage to the sensitive ecosystem in the bay. This accident should not be allowed to be an "opportunity" to close off the only bay to anchor on the entire north shore, or any other shore.

Closing and regulating each bay, beach, shoreline, marina, wharf, and pier creates a burden on all including government. Restated: Our waterfronts have shortages of: Clean restrooms, parking, limited boat ramps, no fuel facilities, no well managed marinas that offer basic services, and those which do, exist in a general state of disrepair. Let's focus on the basic services at these locations which will serve the public and preserve the natural beauty of our ocean bays harbors and refuges.

A few years ago, a fishing boat grounded at Waikiki and a large effort was made to safely remove the vessel, did we ban all fishing vessels from traversing waters off Waikiki, no, that just would not make sense.

In contrast, Several years ago, the state restricted alcohol use/possession at Ahu O Laka (Kaneohe Sandbar) on 3 day summer holidays due to a single event that did not even happen at the sand bar, it occurred at He'eia boat harbor. This knee jerk reaction to this one event restricted freedoms of our citizens inequitably. Imagine how many alcohol related events occur in Waikiki and if we equitably shut down the freedom to consume alcohol responsibly in Waikiki for all our citizens due to the many alcohol related incidents that occur every year in Waikiki.

Bill S.R. 109 is a similar overreaction to a single event, from a single individual that will injure and deprive our citizens of the respectful and safe use of our lands and waters. That individual should be held accountable and not the responsible and safe boating community of Hawaii.

There are only a few suitable areas around our state that can provide areas for safe mooring from bad weather and for recreation. Shutting of Honolulu bay would be a major loss for our boating community. Don't let this one unfortunate incident take this away from our citizens.

Further, based on the reasons stated in S.R. 109, it is not fair or equitable to close off state waters to "recreational" boaters, our citizens and not equitably close off those waters to businesses/charters etc as the reasons and events listed in S.R. 109 would apply to both uses equally the same.

I am testifying as a person who has responsibility been boating for 50 years.

**Respectfully**, please vote NO on SR 109. Thank you for your consideration.

**SR-109**

Submitted on: 3/23/2023 3:13:39 PM

Testimony for WTL on 3/24/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Rachel Nguyen	Individual	Support	Written Testimony Only

Comments:

I support this bill of prohibiting recreational vessels in this marine sanctuary

**SR-109**

Submitted on: 3/23/2023 3:22:11 PM

Testimony for WTL on 3/24/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Eric Aakhus	Individual	Oppose	Written Testimony Only

Comments:

This testimony is in strong opposition to SR109. I live in Kahalu'u on Oahu and I was raised sailing on the waters of Kaneohe Bay, around the coastline of Oahu, and sailing inter island to enjoy the beauty of our neighbor islands and coastal waters. I continue to pass on these skills and experiences to my children and share with friends in our local boating community. Every year we sail to Waimea Bay and Honolulu Bay to enjoy these wonderful and protected zones which made it specifically gut wrenching to watch the damage unfold from the recent incident at Honolulu Bay. Waimea and Honolulu Bay are widely known as very safe anchorages due to the protection from prevailing winds and the sand bottom which provides a safe and secure sea floor surface to anchor at without damaging the surrounding reefs when properly executed. These anchorages have been enjoyed for decades by the local community. While it's apparent that Hawaii's coastal waters and anchorages need attention and our MLCD's need protection, this resolution is overwhelmingly restrictive and being unnecessarily rushed which will have a detrimental effect on the local boating community of which the vast majority of individuals operate in a safe manner and are responsible stewards of these waters.

The recent incident at Honolulu Bay brings up many red flags and violations of negligence from the subject boat owner. This individual acted irresponsibly and should be held accountable for their actions. Our local community, specifically the safe and responsible members of Hawaii's boating community, should not be punished for one individual's negligence. It is my understanding this individual was breaking the current mooring regulations at Honolulu Bay, so what would stop them from breaking new regulations that this resolution is proposing? This resolution is clearly an irrational reaction to present the public with an illusion of swift and effective government action in response to a high-profile incident.

Honolulu Bay sees dozens of commercial boats operating 7 days a week, dropping off hundreds of tourists a day that swim around and walk on the reef in the summer, and in the winter months chase marine mammals up and down the coast. Waste, litter, and sunscreen runoff inevitably makes its way into the bay at a much higher rate from the commercial operations compared to the relatively few local recreational boaters. This impact from tourists, that presumably do not share the same sentiment toward coastal preservation as the local boaters, arguably has a much greater impact on our natural resources compared to the local boating community. Why is this resolution focused on the relatively small amount of recreational boaters, but the cavalry of massive catamarans and high speed commercial tour boats are not mentioned?

