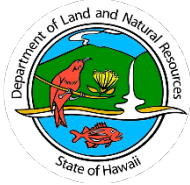


JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'  
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 227/SENATE RESOLUTION 165  
REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO  
IMPLEMENT AN IMMEDIATE FINE FOR GROUNDED VESSELS THAT HAVE  
REASONABLY CAUSED SIGNIFICANT DAMAGE TO THE ENVIRONMENT OR  
CREATED A MATERIAL BURDEN ON THE STATE FOR ITS REMOVAL.**

Senate Concurrent Resolution 227/Senate Resolution 165 request the Department of Land and Natural Resources (Department) to implement an immediate fine for grounded vessels that have caused significant damage to the environment or created a material burden on the state for its removal. **The Department supports the intent of these measures, and provides comments.**

Under Section 200-47.5, Hawaii Revised Statutes (HRS), a vessel owner has 24 hours to take steps to remove their grounded vessel, or the Department will 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.

If the Legislature would like to deter groundings and encourage responsible boat ownership and management by imposing 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, Hawaii Revised Statutes, is likely needed, and defers to the Department of the Attorney General as to legality and process during the course of enforcements. The Department cautions against using the word "significant" in terms of damage as it is subjective. The Department requests that the funds collected be deposited into the Boating Special Fund.

Mahalo for the opportunity to testify 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



To: The Honorable Chair Lorraine Inouye, the Honorable Vice-chair Brandon Elefante, and members of the Senate Committee on Water and Land

From: The Hawai'i Reef and Ocean Coalition (by Ted Bohlen)

Re: Hearing **SCR227/SR165 REQUESTING THAT THE DEPARTMENT OF LAND AND NATURAL RESOURCES IMPLEMENT AN IMMEDIATE FINE FOR GROUNDED VESSELS .**

Hearing: Friday, March 24, 2023, 1:00 p.m. CR229

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Aloha Chair Inouye, the Honorable Vice-chair Elefante, and members of the Senate Committee on Water and Land:

The Hawai'i Reef and Ocean Coalition (HIROC) is a group of scientists, educators, filmmakers and environmental advocates who have been working since 2017 to protect Hawaii's coral reefs and ocean.

**Hawai'i Reef and Ocean Coalition STRONGLY SUPPORTS SCR22719/SR165!**

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We thank the committee for hearing this important measure! Please pass SCR219/SR157 to urge DLNR to assess fines and recover costs to deter grounding like the recent one in Honolua Bay Maui!

Mahalo!

## Hawai'i Reef and Ocean Coalition (by Ted Bohlen)

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**SR-165**

Submitted on: 3/22/2023 8:23:25 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<br>Only |

Comments:

Greetings,

The imposition of an "immediate" fine before determining fault or negligence is unreasonable. Groundings on our reefs can have many causes outside the control of boat owners: unforecast storms, tsunamis, boarding by thieves, collision from other vessels, etc.

This fine should only be assessed after the determination of fault or negligence.

Thank you for your consideration.