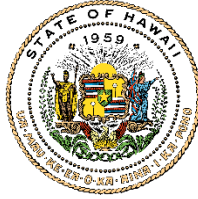


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

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, February 9, 2024
1:10 PM
State Capitol, Conference Room 229

In consideration of
SENATE BILL 2209
RELATING TO THRILL CRAFT

Senate Bill 2209 proposes to amend the definition of "thrill craft" in the state boating law. **The Department of Land and Natural Resources (Department) offers the following comments and recommended amendments.**

The United States Coast Guard (USCG) issued Policy Letter 22-02, CH-1, on October 5, 2022, regarding Mechanically Propelled Personal Hydrofoils (also known as "electric foilboards" or "e-foils"). The USCG's Policy Letter classifies these devices as motorized vessels and subject to all laws and regulations pertaining to vessels propelled by machinery. For consistency purposes, the Department recommends following the same determination that USCG has implemented.

Due to the advances in personal watercraft technology, there are more versatile and practical uses of the vessels, such as deep-sea fishing and long-distance transportation. The Department therefore recommends exempting all personal watercraft with engine displacement greater than 1000cc from the definition of "thrill craft."

Mahalo for the opportunity to provide testimony on this measure.

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

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

DEAN D. UYENO
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
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Richelle K. Kawasaki, Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

February 7, 2024

TO: The Honorable Senator Lorraine R. Inouye, Chair, and
Members of the Senate Committee on Water and Land

FROM: Alice L. Lee
Council Chair 

SUBJECT: **HEARING OF FEBRUARY 9, 2024; TESTIMONY IN SUPPORT OF
SB2209, RELATING TO THRILL CRAFT**

I **support** this measure to modernize the definition of “thrill craft” in the State Boating Law to include the term “surfboard using a motorized hydrofoil,” also known as “e-foil.” This measure is in Maui County Council Legislative Package; therefore, I offer this testimony on the Council’s behalf.

The County Council supports this measure for the following reasons:

1. There has been an increase in recreational and commercial use of surfboards with e-foils, which can reach high speeds and may injure wildlife, swimmers, and snorklers.
2. Adding e-foils under the definition of “thrill craft” will allow these vessels to be regulated appropriately for their speed and the dangers they pose.

Thank you for your consideration.

ocs:proj:legis:24legis:24testimony:sb2209_paf23-002(44)_ebm

SB-2209

Submitted on: 2/6/2024 2:25:17 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Paul Lowchareonkul	Testifying for Official Hawaii Efoil Association	Oppose	Remotely Via Zoom

Comments:

Dear Committee,

My name is Paul Lowchareonkul. I am a Chief Executive Officer of a Silicon Valley High Tech Corporation and the Co-Founder of the Official Hawaii Efoil Association. My family and I live in Kailua (Oahu). We love Hawaii because of its diverse and inclusive culture, friendly people, community embodying the spirit of Aloha of love and fellowship.

I strongly oppose to the bills HB1878 and SB2209. It not only rejects the beautiful inclusive and respectful spirit of Hawaii, it also causes injury to tourism, commercial and local businesses. Furthermore, it creates confusion to government enforcement groups such as DLNR and the US Coast Guard. Additionally, the bill inaccurately describes what an “Efoil” watercraft is according to industry standards, creating ambiguity in the judicial system.

By categorizing an Efoil as a “Thrill Craft”, allowing Efoil enthusiasts to enjoy the sport in the same environment/zone as an actual Thrill Craft, increases the risk for life threatening accidents, specifically endangering Efoilers lives. This is the same reason why motorcycles and mopeds do not belong in the same space on the road because the same rules can not be applied to both. Therefore, Jet Skis and Efoils do not belong together.

An Efoil operates at 5-14MPH with a silent, zero emission electric motor with no wake, compared to a Jet Ski operating at 30-70MPH with a combustion engine creating heavy wake. Operating watercraft in the same vicinity with little to no commonality is extremely dangerous.

Our Association, has engaged directly with DLNR Headquarters executive staff who has carefully reviewed the current way that Efoils are classified. DLNR said that they are happy with the current way Efoils are classified as a vessel and not a thrill craft. The DLNR team has also confirmed that there have been ZERO safety incidents involving Efoils since its inception.

Additionally, the State of Hawaii Department of Attorney General confirms “..we conclude that an e-foil is not a thrill craft as that term is defined in HRS § 200-23...” signed Clare E. Connors Attorney General dated March 17, 2021. (A copy of the letter is available upon request).

Most importantly, the new bills HB1878 and SB2209 does not accurately describe an Efoil. The method of propulsion is not applicable to an Efoil, the speed described is not applicable. These

reasons alone should disqualify the bill from moving forward due to its inaccuracy of describing the watercraft as it is currently being operated in the real world.

Upon further research from our Association, this bill appears to have been created by a group on Maui who simply do not understand an Efoil. It is unclear why this group wishes to deny the Efoil community access to the public beaches and our basic human right to enjoy the ocean in a safe and responsible manner. This atmosphere of prejudicious and discrimination simply because a group does not like or understand EFoils is not only Anti-American, it is Anti- Hawaiian.

If there are specific concerns from the group(s) that have inspired this bill, we ask them to be addressed at the appropriate local level and not punish or discriminate the entire Efoil community statewide from enjoying the beautiful waters of Hawaii like any other vessel without prejudicious.

Aloha and thank you for your time in reviewing my testimony.

Mahalo,
Paul Lowchareonkul

SB-2209

Submitted on: 2/6/2024 8:26:51 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Alika Ferreira	Testifying for Official Hawaii Efoil Association	Oppose	Remotely Via Zoom

Comments:

Testimony Opposing SB2209

Feb. 7, 2024

Aloha. My name is Alika Ferreira and I oppose SB2209.

I was born, raised, and currently reside in Kailua on the island of Oahu. I spend as much of my time as I can in the water enjoying various water activities. For the past three years, I have been most involved with efoils and wing foils as my favorite activities. I would like to offer you two points of view today.

FIRST, I offer you my point of view from an individual enjoying water sports in Hawaii. Like many of you, I have enjoyed recreational activities in the ocean on a boat, on a board, in a canoe, and underwater throughout my life in Hawaii. I will submit to you that the two fastest watercraft I have ridden was a 30-foot Zodiac raft tour on Kauai, and a Kawasaki Jet Ski near the reef runway. I would guess that I reached speeds of 35-45 miles per hour on each of these watercrafts. The most thrilling watercraft that I have ridden is by far the efoil.

For me, the best part about the efoil is how simple it is. It fits in the back of a car. It is quiet. It doesn't create a wake. It is like flying over water without a sound or a splash being made. The thrill is not from speed or power. The thrill comes from merging effortlessly with the ocean, whether riding on a wave, or flying over a glassy water surface.

If this bill is passed, you will cause a very serious situation between efoils and jet skis. While jet skis are capable of speeds of 65 mph or greater, an efoil is only capable of 30 mph, and that is scary to do. Even the great waterman Kai Lenny had a hard time controlling the efoil over 25 mph on calm water conditions. While jet skis are 10 feet long or more and weigh anywhere between 400 and 1200 lbs, efoils are at most 6 feet long and weigh only 70 lbs. The jet ski handles rough water conditions very well while the efoil avoids rough water conditions as best they can. The jet ski pushes so much water, it disrupts all the water around it while the efoil barely makes a splash. If I were to ride my efoil near a jet ski, the jet ski wake would continuously cause me to fall off my board, and I would become a swimmer in a jet ski area.

SECOND, I offer you my point of view from that of a commercial operator. I have provided efoil lessons for over 1000 customers. I have found that my customers most appreciate how safe they feel under my instruction, and how exciting it is to ride on a hydrofoil for the first time. We have been operating off of Keehi South Beach, near the DLNR office. A commercial jet ski operator has a zone about 2000 feet away from our efoil lesson site. I can tell you with 100% certainty that if my operation had to share space with that jet ski operation, customers would be seriously injured, and we would have incident reports filed with DLNR and the US Coast Guard every month. As it stands today, there have been exactly zero incident reports filed with DLNR involving an efoil. There have been complaints from third parties, but nobody has died, nobody has been seriously injured, and nobody has caused reportable property damage with an efoil.

My last point I would like to make today, if you would allow me to, is this:

Efoils are the new kids on the block, so we are getting picked on by those who don't like us. This bill has been introduced soaking with discrimination. This bill is trying to fit a square "efoil" peg into a round "thrill craft" hole. The water safety experts have thoroughly reviewed the efoil and have correctly determined efoils to be vessels, not thrill craft. The US Coast Guard and DLNR are in full agreement on this. As such, efoils are currently regulated as vessels, with minor exceptions. If you would like to know more about efoils, I am available to discuss this with any member of this committee or the community.

Mahalo.

OPPOSING STATEMENT

As the Owner and Inventor of Foil Drive, the manufacture of the original Foil Assist systems, I strongly oppose this bill on many grounds. It's not accurately addressing safety in any practical way and will actually increase the risk to people if enforced. There are many reasons to oppose the current bill but there is one area in particular I think is important, has been overlooked and needs to be understood by the regulators if they're trying to make an informed decision.

Crowded beaches, wave lineups and take off points.

Foil Drive allows people to use a small, lightweight motor (< 2 Hp) on their existing gear to assist alongside human power to get on foil, then turn the motor off to then foil with no assistance by the motor. **This ability has helped thousands of people around the world to foil in other locations, away from crowded lineups and beaches as they can use a small motor to catch waves and go place others cant.**

If this bill was to be introduced and preclude people from using a foil assist with a motor systems, it will directly force many people to congregate back into these already congested and crowded locations. Having a motor assist does NOT have a safety impact on balance it actually has the opposite effect where people can foil in locations where others are not located and by default reduce the risk of an accident. They ease congested locations and help spread people out and make greater use of the ocean.

The bill also discriminates against those who rely on and need an electric assist to help them enjoy their sport or overcome injury/disability. I personally suffer from shoulder injuries and this assisted motor system allows me to stay active and enjoy the ocean.

These foil assist systems also have the added benefit that it allows users to have a safety backup to return to shore if the conditions change in the ocean which happens often.

Just like an electric bicycle an electric motor adds to the humans ability but doesn't make it more dangerous by default. Implying that "anything with a motor" is now to be considered a PCW (Example a 300 HP Jet Ski) is just ridiculous.