Hawaii is known for its rugged and unforgiving channels and coastlines and unfortunately has a reputation for poorly maintained and neglected anchorage and marina facilities. We feel that more attention to quality facilities and safe mooring solutions should be factored into any plan going forward. This resolution is being rushed without consideration of the local boating community. An agreeable solution is achievable with proper consultation with the public and it would be a disservice to the local boating community of taxpayers, who have enjoyed these waters for generations, to pass this resolution as-is. We implore this committee to listen to and work with the local community. Possible resolutions to consider:

- Spend more money and resources to improve the existing marinas, mooring sites, and facilities. Our state harbor and mooring facilities are unsafe and embarrassing.
- Day use and limited overnight use permits for recreational boating at specified anchorages and MLCs. The certified owner/operator must be present during the mooring period, and boats cannot be left unattended longer than a specified period of time.
- Annual pass required to be qualified to anchor in state managed anchorages. Requirements to include a nominal administration fee, regular safety inspections for the boat, owner/operator must demonstrate skills and knowledge of anchoring a boat safely (written test?), audit of correct type and size mooring lines and anchoring equipment, safety equipment, inspection of the integrity of fuel and oil systems.
- Vessel length and tonnage restrictions depending on the size of the anchorage (a 100ft yacht should not be allowed to anchor in a small bay such as Honolulu)
- Greater restrictions on motor yachts vs sailboats
- Greater restrictions and limitations on commercial operations
- Seasonal and hazardous surf and weather related mooring restrictions. For example, anchorages on north facing shores might be restricted during winter months, specifically during high surf warnings and advisories.
- State maintained submerged mooring balls in select locations as a low impact alternative to anchoring
- Regular patrol by DLNR of state harbors and anchorages to ensure boats have correct permits and are operating responsibly and within regulations. In 30 years I have never encountered DLNR patrolling or enforcing any sort of rules or regulations.



**LATE**

**SR-109**

Submitted on: 3/23/2023 5:34:54 PM

Testimony for WTL on 3/24/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Iwa Shaw	Individual	Oppose	Written Testimony Only

Comments:

Aloha. I am writing to oppose SR 109. The grounding of the vessel Nakoia at Honolua Bay was very unfortunate and undeniably terrible. However, so do not believe that prohibiting recreational boating in Honolua Bay is the correct answer. Doing so would affect many boaters, including Native Hawaiians who are keeping alive the tradition and culture of seafaring. Honolua Bay is a special place and I know that we can work towards a different, better solution that would help prevent incidents like Nakoia. I oppose SR 109.

**SR-109**

Submitted on: 3/23/2023 7:34:35 PM

Testimony for WTL on 3/24/2023 1:00:00 PM



Submitted By	Organization	Testifier Position	Testify
Kelli Lundgren	Individual	Oppose	Written Testimony Only

Comments:

Dear Senators,

My name is Kelli Lundgren. I am a resident of Maui County and a long-time supporter of Hawaii's coral reefs.

This bill, SR109, is a impromptu reaction to a devastating and negligent mooring failure at Honolua Bay. As you know, Honolua Bay is a Marine Life Conservation District. This means no fishing, no taking of coral, animals, and all sealife.

Five to eight hundred people a day get "dumped" into this preserve off of commerical boats. That is a much greater devastation to this beautiful reef and millions of sea animals than a 94' yacht that unmoored, cut into the reef, and leaked fuel.

This bill, as is, is shortsighted. All recreational boats and commercial excursions; and even skiffs, jet skis, and motor powered propelling of snorkelers, etc. should be banned. Honolua is one of two reserves/preserves of ocean around Maui island. All boats can go elsewhere in the other 110 miles of coastline. No boats should enter Honolua's Marine Life Conservation District, including commercial boats. Banning recreational boats is grasping at straws and not solving the overall environmental damage occuring every day at Honolua.

I spend a lot of time at Ahihi-Kina'u Natural Area Reserve in South Maui helping people on land approach the reef with respect. No boats can enter that area. It works. This will work for Honolua too. Climate change is threatening all our reefs. Let's keep all boats out of Honolua to give it's life a fighting chance.

Sincerely,  
Kelli Lundgren

**SR-109**

Submitted on: 3/24/2023 7:36:12 AM

Testimony for WTL on 3/24/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mathew McComas	Individual	Oppose	Written Testimony Only

Comments:

For many years we have taken our sailboat to both Honolua Bay and Waimea Bay to enjoy 1-2 nights in these beautiful and safe anchorages. It would be such a shame to lose the opportunity to anchor in these bays. It's very unfortunate that large commercial catamarans full of tourists will still be able to anchor in Honolua Bay and not the local tax paying citizens who own boats. Please don't ban recreational boats. Good management is key to preventing future groundings and unauthorized use of mooring balls.

**SR-109**

Submitted on: 3/24/2023 9:05:34 AM

Testimony for WTL on 3/24/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Briana Shimada	Individual	Oppose	Written Testimony Only

Comments:

**RE: SR109**

Honolua Bay, Maui, and the other Hawaii conservation bays are beloved recreational areas for many boaters to enjoy. Most recreational boaters are responsible stewards of conservation areas and have proven this over many years. Incidents like the one mentioned in SR109 are extremely rare. While the damage to the reef caused by the grounded vessel is concerning, it is not fair to punish the entire boating community for the actions of a few. Furthermore, recreational boaters are being unfairly targeted by privatization while the DLNR does little to enforce the rules they do have in place such as illegal liveboards, dumping, illegal netting, and drug-related activities. This measure instead just punishes the responsible recreational boaters who are being pushed out in favor of commercial boating and/or privatization. In short, I oppose this measure and hope these areas can be enjoyed by recreational boaters for several years to come.