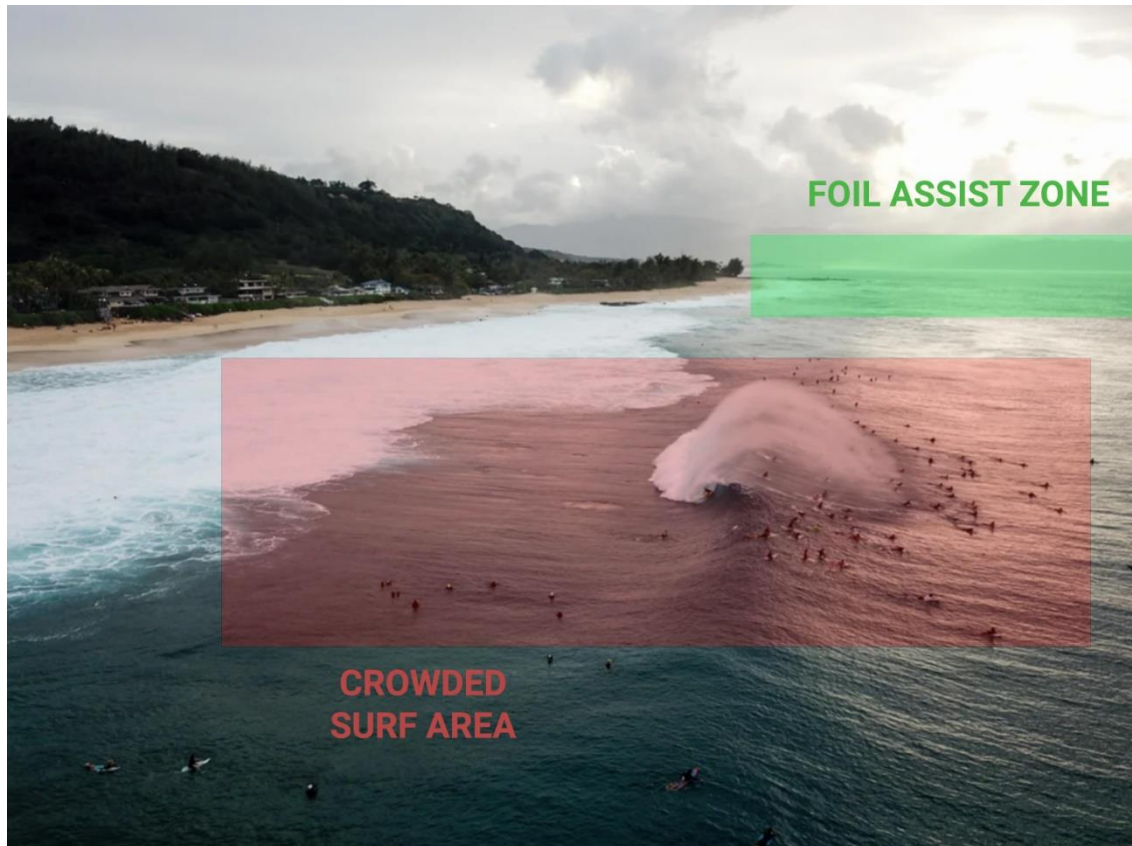
Unfortunately, unavailable for the public hearing, I am however available to discuss further at another time of convenience.

Paul Martin

Foil Drive CEO and Avid Foiler

FOIL DRIVE

Don't force more people back into the busy, crowded surf zones.



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foildrive.com

SB-2209

Submitted on: 2/8/2024 10:05:53 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Lee Gordon	Testifying for Mercury Marine - Brunswick Corporation	Oppose	Written Testimony Only

Comments:

Dear Senator Inouye and members of the committee:

On behalf of Mercury Marine who recently acquired Flite, and is a very popular engine in Hawaii, we would like to thank you for the opportunity to express our concerns about SB 2209 – relating to thrill craft. This bill, as written, would apply significant regulations to the individual users of eFoils, and on eFoil schools that exceed what is necessary to ensure safe operations and shared access to the ocean and beach. Our key concern is that SB 2209 would apply restrictions created for PWC on eFoils, a completely different type of vessel. In this instance, there are few common elements between eFoils and PWC from a user perspective.

For a number of reasons that differentiate eFoils and PWC, we request that the committee vote against this bill, and that it support designating eFoils as “other” and not PWC – an option provided by USCG.

DIFFERENCES BETWEEN EFOILS AND PWC

Personal watercraft provide drivers and riders with significant flotation and a safe platform to rest and regroup as needed. PWC have storage for water and sunscreen, as well as hand-held marine radios and Emergency

Position Indicating Radio Beacon (EPIRBs). They require minimal physical effort to operate in most conditions.

If the regulations for thrill craft are applied to eFoils, the result would be several unsafe or impractical situations. eFoils would be directed to use thrill craft zones at Hilo Bay, Kailua-Kona, Haleiwa, Kaneohe Bay

and Maunaloa Bay. These zones were created with the assumption that the operators of the thrill craft will be able to quickly return to safety from well offshore in the event of unexpected high winds or waves, fatigue or other unexpected conditions. PWC are also capable of running for several hours without refueling.

In contrast, an eFoil rider in thrill craft zone will be well offshore without these protections, the ability to carry water or easily adapt to rough conditions. eFoils operators have no easy way to carry a hand-held marine radio

or other safety equipment that one would often have when offshore in a thrill craft. While simple to master in calm conditions, it takes skill to ride eFoils in the conditions that are common in the thrill craft zones, yet there

would be an implication by law that it is safe, and even encouraged, for eFoil riders to travel offshore into these zones. State guidelines for the use of thrill zones strongly recommend that operators also carry EPIRBs in recognition of the inherent danger of operating offshore in small watercraft. State law should not be effectively pushing eFoil riders into these zones. While riders can operate outside of thrill craft zones, they still must be a minimum of 500 feet from shore or seaward of the fringe reef, again a distance that is significant for the eFoil rider. Thrill craft restrictions regarding launching also should not be applied to eFoils. eFoils weigh around 70 pounds when fully assembled, including a battery, and they can be disassembled into even lighter components. State law requires that thrill craft only gain access to state waters from launching or harbor facilities or from private beachfront property. While this may make sense when applied to a vessel weighing between 800 and 1,100 pounds, it is not an appropriate restriction for eFoils. Thrill craft rules also do not easily apply to eFoil schools. These few schools have significantly less impact on other persons in the ocean or on the beach, particularly compared to the conditions that lead to the creation of thrill zones in the 1990's. The eFoil schools are low impact, with limited noise or other disturbances for others. The eFoil schools teach riders to ride under the close supervision of experienced instructors. The riders learn to ride appropriate distances from shore and others in the water, and to control their boards and speed. Given the differences between an eFoil school and a PWC rental, the limits to weekday-only operation go well beyond what is necessary to regulate this activity. Restricted days of operation will have a significant impact on the economic benefits that flow from these schools. Weekend jobs, tourism, and spending will be less, and will be felt by restaurants and other businesses in the vicinity of these schools. We recommend that the committee vote against SB 2209. EFoils have few similarities to personal watercraft and their operation should not be subject to the same regulations. Thank you for your time.



To: Honorable Chair Inouye, Vice-chair Elefonte, and Senate Water and Land committee members

Feb. 9, 2024, 1:10 pm

Re: SB2209 in STRONG SUPPORT

For the Fishes, dedicated to the protection of coral reef wildlife, supports SB2209, which would update the definition of thrill craft, and specifically include hydrofoils in that definition. We sincerely thank the Committee for considering this important matter that affects Hawai'i's threatened coral reef wildlife.

This measure is urgently needed now because:

- Electric hydrofoil surfboards (e-foils) create extreme underwater noise pollution, emitting a continuous high-pitched sound that is audible by swimmers, snorkelers and scuba divers for hundreds of feet, and likely over a much greater distance by marine life. Listen here: <https://youtu.be/Otb6-xjAp7U>
- Coral reefs, including those in Hawai'i, are among the most threatened ecosystems on Earth.
- A Feb. 4, 2021 New York Times article (attached) describes research confirming that by drowning out the natural soundscape of the ocean, human-made noise is causing immense stress and becoming unbearable for undersea life, which in many cases relies upon natural auditory cues for their very survival.
- Natural auditory cues are especially important for coral reef wildlife. Reef fish larvae develop and drift in ocean currents until they are large enough to settle onto a coral reef. Recent research indicates that these larvae are guided to coral reefs by the sounds emanating from them. Larvae that cannot detect those auditory cues, because they are drowned out by human-made noise, may never make it to a reef.

Scientists agree that 70% of Hawai'i's coral reefs could be lost by mid-century from increasing ocean heat waves that are projected to increase in frequency in the coming years, until they occur every year by 2035. Scientists also agree that reducing stressors is essential if coral reefs are to persist beyond this century.

We thank the committee for hearing this important measure and considering these points, and urge you to manage hydrofoils and the harmful underwater noise pollution they create by passing SB2209.

Sincerely,

Rene Umberger
Executive Director

In the Oceans, the Volume Is Rising as Never Before

A new review of the scientific literature confirms that anthropogenic noise is becoming unbearable for undersea life.

By Sabrina Imbler

Feb. 4, 2021

Although clown fish are conceived on coral reefs, they spend the first part of their lives as larvae drifting in the open ocean. The fish are not yet orange, striped or even capable of swimming. They are still plankton, a term that comes from the Greek word for “wanderer,” and wander they do, drifting at the mercy of the currents in an oceanic rumspringa.

When the baby clown fish grow big enough to swim against the tide, they high-tail it home. The fish can’t see the reef, but they can hear its snapping, grunting, gurgling, popping and croaking. These noises make up the soundscape of a healthy reef, and larval fish rely on these soundscapes to find their way back to the reefs, where they will spend the rest of their lives — that is, if they can hear them.

But humans — and their ships, seismic surveys, air guns, pile drivers, dynamite fishing, drilling platforms, speedboats and even surfing — have made the ocean an unbearably noisy place for marine life, according to a sweeping review of the prevalence and intensity of the impacts of anthropogenic ocean noise published on Thursday in the journal *Science*. The paper, a collaboration among 25 authors from across the globe and various fields of marine acoustics, is the largest synthesis of evidence on the effects of oceanic noise pollution.

“They hit the nail on the head,” said Kerri Seger, a senior scientist at Applied Ocean Sciences who was not involved with the research. “By the third page, I was like, ‘I’m going to send this to my students.’”

Anthropogenic noise often drowns out the natural soundscapes, putting marine life under immense stress. In the case of baby clown fish, the noise can even doom them to wander the seas without direction, unable to find their way home.

“The cycle is broken,” said Carlos Duarte, a marine ecologist at the King Abdullah University of Science and Technology in Saudi Arabia and the lead author on the paper. “The soundtrack of home is now hard to hear, and in many cases has disappeared.”

Drowning out the signals



Seismic air guns on a seismic vessel in waters off Brazil. Leo Francini/Alamy

In the ocean, visual cues disappear after tens of yards, and chemical cues dissipate after hundreds of yards. But sound can travel thousands of miles and link animals across oceanic basins and in darkness, Dr. Duarte said. As a result, many marine species are impeccably adapted to detect and communicate with sound. Dolphins call one another by unique names. Toadfish hum. Bearded seals trill. Whales sing.

Scientists have been aware of underwater anthropogenic noise, and how far it propagates, for around a century, according to Christine Erbe, the director of the Center

for Marine Science and Technology at Curtin University in Perth, Australia, and an author on the paper. But early research on how noise might affect marine life focused on how individual large animals responded to temporary noise sources, such as a whale taking a detour around oil rigs during its migration.

The new study maps out how underwater noise affects countless groups of marine life, including zooplankton and jellyfish. “The extent of the problem of noise pollution has only recently dawned on us,” Dr. Erbe wrote in an email.

The idea for the paper came to Dr. Duarte seven years ago. He had been aware of the importance of ocean sound for much of his long career as an ecologist, but he felt that the issue was not recognized on a global scale. Dr. Duarte found that the scientific community that focused on ocean soundscapes was relatively small and siloed, with marine mammal vocalizations in one corner, and underwater seismic activity, acoustic tomography and policymakers in other, distant corners. “We’ve all been on our little gold rushes,” said Steve Simpson, a marine biologist at the University of Exeter in England and an author on the paper.

Dr. Duarte wanted to bring together the various corners to synthesize all the evidence they had gathered into a single conversation; maybe something this grand would finally result in policy changes.

The authors screened more than 10,000 papers to ensure they captured every tendril of marine acoustics research from the past few decades, according to Dr. Simpson. Patterns quickly emerged demonstrating the detrimental effects that noise has on almost all marine life. “With all that research, you realize you know more than you think you know,” he said.



The endangered Maui dolphin is bound to a specific biogeographic range and cannot relocate to quieter waters. Richard Robinson/Nature Picture Library, via Alamy

Dr. Simpson has studied underwater bioacoustics — how fish and marine invertebrates perceive their environment and communicate through sound — for 20 years. Out in the field, he became accustomed to waiting for a passing ship to rumble by before going back to work studying the fish. “I realized, ‘Oh wait, these fish experience ships coming by every day,’” he said.

Marine life can adapt to noise pollution by swimming, crawling or oozing away from it, which means some animals are more successful than others. Whales can learn to skirt busy shipping lanes and fish can dodge the thrum of an approaching fishing vessel, but benthic creatures like slow-moving sea cucumbers have little recourse.

If the noise settles in more permanently, some animals simply leave for good. When acoustic harassment devices were installed to deter seals from preying on salmon farms in the Broughton Archipelago in British Columbia, killer whale populations declined significantly until the devices were removed, according to a 2002 study.

These forced evacuations reduce population sizes as more animals give up territory and compete for the same pools of resources. And certain species that are bound to limited biogeographic ranges, such as the endangered Maui dolphin, have nowhere else to go. “Animals can’t avoid the sound because it’s everywhere,” Dr. Duarte said.

Even temporary sounds can cause chronic hearing damage in the sea creatures unlucky enough to be caught in the acoustic wake. Both fish and marine mammals have hair cells, sensory receptors for hearing. Fish can regrow these cells, but marine mammals probably cannot.

Luckily, unlike greenhouse gases or chemicals, sound is a relatively controllable pollutant. “Noise is about the easiest problem to solve in the ocean,” Dr. Simpson said. “We know exactly what causes noise, we know where it is, and we know how to stop it.”

In search of quiet



Cargo on its way to the port of Vancouver in British Columbia. Alana Paterson for The New York Times

Many solutions to anthropogenic noise pollution already exist, and are even quite simple. “Slow down, move the shipping lane, avoid sensitive areas, change propellers,” Dr. Simpson said. Many ships rely on propellers that cause a great deal of cavitation: Tiny bubbles form around the propeller blade and produce a horrible screeching noise. But quieter designs exist, or are in the works.

“Propeller design is a very fast-moving technological space,” Dr. Simpson said. Other innovations include bubble curtains, which can wrap around a pile driver and insulate the sound.

The researchers also flagged deep-sea mining as an emergent industry that could become a major source of underwater noise, and suggested that new technologies could be designed to minimize sound before commercial mining starts.

The authors hope the review connects with policymakers, who have historically ignored noise as a significant anthropogenic stressor on marine life. The United Nations Law of the Sea B.B.N.J. agreement, a document that manages biodiversity in areas beyond national jurisdiction, does not mention noise among its list of cumulative impacts.

The U.N.’s 14th sustainable development goal, which focuses on underwater life, does not explicitly mention noise, according to Dr. Seger of Applied Ocean Sciences. “The U.N. had an ocean noise week where they sat down and listened to it and then went on to another topic,” she said.

The paper in *Science* went through three rounds of editing, the last of which occurred after Covid-19 had created many unplanned experiments: Shipping activity slowed down, the oceans fell relatively silent, and marine mammals and sharks returned to previously noisy waterways where they were rarely seen. “Recovery can be almost immediate,” Dr. Duarte said.

Alive with sound



Squat lobsters on Seamount X, a submarine volcano in the Philippine Sea. NOAA Vents Program

A healthy ocean is not a silent ocean — hail crackling into white-crested waves, glaciers thudding into water, gases burbling from hydrothermal vents, and countless creatures chittering, rasping and singing are all signs of a normal environment. One of the 20 authors on the paper is the multimedia artist Jana Winderen, who created a six-minute audio track that shifts from a healthy ocean — the calls of bearded seals, snapping crustaceans and rain — to a disturbed ocean, with motorboats and pile driving.

A year ago, while studying invasive species in sea grass meadows in waters near Greece, Dr. Duarte was just about to come up for air when he heard a horrendous rumble above him: “a huge warship on top of me, going at full speed.” He stayed glued to the seafloor until the navy vessel passed, careful to slow down his breathing and not deplete his tank. Around 10 minutes later, the sound ebbed and Dr. Duarte was able to come up safely for air. “I have sympathy for these creatures,” he said.

When warships and other anthropogenic noises cease, sea grass meadows have a soundscape entirely their own. In the daytime, the photosynthesizing meadows generate tiny bubbles of oxygen that wobble up the water column, growing until they burst. All together, the bubble blasts make a scintillating sound like many little bells, beckoning larval fish to come home.

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February 8, 2024

Sen. Lorraine Inouye
Chair
Hawai'i Senate Committee on Water and Land
415 South Beretania Street
Honolulu, HI 96813

Re: SB 2209 – Thrill Craft

Dear Senator Inouye and members of the committee:

On behalf of the National Marine Manufacturers Association (NMMA), we would like to thank you for the opportunity to express our concerns about SB 2209 – relating to thrill craft. This bill, as written, would apply significant regulations to the individual users of eFoils, and on eFoil schools that exceed what is necessary to ensure safe operations and shared access to the ocean and beach.

Our key concern is that SB 2209 would apply restrictions created for PWC on eFoils, a completely different type of vessel. In this instance, there are few common elements between eFoils and PWC from a user perspective.

For a number of reasons that differentiate eFoils and PWC, we request that the committee vote against this bill, and that it support designating eFoils as “other” and not PWC – an option provided by USCG.

DIFFERENCES BETWEEN EFOILS AND PWC

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In contrast, an eFoil rider in thrill craft zone will be well offshore without these protections, the ability to carry water or easily adapt to rough conditions. eFoils operators have no easy way to carry a hand-held marine radio

or other safety equipment that one would often have when offshore in a thrill craft. While simple to master in calm conditions, it takes skill to ride eFoils in the conditions that are common in the thrill craft zones, yet there would be an implication by law that it is safe, and even encouraged, for eFoil riders to travel offshore into these zones. State guidelines for the use of thrill zones strongly recommend that operators also carry EPIRBs in recognition of the inherent danger of operating offshore in small watercraft. State law should not be effectively pushing eFoil riders into these zones.

While riders can operate outside of thrill craft zones, they still must be a minimum of 500 feet from shore or seaward of the fringe reef, again a distance that is significant for the eFoil rider.

Thrill craft restrictions regarding launching also should not be applied to eFoils. eFoils weigh around 70 pounds when fully assembled, including a battery, and they can be disassembled into even lighter components. State law requires that thrill craft only gain access to state waters from launching or harbor facilities or from private beachfront property. While this may make sense when applied to a vessel weighing between 800 and 1,100 pounds, it is not an appropriate restriction for eFoils.

Thrill craft rules also do not easily apply to eFoil schools. These few schools have significantly less impact on other persons in the ocean or on the beach, particularly compared to the conditions that lead to the creation of thrill zones in the 1990's. The eFoil schools are low impact, with limited noise or other disturbances for others.

The eFoil schools teach riders to ride under the close supervision of experienced instructors. The riders learn to ride appropriate distances from shore and others in the water, and to control their boards and speed. Given the differences between an eFoil school and a PWC rental, the limits to weekday-only operation go well beyond what is necessary to regulate this activity.

Restricted days of operation will have a significant impact on the economic benefits that flow from these schools. Weekend jobs, tourism, and spending will be less, and will be felt by restaurants and other businesses in the vicinity of these schools.

We recommend that the committee vote against SB 2209. Efoils have few similarities to personal watercraft and their operation should not be subject to the same regulations. Please contact me at ddickerson@nmma.org with any questions or concerns.

Sincerely,

David Dickerson
Vice President, State Government Relations

Efoils aren't Thrill Craft

Jacques Nadeau

February 2024

Hawaii Resident and Efoiler

WRT SB2209

Bad Analog: Efoils are nothing like Thrill Craft

- Thrill craft are 10x heavier than efoils
- Thrill craft are 10x more powerful than efoils
- Efoiling is largely done at pedestrian speed. Jet skiing happens at car speeds.

Vehicle	Efoil*	Jet Ski**	Comparison
Weight	50-70 lbs	700-900 lbs	>10x
Horsepower	7hp	125hp	>10x
Average Learning Speed	5-10 mph	30-50mph	>5x

* Based on Fliteboard Series 3 (average efoil)

** Based Yamaha Waverunner VX (average jet ski)

Good Analog: Efoiling is like Windsurfing

- If you want to categorize efoiling like another water activity, windsurfing has very similar characteristics in terms of speed and weight.

Vehicle	Efoiling	Windsurfing	Comparison
Weight	50-70 lbs	50-70lbs	Similar
Average Speed	15mph	20mph	Similar
Max Speed	30mph	40mph	Similar

Efoils are new and thus misunderstood—don't enshrine that in law

- Efoilers are just as fearful of Thrill Craft as everyone else
 - Just like a bicyclist is fearful of a car
- Efoils are similar to Ebikes.
 - Ebikes are regulated like bikes.
 - Efoils should be regulated like foils.

SB-2209

Submitted on: 2/6/2024 3:10:28 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Paul Fryer	Individual	Oppose	Written Testimony Only

Comments:

I've been efoiling for a few years, it's not dangerous. it's a great way to get people into the water and enjoy Hawai'i. These devices are dramatically different from a Jetski. They are basically just surfboards with a little motor on the bottom, not a gas powered jet, it's a little electric motor. If you are concerend about these getting too close to people you can implement some guidlines that efoils should stay 100 feet away from the surf zone, or something like that. Trying to group them into the same category as jetskis is just wrong, they are totally different things. Let's not kill something, just because we don't understand it.

SB-2209

Submitted on: 2/6/2024 3:40:05 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Dean Nakamaru	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. EFOil's should not be considered as thrill craft. Please!

SB-2209

Submitted on: 2/6/2024 4:02:01 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Mark Browning	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill

SB-2209

Submitted on: 2/6/2024 4:06:09 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Molly Forstall	Individual	Oppose	Written Testimony Only

Comments:

On Friday, February 9, 2024, the Committee and Water and Land is set to consider SB2209 “Relating to thrill craft”. This bill would incorrectly recategorize eFoils as thrill craft. I am opposed to this bill.

eFoils are quiet, electric, and non-polluting. eFoils are relatively small (shorter than most surfboards), light (can easily be carried, unlike jet skis and don’t require boat launch ramps or trailers), and are generally operated at relatively slow speeds (10 miles per hour). They produce no wake.

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

Indeed, the text of the bill demonstrates a fundamental misunderstanding of what an eFoil actually is. First, the finding that eFoils can reach the speeds of thrill craft is incorrect. Jet skis go an average of 55 mph, and can reach speeds of up to 70 mph. eFoils cannot go anywhere near this fast. The finding that eFoils can go much faster than “non-motorized hydrofoils” is also incorrect. As a resident of the Kailua Beach area, I can assure you that kite foilers can go much, much faster than eFoilers.

I think if you actually talk to those of us who eFoil, you will realize that we are not crazy thrill-seekers who want to disrupt the enjoyment of others in the water. I am a 54-year-old woman with absolutely no “need for speed,” nor am I an adrenaline junkie. The most dangerous thing I have ever done is downhill skiing on intermediate slopes. I love eFoiling because of the peacefulness that comes with gliding over the water, and because it allows me to explore the ocean in a way that simply wasn’t possible for me before I started to ride.

I am very concerned that if this bill passes, eFoilers will be limited to riding in a few very dangerous areas--that is, areas where true "Thrill Craft" are allowed. I don't want my friends and I to be competing with jet skis on the water--a competition that we will surely lose, perhaps even with tragic results.

Please defeat SB 2209 and allow eFoilers to continue to safely enjoy the beauty of Hawaii's waters without putting them in danger.

SB-2209

Submitted on: 2/6/2024 4:26:09 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Austin Weiner	Individual	Oppose	Remotely Via Zoom

Comments:

Good Day

I feel it would be a mistake and dangerous to classify efoils in the category as a jet ski that is a much larger vessel and posses a higher risk due to speed and wieght. As some one who enjoys the sport responsibly I don't believe there has been a issue that warrants this type of action and it would be a unnecessary. Efoiling is more like surfing and kit boarding from my perspective. And having them registered should be enough.

SB-2209

Submitted on: 2/6/2024 4:30:17 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Teratum Low	Individual	Oppose	Written Testimony Only

Comments:

I wrote this testimony to strongly oppose the bills HB1878 and SB2209. This is because "eFoil" and " Thrill Craft" are not the same and should not be blindly bundled into the same category. As the battery technology progresses, EV are becoming more and more in our lives. In a simple example, a bicycle shares the road with motor vehicles in the past. Putting an electric motor into a bicycle does not make a bicycle become a motorcycle. ebike still runs the bike lane with other bicycles.

In the same way, surfboards share the ocean waves and water with other watercrafts in the past. Putting an electric motor into a foil surfboard does not make it become a jet ski nor become a thrill craft. eFoil should still be able to run and share the ocean with other water sports (surfing, wind surf, kite surf, etc.)

I strongly oppose these 2 bills. Respectfully, please do not adopt these bills. Thank you.

Sincerely,
Teratum

SB-2209

Submitted on: 2/6/2024 4:38:31 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
James Dvorak	Individual	Oppose	Remotely Via Zoom

Comments:

I am writing to express my opposition and frustration with the proposed law change affecting Efoils.

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

This topic is not new and all previous attempts by these special interest groups to ban or reclassify Efoils have failed in both house and senate committees after review of all the facts.

Both the Hawaii State DOBOR and the State Attorney General have previously ruled and reconfirmed in public testimony that Efoils are not to be classified as thrill craft.

Efoils have been operating safely in Hawaii waters for many years, In that time there have been no documented injures to other people, whales, or marine life.

For many physically disabled people an Efoil is the only way for them to access and enjoy the ocean which should be protected in accordance with the Americans with disabilities act.

Despite being provided with this information these special interest groups continue to try and impose their will and agenda on their fellow citizens. They have continuously tried to re-classify Efoils as a thrill craft in an attempt to restrict peoples access to the ocean.

If there is a problem, we should pass laws to address the problem instead targeting a select group of people.

Boats and many other watercraft that are larger, faster and have more potential for damage are not banned or classified as thrill craft. Why would a different rule or logic be applied to a an Efoil?

Banning or restricting a certain watercraft is not the answer, The answer is to identify any problems that may exist and then make reasonable laws to address and target those problems instead of the watercraft used.

Sincerely, James Dvorak

SB-2209

Submitted on: 2/6/2024 4:51:02 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Vadym Ustyenko	Individual	Oppose	Remotely Via Zoom

Comments:

I strongly oppose this bill

SB-2209

Submitted on: 2/6/2024 4:51:42 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Aleksandr Peredereyev	Individual	Oppose	Written Testimony Only

Comments:

Aloha.

i am oppose this bill measures because from an economic experience of operating Efoil myself I can in fact say it is safe water activity and not like a thrill craft/jetski. Jetskis and boats are greater risk and a threat to environment and users of the ocean. You can not place them under same category.

I have stated this before but this bill is now getting pushed again for 3 rd time it was rejected twice. Please hear the Efoil/foil drive community. See or experience for your self and see the difference.

thank you for your time regarding this matter.

SB-2209

Submitted on: 2/6/2024 5:20:31 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Jonathan Schleif	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I am opposed to this bill. I think there may be some fundamental misunderstanding among those in favor of it, so let me clarify a few points.

- Efoils are **already regulated** as vessels, thus they cannot be ridden in areas near the beach, swimmers, surfers, etc.
- Efoils are not like thrill craft, they have a fraction of the horsepower and are operated at much lower speeds. I record my efoil rides with an app, and my average speeds are 10-12 mph. Every other rider I know rides at similar speeds.
- Efoils are electric, quiet, and leave no wake. Thus, they are more environmentally friendly than any other vessel or thrill craft out on the ocean.
- Reclassifying efoils as thrill craft will create a dangerous situation where efoils and thrill craft will be forced into close proximity. This is completely unnecessary and can be avoided by simply maintaining the status quo.

Efoiling is a wonderful activity and beloved by its participants. Don't fix it, it isn't broken!

Thank you,

Jonathan Schleif

SB-2209

Submitted on: 2/6/2024 5:23:25 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Oren Root	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I am writing to express my concerns about the proposed bill SB2209, which seeks to redefine the term "thrill craft" in the state boating law to include surfboards using a motorized hydrofoil, also known as e-foils. While I understand the need to update laws to keep pace with technological advancements, I believe this bill may inadvertently create safety issues and unfairly impact the e-foiling community.

One of my primary concerns is the safety of e-foilers. By classifying e-foils as thrill craft, e-foilers will be forced to share the same waters as faster and potentially more dangerous vessels like jet skis. This could increase the risk of accidents, despite the fact that e-foiling accidents in Hawai'i and across the U.S. are rare.

E-foils, with their small, quiet motors, typically travel at speeds of around 15 mph, which is in line with the speed of less maneuverable, non-powered vessels such as wing foils. In contrast, high-powered jet skis can reach speeds exceeding 55 mph. This significant difference in speed and maneuverability could lead to dangerous situations. E-foilers may not be able to quickly move out of the way of an oncoming jet ski, and jet ski operators may not see or hear an e-foil in time to avoid a collision.

Furthermore, the bill seems to serve the interests of a select group rather than the broader public. The proposed changes appear to favor wealthy beach house residents who may wish to limit e-foiling activities near their properties. This could lead to the privatization of public beaches, which goes against the spirit of public access and enjoyment of our beautiful coastlines.

In conclusion, while it is important to regulate new technologies for safety and fairness, it is equally important to ensure that these regulations do not unfairly disadvantage certain groups or create new safety risks. I urge you to reconsider the implications of SB2209 and to seek a solution that balances the needs of all stakeholders.

Thank you for your attention to this matter.

Sincerely,
Oren Root

SB-2209

Submitted on: 2/6/2024 5:43:43 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Christopher Haigh	Individual	Oppose	Written Testimony Only

Comments:

I oppose this measure.

SB-2209

Submitted on: 2/6/2024 5:51:19 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Ben Selove	Individual	Oppose	Written Testimony Only

Comments:

Hello. I am an owner of an efoil that has changed my life. I purchased my efoil a few years ago in hopes to find a way to surf on calm days with no waves, and to get away from crowds in the water. It is one of the most relaxing experiences to glide over the ocean in silence. It gives me a great feeling of peace.

I am compelled to submit a testimony in opposition to this bill because I can see that those who are trying to classify efoil as thrill craft are clearly either misled or are trying to mislead our legislators, as they are not producing factual information to support their position. Efoils are not the noisy, wake producing speed machines that make thrill crafts what they are. They are relaxing to ride as they go slower than a typical kite boarder and much much slower than actual thrill crafts like jet skis. They are also extremely quiet and produce no wake or pollution. Having to share an area to ride with jet skis would be dangerous, and would completely go against the reason I bought my board in the first place.

I, and I believe the rest of the efoil community are scratching out heads wondering what it is that has set some group of people on a path to take away the right to do something amazing in the water that doesn't require polluting or disturbing the environment. There are already laws that we must follow to register our boards, and to follow the laws governing where and how to ride which I am happy to follow. It would be a great disservice to efoil riders if we were stripped of our rights to ride in peace, and forced to operate in dangerous thrill craft zones.

SB-2209

Submitted on: 2/6/2024 6:12:03 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Benjamin S Jones	Individual	Oppose	Written Testimony Only

Comments:

On Friday, February 9, 2024, the Committee and Water and Land is set to consider SB2209 “Relating to thrill craft”. This bill would incorrectly recategorize eFoils as thrill craft. I am opposed to this bill. eFoils are quiet, electric, and non-polluting. eFoils are relatively small (shorter than most surfboards), light (can easily be carried, unlike jet skis and don’t require boat launch ramps or trailers), and are generally operated at relatively slow speeds (10 miles per hour). They produce no wake.

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

Indeed, the text of the bill demonstrates a fundamental misunderstanding of what an eFoil actually is. First, the finding that eFoils can reach the speeds of thrill craft is incorrect. Jet skis go an average of 55 mph, and can reach speeds of up to 70 mph. eFoils cannot go anywhere near this fast. The finding that eFoils can go much faster than “non-motorized hydrofoils” is also incorrect. As a resident of the Kailua Beach area, I can assure you that kite foilers can go much, much faster than eFoilers.

I am very concerned that if this bill passes, eFoilers will be limited to riding in a few very dangerous areas--that is, areas where true "Thrill Craft" are allowed.

Please defeat SB 2209 and allow eFoilers to continue to safely enjoy the beauty of Hawaii's waters without putting them in danger.

SB-2209

Submitted on: 2/6/2024 7:05:02 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Jaimee Dvorak	Individual	Oppose	Written Testimony Only

Comments:

I am writing to express my opposition to SB2209. This bill unjustly targets Efoil's out of every other watercraft in an attempt to restrict their access to the ocean.

I believe It would be a detrimental decision for several reasons.

These watercraft have several advantages that make them a valuable addition to the water sports and recreational boating industry. Here are some arguments against banning electric hydrofoils:

1. **Environmentally Friendly:** Electric hydrofoils are powered by electricity, which makes them emission-free and eco-friendly. By using electric motors, they reduce carbon emissions, noise pollution, and water contamination compared to traditional gasoline-powered watercraft. Banning them would hinder the progress toward more sustainable and green alternatives in the boating industry.
2. **Quiet Operation:** E-foils operate silently, without the loud engine noises associated with traditional watercraft. This helps maintain peace and tranquility in natural water environments, reducing disruptions to wildlife and other recreational users. The low noise levels also make them suitable for use in environmentally sensitive areas.
3. **Accessibility and Inclusivity:** Electric hydrofoils offer an opportunity for people of various ages and physical abilities to enjoy water sports and recreational activities. They require minimal physical effort and can be enjoyed by beginners and experienced users alike. Banning e-foils would deprive many individuals of the chance to experience the joy of gliding above the water.
4. **Innovation and Technological Advancement:** Banning e-foils would hinder technological progress in the water sports industry. These watercraft represent a significant leap in innovation and design, leading to the development of more efficient and sustainable boating technologies. Encouraging the use of electric hydrofoils can drive further research and development in the realm of eco-friendly watercraft.
5. **Economic Benefits:** The e-foil industry contributes to the economy by generating jobs, supporting local businesses, and stimulating tourism in water recreational areas. Banning electric

hydrofoils could lead to the loss of employment opportunities and negatively impact businesses that rely on this burgeoning industry.

6. Safety and Regulations: Rather than restricting access why not consider implementing proper regulations and safety measures for electric hydrofoils is a more balanced approach. Establishing speed limits, and guidelines for operating e-foils responsibly can ensure the safety of all water users while allowing the continued enjoyment of this innovative technology.

In conclusion, instead of restricting electric hydrofoils, it would be more reasonable to embrace them as a promising alternative in the watercraft industry. With their eco-friendly nature, quiet operation, accessibility, and potential for technological advancement, e-foils can contribute positively to the recreational boating experience while safeguarding the environment and preserving the joy of being on the water.

Sincerely, Jaimee Dvorak

SB-2209

Submitted on: 2/6/2024 7:29:29 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Uwe wessbe her	Individual	Oppose	Written Testimony Only

Comments:

Foil Drive/Foil Assist does not impose harm on the environment or on other surfers/citizens.
it is totally quiet/non polluting and benign.
Please let it continue without any restrictions. It is a great sport.

SB-2209

Submitted on: 2/6/2024 7:45:14 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Juifl Djuren	Individual	Oppose	Written Testimony Only

Comments:

I'm a foil assist user and this is an electric motor add-on for my foil board and barely weights 7lbs. It has very little power and only weights 20lbs for my whole setup including the surfboard. This setup allows me to catch and ride waves even with my bad shoulder. It is nothing like a Jetski with only a fraction of the power and basically the same size and weight as a normal surfboard. The purpose of the foil assist is to ride waves and it should not be in the same category as a powerful and heavy jet ski that requires no skills to operate.

Mahalo,

JD

SB-2209

Submitted on: 2/6/2024 7:50:52 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Thomas Winkler	Individual	Oppose	Written Testimony Only

Comments:

I am writing to express my strong opposition to SB2209, which seeks to classify motorized hydrofoils as thrill craft under Hawaii's state boating law. As a concerned citizen deeply invested in water safety, I firmly believe that this proposed classification does not make any sense because motorized hydrofoils use only a tiny fraction of power compared to thrill craft like jet skis and are much safer and environmentally friendly since they use electrical power.

SB-2209

Submitted on: 2/6/2024 7:55:07 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Man Nguyen	Individual	Oppose	Remotely Via Zoom

Comments:

I can try to write a testimony for you, but please note that this is **not** a legal advice and you should consult a professional before submitting it. Here is a possible testimony:

To whom it may concern,

I am writing to express my opposition to the proposed classification of efoils as thrillcraft in Hawaii. Efoils are electric hydrofoil surfboards that allow riders to glide above the water with minimal noise and environmental impact.

I realize that some operators of efoils may have not been as careful as they should be and may have upset other water sport goers. In these cases, as with any other new sporting activities require education and awareness so it can be safe.

They are not the same as jet skis or personal watercraft, which are loud, fast, and disruptive to marine life and other ocean users.

Efoils are a new and innovative way to enjoy the ocean, and they should not be subject to the same restrictions and regulations as thrillcraft. Efoils have a lower speed limit, lower power rating, and lower noise level than thrillcraft. They also have a higher maneuverability and stability, which reduces the risk of collisions and accidents. Efoils do not require a surf break or a wave to operate, and they can be used in calm and shallow waters, away from crowded areas.

Efoils are already regulated as motorized vessels in Hawaii, and they must be registered, insured, and equipped with safety devices. Efoil operators must also comply with all laws and rules that apply to motorized vessels, such as speed limits, prohibited areas, and marine animal protection. Adding another layer of regulation by classifying efoils as thrillcraft is unnecessary, unfair, and detrimental to the efoil community and industry.

I urge you to reconsider the proposed classification of efoils as thrillcraft, and to recognize the unique and beneficial characteristics of efoils. Efoils are a fun, safe, and eco-friendly way to explore and appreciate the beauty of Hawaii's waters, and they should be encouraged and supported, not restricted and discouraged.

Thank you for your time and attention.

Sincerely,

Man Nguyen

SB-2209

Submitted on: 2/6/2024 8:02:28 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Ryan Steck	Individual	Oppose	Written Testimony Only

Comments:

Statement Opposing Proposed Ban on Electric Hydrofoils in Hawaii

I am a resident of Hawaii and deeply concerned about the proposed bill to ban electric hydrofoils. This technology offers a cleaner, quieter mode of transportation and recreation, reducing emissions and noise pollution in our coastal areas. Banning electric hydrofoils would not only stifle innovation but also hinder tourism and economic opportunities. Instead of a ban, we should focus on implementing regulations for their safe use, fostering sustainability and economic growth for Hawaii.

SB-2209

Submitted on: 2/6/2024 8:05:49 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Eric west	Individual	Oppose	Written Testimony Only

Comments:

Honorable Members,

I stand before you today to express my strong opposition to Bill SB-2209, which proposes to categorize an e-foil as a thrill craft equivalent to a jet ski and/or miniature speed boat. Making this change with severely restrict the use of e-foils, and could no longer be utilized on a year-round basis. As a passionate advocate for water sports and a committed environmentalist, I believe this bill overlooks the numerous advantages e-foiling offers over traditional watercraft, particularly in terms of environmental impact, safety, and inclusivity. And in no way presents the same risks and dangers as jet, skis and miniature speed boats

Environmental Benefits:

Unlike gas-powered boats and jet skis, e-foils produce zero emissions. They glide above the water's surface with minimal disturbance to marine life, making them one of the most eco-friendly watercraft available today. At a time when our waterways are increasingly threatened by pollution and noise, e-foiling represents a step forward in preserving our aquatic ecosystems.

Safety and Noise Reduction:

E-foiling is inherently safer and quieter than many motorized water sports. The design limits speeds to levels that are exhilarating yet manageable, significantly reducing the risk of collisions and injuries. Furthermore, e-foils (Unlike jet, skis and miniature speedboats) operate almost silently, contributing to a more peaceful and enjoyable waterway environment for everyone.

Accessibility and Inclusivity:

E-foiling has opened up water sports to a broader demographic, including those who may find traditional surfing or boating less accessible. It requires less physical strength than surfing and can be a gentle way for people of all ages to enjoy the water, promoting a healthy, active lifestyle. It is especially popular with our visitors and provides one of the best island activities for them to enjoy, and also generate significant income for business owners their employees and tax revenue dollars Should this business be restricted to just six months a year it would no longer present a viable profitable business model

Economic Considerations:

The burgeoning e-foiling industry has stimulated local economies, creating jobs in manufacturing, sales, and instruction. Making e-foiling illegal half of the year would not only stifle this growth but also remove a source of enjoyment and physical activity for our community members.

Conclusion:

Before passing a law that would ban such an innovative and less invasive form of water recreation, I urge you to consider the benefits e-foiling brings to our community and environment. Rather than prohibition, we should aim for responsible regulation that ensures safety without curtailing the positive impacts of e-foiling.

Thank you for considering my testimony. I implore you to reject Bill SB-2209 and instead support measures that foster innovation, safety, and environmental stewardship in our water sports activities.

SB-2209

Submitted on: 2/6/2024 8:25:06 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
David Wilkie	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this short sighted and ill informed reclassification . It will handicap future tourism and leisure sports

SB-2209

Submitted on: 2/6/2024 8:29:17 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Matthew Callahan	Individual	Oppose	Written Testimony Only

Comments:

This bill will directly reduce water safety by mixing use of high power personal watercraft and low powered motor assist board such as efoils. Rather than doing the smart thing and reviewing use cases of different levels of power assist for different water sports and taking time to have agencies and users weigh in on what would be best for water safety, this just sets a blanket definition that eliminates normal use of a swath of water equipment en masse. The equipment eliminated from normal use here includes self rescue aids and equipment designed to promote water activity for people with physical impairments. How is that helping local watersport enthusiasts? I expect better of our local representatives and recommend a NO on this.

SB-2209

Submitted on: 2/6/2024 8:44:56 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Monte Bell	Individual	Oppose	Written Testimony Only

Comments:

As a regular foiler I wish to say we are self regulating. We are not thrill craft because we have barely enough power to get to the waves. I'm 70 years old and it helps me get just enough speed for the wave to get me up on foil.

Thank you

SB-2209

Submitted on: 2/6/2024 8:46:20 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Kate Ferreira	Individual	Oppose	Written Testimony Only

Comments:

Testimony Opposing SB2209

Feb. 7, 2024

Aloha. My name is Kate Ferreira and I oppose SB2209.

I was raised and currently reside in Kailua on the island of Oahu. I spend as much of my time as I can in the water enjoying various water activities. Recently my husband and sons have enjoyed efoiling more than any other activity.

I offer you my point of view from an individual enjoying water sports in Hawaii. Like many of you, I have enjoyed recreational activities in the ocean on a boat, on a board, in a canoe, and underwater throughout my life in Hawaii. I learned how to ride an efoil 3 years ago. Although I don't ride that often, my husband and sons do. They say that the most thrilling watercraft they have ever ridden is the efoil.

If this bill is passed, you will cause a very serious situation between efoils and jet skis, which endangers the people I love the most. While jet skis are capable of speeds of 65 mph or greater, an efoil is only capable of 30 mph, and that is scary to do. Even the great waterman Kai Lenny had a hard time controlling the efoil over 25 mph on calm water conditions. While jet skis are 10 feet long or more and weigh anywhere between 400 and 1200 lbs, efoils are at most 6 feet long and weigh only 70 lbs. The jet ski handles rough water conditions very well while the efoil avoids rough water conditions as best they can. The jet ski pushes so much water, it disrupts all the water around it while the efoil barely makes a splash. If my sons and my husband are expected to operate their efoils in jet ski zones, they will be in danger of be injured or worse by powerful jet skis.

Please defeat this bill.

Mahalo.

SB-2209

Submitted on: 2/6/2024 9:08:39 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Michelle Cheung	Individual	Oppose	Written Testimony Only

Comments:

I am compelled to voice my opposition to SB2209, a measure that not only threatens the burgeoning community of eFoilers but also challenges Hawaii's long-standing tradition of pioneering and embracing ocean sports. Hawaii's history is rich with examples of fostering innovation in oceanic activities, and to restrict eFoiling is to turn our backs on this legacy, setting a precedent that could stifle the growth of nascent and often misunderstood water sports.

This bill, by restricting eFoiling, could potentially alienate a community that is at the forefront of embracing and responsibly sharing the ocean, a community that is not just partaking in a sport but is also actively engaged in setting safety and environmental stewardship as its highest priorities.

Our commitment goes beyond personal enjoyment; it involves actively sharing best practices for each site and ensuring that we share the ocean responsibly. Safety is our community's utmost priority, underscoring every activity we undertake. This initiative reflects not only on eFoilers but also benefits tourists, locals of all ages, and the diverse fabric of our ohana, enriching Hawaii's vibrant community and its connection to the sea.

To restrict eFoiling would not only limit a recreational activity but also risk dissolving a community united by shared values and a mutual care for our marine environment. It is essential to recognize that the impact of such legislation extends beyond individual participants to the broader fabric of Hawaii's ocean sports culture.

In opposing SB2209, I urge you to consider the broader implications of such restrictions on Hawaii's reputation as a haven for ocean sports innovation and community inclusivity. Let us work together to find a balanced approach that continues to allow for the growth of emerging water sports while prioritizing the safety and preservation of our marine environment.

SB-2209

Submitted on: 2/6/2024 9:13:24 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Jun James Sogi	Individual	Oppose	Written Testimony Only

Comments:

I oppose the language "surfboard with motorized hydrofoil" I use an Assist Foil Drive on my foil board to assist catching waves. I am 70 years old. It is different than an efoil. The prohibition should only apply to motorized hydrofoils over 5 hp that can go over 20mph. As written it is overbroad. My foil drive is only 1 hp.i need it to surf. The law would prohibit me from surfing. Please amend the bill.

SB-2209

Submitted on: 2/6/2024 9:13:28 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Anastasia Root	Individual	Oppose	Written Testimony Only

Comments:

Dear legislators,

I am reaching out to you as the concerned spouse of an avid e-foiler to discuss the proposed bill SB2209, which aims to categorize e-foils under the definition of "thrill craft" within our state boating laws. My apprehension regarding this bill stems from the potential safety hazards it could introduce to e-foilers, including my partner, by forcing them to share waterways with much faster and more powerful vessels such as jet skis.

E-foils are equipped with small motors that allow for a cruising speed of approximately 15 mph, a stark contrast to the capabilities of jet skis, which can exceed speeds of 55 mph. The disparity in speed and power between these two crafts is not just a matter of performance, but of safety. E-foilers, due to their lower speeds and quieter operation, are at a disadvantage when it comes to avoiding fast-approaching jet skis, whose operators may not be able to detect the presence of an e-foil in time to prevent a collision.

Moreover, the rarity of e-foiling accidents both in Hawaii and nationwide suggests that e-foilers have been able to safely enjoy their sport without posing significant risks to themselves or others. This bill, however, could inadvertently increase the likelihood of accidents by placing e-foilers in the path of high-speed thrill craft.

In light of these concerns, I implore you to reconsider the ramifications of SB2209. It is crucial that we find a balanced approach that ensures the safety of all watercraft users without unfairly targeting or endangering the e-foiling community.

Thank you for taking the time to consider my perspective on this important issue.

Sincerely,
Anastasia Root

SB-2209

Submitted on: 2/6/2024 9:22:50 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Cecily Robyn Lough	Individual	Oppose	Written Testimony Only

Comments:

I oppose any laws limiting the use of eFoils or Foils assists in the harbor and waterways of Maui.
Thank you, Cecily Robyn Lough

SB-2209

Submitted on: 2/6/2024 9:24:54 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Jon McCabe	Individual	Oppose	Remotely Via Zoom

Comments:

I am writing to express my vehement opposition to the proposed bill SB2209 that will create regulations on efoil usage in Hawai'i waters. As a passionate advocate for water sports and a resident who deeply cherishes the beauty and freedom of our island's coastal waters, I believe that imposing stringent regulations on efoil usage would be a grave mistake.

Efoils, or electric hydrofoils, represent an innovative and environmentally friendly way for people to enjoy our oceanic paradise. These cutting-edge devices offer a thrilling yet eco-conscious means of exploring our waters, without the noise and pollution associated with traditional motorized watercraft.

First and foremost, e-foils provide accessibility to individuals of varying physical abilities. Their ease of use and stability on the water make them an ideal option for those who may not have the strength or mobility to engage in other water sports. By restricting efoil usage, we would be denying these individuals the opportunity to experience the sheer joy and sense of freedom that comes from gliding gracefully over the waves.

Furthermore, e-foils are low-impact on the marine environment compared to gas-powered watercraft. They produce no emissions, no oil spills, and minimal noise pollution, thereby minimizing their ecological footprint. In a time when we are facing unprecedented environmental challenges, we should be embracing and encouraging the adoption of clean, sustainable technologies like e-foils, rather than stifling their growth with unnecessary regulations.

It is also crucial to consider the economic impact of these regulations. Hawai'i's tourism industry relies heavily on recreational activities such as surfing, snorkeling, and paddleboarding to attract visitors. E-foils represent a unique and exciting addition to the array of water sports available, attracting a new demographic of tourists and providing a boost to local businesses that offer e-foil rentals and tours. By imposing burdensome regulations on e-foils, we risk stifling innovation and driving away potential visitors, ultimately harming our economy and livelihoods. In addition, there are already laws in place that allow the state to regulate e-foils accordingly and protect Hawai'i, there is no need for this change

To my knowledge this bill has been created based on complaints by swimmers/snorkelers that have felt fear of e-foils in the Kaanapali Maui area from my research. These isolated complaints should have been dealt with at that specific location only. There is no proven evidence showing

that e-foils endanger or hurt a single person or any marine life in Hawai'i. Alternatively, it would be impossible to count the amount of damage swimmers/snorkelers have done to our reef with unsafe sunscreens and by going on gas powered boats. Shark attacks/reef injuries do way more damage on people than e-foils will ever do. These complaints from fearful swimmers to Maui council are much more likely to get bitten by a shark or attacked by other marine life but take this risk knowingly so this is not a valid reason without evidence. Furthermore, to restrict all of Maui and Hawai'i over this is not ok as it will hurt all of Hawai'i.

Here are some things we as local e-foilers do to protect Hawai'i and the people. We save other water users that need help and are certified in rescue CPR/first Aid. We wear reef safe sunscreen and encourage others to use only reef safe products. We organize beach cleanups. We stay off of shallow reef areas. We don't produce any carbon emissions or release any fuel into the ocean. We ride slower than 15mph with a high vantage point so we can see beneath us better than any other ocean user and can easily avoid collisions before they happen. We give priority to every other ocean user no matter what.

In conclusion, I urge policymakers to reconsider the proposed regulations on efoil usage in Hawai'i. Instead of viewing efoils as a problem to be regulated, we should embrace them as part of the solution to creating a more sustainable and inclusive future for our island home. Let us work together to strike a balance between preserving our natural resources and fostering responsible enjoyment of our oceans.

Thank you for considering my testimony.

Sincerely,

Jon McCabe

SB-2209

Submitted on: 2/6/2024 9:31:59 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Harold Alhadeff	Individual	Oppose	Written Testimony Only

Comments:

This bill makes no provision for handy cap users of foil drives under one horse power. I am crippled and use a foil drive to get me out to where I can use my foil to catch waves. It's very slow and the only exercise I can do. Other handycap surfers use a electric boost fins on long boards that are under 2 horse power. The wording on this bill should have a provision for motors of less than 2 horse power. Mahalo Harry Alhadeff

SB-2209

Submitted on: 2/8/2024 8:04:41 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
James	Testifying for Oppose the bill. Hydrofoils are not a thrill craft	Oppose	Written Testimony Only

Comments:

I hear by oppose this bill. Hydrofoiling iis not a thrill craft. Also motor can not go more than 10mph and does not put out any wake. Also weighs under 50 poiunds. How can it be classified the same as a jet ski?? Makes no logical sense

SB-2209

Submitted on: 2/6/2024 10:10:13 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Iva L.	Individual	Oppose	Written Testimony Only

Comments:

This testimony is to oppose the bill due to the mislabeling the Efoil board as a “thrill craft”. As a petit woman, wife and a mother, I do not feel safe for my family nor my self to be riding Efoil next to jet skis, wave runners and other thrill crafts. The speeds that the actual thrill crafts operate are very fast and dangerous. Placing low speed Efoil and thrill crafts in the same area/zone can be life threatening. The Efoils do not disturb marine life, they reduce carbon footprints and most operate under lower speed than basic low-tech water sports. We have always been respectful to the community, beaches and do feel that the reasoning behind this bill has no relevance to the actual Efoil crafts. Our family not only feels that the passion, rights and freedom for this very safe sport has been mislabeled, but also discriminated against. We strongly oppose to the bill.

SB-2209

Submitted on: 2/6/2024 10:11:56 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Pat Morrisey	Individual	Oppose	Written Testimony Only

Comments:

I am submitting my testimony/ comments in my strong opposition to SB2209.

It appears this bill would unnecessarily restrict efoils and other so-called motorized surfboards while categorizing them in with other much more powerful unrelated craft. Restrictions on so called "thrillcraft" are completely inappropriate and unrealistic for surfboards with small electric motors.

Many of the efoil type surfboards use the motor a small part of the time and ride the surf independently from the motor with the motor turned off. Additionally many of the motors are called "foil assists" and are temporarily attached to the hydrofoils. They are completely separate from the surfboard.

The sport activities associated with Efoils and Foil Assist units are very quiet and low impact. It feels very much like government overreach to lump these in with other faster, louder and more intrusive watercraft.

I encourage policymakers to rethink this bill as it places an unfair burden on the population.

Thank you for your consideration.

Respectively,

Pat Morrisey

SB-2209

Submitted on: 2/6/2024 10:19:28 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Vic Dalmacio	Individual	Oppose	Written Testimony Only

Comments:

It is because it is a new thing that people oppose. Yes it is as dangerous as any other water activity. But the irresponsible operators are mostly rental customers. The rental companies need to educate them as part of their instructional lessons. The people who own them have paid a lot of money for them so they are always used in a responsible, safe manner. Talking with owners they seem very responsible in taking precautions not to damage the ocean environment and their equipment. It all starts with education. Rentals educate their customers. The state educates the new owners upon registration process. Anyone who is not compliant at that point should be dealt with individually.

SB-2209

Submitted on: 2/6/2024 10:48:47 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Paul Cooper	Individual	Oppose	Written Testimony Only

Comments:

Including a motorized hydrofoil to be treated as a jet ski is like making e-bikes be treated as an automobile. It doesn't make any sense.

SB-2209

Submitted on: 2/6/2024 11:03:55 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Tim kim	Individual	Oppose	Written Testimony Only

Comments:

Strongly oppose this bill. It's ridiculous.

SB-2209

Submitted on: 2/6/2024 11:06:39 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Dima Auramenko	Individual	Oppose	Written Testimony Only

Comments:

E-foils are not as fast as any other recreational watercraft. They also very light. There is no danger to the public from e-foils.

SB-2209

Submitted on: 2/7/2024 12:26:34 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Ben Jamieson	Individual	Oppose	Written Testimony Only

Comments:

The information is incorrect and false. Un-motorised hydrofoils can reach speeds far exceeding the top speed of some motorised foils.

The definition of a motorised foil must be properly identified and catagorised as they are not all capable of the same things. Some are very low power with very low potential top speeds, far slower than most un-motorised speeds.

SB-2209

Submitted on: 2/7/2024 12:48:12 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
ookkrit Boonprakong	Individual	Oppose	Written Testimony Only

Comments:

Anything less than 10hp should not be considered a thrill craft.

SB-2209

Submitted on: 2/7/2024 1:29:21 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
David Bauss	Individual	Oppose	Written Testimony Only

Comments:

Efoils cannot be placed in the same category as jet skis. That would be very unsafe for the Efoil who goes much slower. Efoils do not pose a threat to swimmers as they are ridden much farther out in the ocean.

SB-2209

Submitted on: 2/7/2024 2:00:12 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Colonel John York	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

This proposed legislation regarding e-foils as a thrill craft is not an accurate representation of the e-foil. I strongly oppose this legislation . I am an avid and active waterman. I surf, SUP, kiteboard, kitesurf, foil and kitefoil as well as e-foil. I am certified by the State of Hawai'i to tow-in surf from a thrillcraft.

My experience as a fighter pilot for the last 35 years has been related to safety and risk management. The efoil is safe to operate and safe to be around in the water.

Furthermore, the community of efoilers is mature and respectful of others in the water and on the land.

Everyone knows the efoil is not a thrillcraft.

I respectfully request you reject this legislation that has been proposed to label the efoil as a thrillcraft.

Mahalo, Colonel John Y (retired USAF)

SB-2209

Submitted on: 2/7/2024 2:20:51 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Ryan jones	Individual	Oppose	Written Testimony Only

Comments:

This is electric silent does not pollute like boats. It's not the same and shouldn't be regulated as such

SB-2209

Submitted on: 2/7/2024 3:27:00 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
David Dev	Individual	Oppose	Written Testimony Only

Comments:

No.

SB-2209

Submitted on: 2/7/2024 4:19:41 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Phill	Individual	Oppose	Written Testimony Only

Comments:

Please do not ban the use of electric hydrofoil devices.. I've been riding one for almost 5 years now, it has drastically improved my mental health and has zero negative aspects. It's 2024 I, these devices are the future. Please please do what's right.

thank you

Phill

SB-2209

Submitted on: 2/7/2024 6:00:46 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Greg A Yamada	Individual	Oppose	Written Testimony Only

Comments:

I own a Foil Drive, which is an electric motor that retrofits to existing hydrofoil equipment. It is not capable of going 15mph under its own power. It is intended as an "assist" to get onto foil and then the electric motor is shut off and out of the water.

More importantly, the vast majority of all "surfing" accidents or injuries happen to the operator not the other watercraft users.

Surfing presents many hazards, it is the nature of the sport. Motor or not.

SB-2209

Submitted on: 2/7/2024 6:21:22 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Drew	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. E foils are not thrill seeker crafts like a jet ski would be. This is like comparing an E bike to a motorcycle. E bikes do not operate on the highways like motorcycles would, and e foils should not be operating in the same areas as a jet ski.

SB-2209

Submitted on: 2/7/2024 6:29:05 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Ying Ma	Individual	Oppose	Written Testimony Only

Comments:

Sufing and Efoiling is our family seasonly activity in Hawaii, Many people love these water sports, Please allow us to do this in Hawaii islands.

SB-2209

Submitted on: 2/7/2024 6:32:53 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
jaynakahara	Individual	Oppose	Written Testimony Only

Comments:

I oppose to SB2209 because a Efoil does not have the power or speed to be used near a jet ski . I ride my Efoil at 5 to 6 mph . As a jet ski that's going 45mph could kill me if it hits me. I always look out for swimmers in the water.

SB-2209

Submitted on: 2/7/2024 6:34:27 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Ravi Tank	Individual	Oppose	Written Testimony Only

Comments:

I'm writing to oppose this bill aiming that classifies efoils as a thrill craft in Hawaii. As an efoil enthusiast and swimmer, I find efoiling to be a quiet and non-disruptive sport. It doesn't interfere with my swimming routine since I use designated swimming spots.

Efoiling is unique for its silent operation, unlike other water sports with loud engines. It allows riders to glide smoothly across the water without disturbing others or the environment. In my experience, efoil riders are respectful of swimming areas, ensuring compatibility with other water activities.

Efoiling provides a way to connect with nature and enjoy our ocean environment. Banning it would limit access to a safe recreational activity.

SB-2209

Submitted on: 2/7/2024 6:35:16 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Glen Michael Volk	Individual	Oppose	Written Testimony Only

Comments:

Good day. I strongly oppose SB 2209. I am a person that foils. I use paddle power and I use e foils. I also use wings.

E foils are not motorized craft in the sense of a jet ski. They are used as an assist into waves that are not generally assessable by surfers. They are also used as a training tool to help teach the fundamentals of foiling. If this bill had passed three years ago I never would have been able to learn to foil because this designation would have made it impossible for me to use it at a place I could get to.

Thank you.

SB-2209

Submitted on: 2/7/2024 6:37:44 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Christian Hawkinsonl	Individual	Oppose	Written Testimony Only

Comments:

I am a current user of an Efoil in Kailua, HI. I ride it out in the middle of Kaneohe Bay and am not near any groups of people or homes along shorelines. I and see no logical reason that I should be banned from usage.

I do not believe the Efoil creates any nuisance to others nor the wildlife here in Hawai'i.

I do not believe the Efoil should be grouped with other thrill craft as it is a slow, quiet, non-carbon burning, good for the environment surfboard. The threat it creates to our wildlife is nil. It emits no toxic gases or pollutants which pose a threat to our aquatic life such as jet skis, or even boats do.

Lastly, the cost of Efoils makes them only available to an older, more thoughtful group of people and not to young kids who may often push the limits near others.

Please do not ban Efoils with this bill. It makes no sense.

Respectfully,

Christian Hawkinson

SB-2209

Submitted on: 2/7/2024 6:48:40 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Ryan Wong	Individual	Oppose	Written Testimony Only

Comments:

Hydrofoils are **not** fit for this proposed classification. While they may be faster than a swimmers, on average they **cannot** reach the speeds of jet skis, speed boats, surf jets, etc. With hydrofoils, there's no liquid fuel involved, no beach, erosion from wakes generated, hydrofoils don't blow holes in the reef from water jet powered engines like jetskis do.

Moreover, I strongly suggest looking at where the activism behind this bill's submission is coming from. Isolated events in tourist-heavy locations should **not** affect citizens all across Hawaii, who enjoy hydrofoils responsibly.

SB-2209

Submitted on: 2/7/2024 7:15:39 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Stephen Turney	Individual	Oppose	Written Testimony Only

Comments:

I am testifying in opposition to the proposed bill to classify Efoils as thrill craft. Efoils are quiet, do not give off a wake, they don't pollute, and they can be carried by hand. Efoils are safe and should not be classified as the same category as jet skis. If this bill passes, there will be a massive increase in injuries and possible deaths due to the fact that Efoilers would have to share small areas with jet skis. Jet skis are heavy, can travel at speeds up to 60MPH and most jet ski riders are inexperienced. This is a recipe for disaster.

SB-2209

Submitted on: 2/7/2024 7:25:38 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Chris Corcino	Individual	Oppose	Written Testimony Only

Comments:

Do not pass this bill. These motorized vessels do not go any faster those who are big wave surfing on the outer reefs. These motorized foils allow us to have fun in the surf and flat water. This bill is the opposite of Aloha and should never even be brought up. Very few people are getting hurt with these types of "thrill crafts" and even fewer are getting hurt who are not on these crafts.

SB-2209

Submitted on: 2/7/2024 7:34:51 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
giampaolo cammarota	Individual	Oppose	Written Testimony Only

Comments:

I have a medical condition called trigger finger. I had 4 surgeries, but I still suffer from it. I use a small motor to slowly go out to the waves sitting on my foil board. Without it, I couldn't do it because of my bad fingers. I don't provide any danger to anyone else, because the speed at which I move is around 3-5 mph, even though the motor could go faster than that. Legislation should be based on how one uses the motor, not on how fast the motor can potentially go.

Aloha.

SB-2209

Submitted on: 2/7/2024 7:38:25 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Scott Templin	Individual	Oppose	Written Testimony Only

Comments:

As a foil enthusiast, I oppose this bill. The state of Hawaii needs to focus its attention on issues that really impact its citizens and guests. Crime, drug abuse, and debt are a few that come to mind.

SB-2209

Submitted on: 2/7/2024 7:41:44 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Felipe	Individual	Oppose	Written Testimony Only

Comments:

I am writing to express my strong opposition to the proposed bill that seeks to ban thrill craft, including foil drives, from operating in Hawaiian waters. As an avid user of a foil drive, I wish to share my perspective on why this bill, in its current form, could have unintended negative consequences for the diverse community of water sport enthusiasts in Hawaii.

Firstly, I want to highlight the commitment of the foil drive community to safety and respect in the water. We understand the importance of coexisting harmoniously with all users of our beautiful ocean. To that end, we have consistently practiced and promoted responsible behaviors, such as maintaining a safe distance from surfers, swimmers, and other watercraft, as well as always giving priority to others in the water. These practices ensure that we minimize our impact on the environment and other ocean users.

The proposed bill, by singling out thrill crafts, fails to recognize the efforts of responsible users like us who are dedicated to safe and respectful practices. It is essential to acknowledge that with proper regulations and education, there is ample room for all to enjoy the ocean safely, without the need to impose outright bans on specific types of watercraft.

Moreover, the passage of this bill could stifle the evolution and diversity of water sports in Hawaii. Water sports are continually evolving, with innovations like foil drives representing the cutting edge of this evolution. These advancements not only enhance the experience for enthusiasts but also contribute to the local economy by attracting tourists and fostering a vibrant community of water sports businesses.

Labeling the ban as a necessary step to protect our waters, without considering the broader implications, risks making Hawaiian waters exclusive to certain disciplines. This exclusivity can inadvertently lead to a form of discrimination against emerging and innovative water sports, which contradicts the inclusive spirit of the ocean and the diverse culture of Hawaii.

In conclusion, I urge you to reconsider the proposed bill's approach to managing thrill crafts in Hawaiian waters. A more balanced and inclusive strategy that promotes education, responsible use, and the development of clear guidelines can ensure safety and harmony among all ocean users. Let us work together to preserve the inclusivity and diversity of water sports in Hawaii, ensuring that our waters remain a welcoming space for all disciplines.

Thank you for your attention to this matter

SB-2209

Submitted on: 2/7/2024 7:46:34 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Robello Billy	Individual	Oppose	Written Testimony Only

Comments:

Aloha, my name is Billy Robello, I am writing this written testimony in opposition to senate bill 2209. I am a direct descendent of Duke Kahanamoku. Our familys history of water sports and wave riding goes back to the very beginning on the beach of Waikiki. Every waterman out there is always in the pursuit of excellence and taking their sport to the best of their ability and that comes with some risk. I've competed at the Olympic level in kayaking and surfski paddling. I have done numerous Molokai to Oahu, solo and team channel crossings on outriggers, standup paddleboard's, and most recently on my Efoil. At this stage in my life at age 60, this sport gets me back into the ocean, which is my spiritual therapy. I consider myself one of many top Waterman in the state of Hawai'i. If you don't know who I am your either too young, or out of touch. Therefore I feel I can speak on this matter. Keyword is Waterman. Like in every sport, there's a lot of novices and wannabes out there, and those are the ones who think they're good and ruin it for the rest of us. They just don't have the water knowledge or common sense to prevent their craft from injuring others. They're just not Akamai to their surroundings. They're always in the wrong place at the wrong time. Such as in designated swimming areas or populated surf spots. I'm not against regulating Efoiling. I'm against classifying it as a thrill craft. We already have to register these little 4 foot boards with Harbors division annually, and get issued HA decals to be placed somewhere visible on these little boards. I can say with 100% certainty that these Efoil boards are environmentally friendly. They do not cause the proven marine damage that other thrill craft can do such as JetSki's. There's no jet powered propulsion that can blow holes in the reef at low tides killing or forcing the relocation of sea life. In fact, you can't even operate it in shallow waters like jet skis can. It doesn't produce wakes to erode the shoreline. It doesn't have chemical fuels, such as gas, diesel, or motor oil that spill into the ocean causing massive cleanup's. Efoils are clean. The DLNR does a great job at enforcing the law on this matter. Leave the current thrill craft law in place and don't group efoils in with them. As for the sound it makes under water. I believe not enough study has been done on the Efoil to make that determination on any harm it may cause to marine life. You need more facts on this matter and not just take the word of a few individuals that say it does. I've been an underwater construction diver in the past. I've been on boats all my life as a fisherman, escort boat driver, diver, etc.. You cannot tell the directions sound travels underwater, but I can tell you this much. When you're underwater and you hear a 1000 pound JetSki whizzing by at 50 to 60 miles an hour or an inboard/outboard engine on a fishing boat, if you're hit by one of those, you most likely will not survive. As for concerns on propeller damage by and Efoil, these blades are just 2 inches, about the size of your thumb. Most damage is caused by the wings or the mast including in the non-motorized category of hydrofoiling, such as prone, standup paddleboarding and wing foiling. I believe SB2209 is too harsh and being blown out of

proportion. Injuries will always happen in every sport, especially water sports. You can't come up with rules or classifications to protect everyone in every situation. Education is key in saving lives and protecting your own life in Hawaiian waters. Perhaps we should be more focused on education instead of classification. No matter what you do, your always going to have that one guy that breaks the rules and injures someone. let's not punish everyone for a few reckless individuals. I strongly oppose SB2209 Mahalo.

SB-2209

Submitted on: 2/7/2024 7:52:34 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Mark Redgrave	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill as the term 'motorised surfboards' or 'motorised hydrofoils' is too broad a definition that covers a wide variety of water craft. Many motorised hydrofoils have very small electric motors that are intended only as an assistance to catch a wave, and therefore are travelling at a low speed - in fact the same speed as any 'normal' surfer. In which case, there is no logic to categorising them as 'thrill craft' unless you wish to categorise every surfer as the same.

SB-2209

Submitted on: 2/7/2024 7:52:44 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Alex Pages	Individual	Oppose	Written Testimony Only

Comments:

We don't want this legislation

SB-2209

Submitted on: 2/7/2024 8:04:23 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
robby	Individual	Oppose	Written Testimony Only

Comments:

I am opposed to SB2209 as this is improperly grouping a variety of crafts and vague on defining restrictions.

thank you,

Robby

SB-2209

Submitted on: 2/7/2024 10:08:53 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Boris Borukhin	Individual	Oppose	Written Testimony Only

Comments:

the addition of the term "Thrill Craft" to the boating laws opens the interpretation of laws that should only apply to boats. This bill demonstrates the over-reach of government policies, and should NOT be supported

SB-2209

Submitted on: 2/7/2024 8:10:26 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Ross Koizumi	Individual	Oppose	Written Testimony Only

Comments:

I am opposed to Bill SB2209.

SB-2209

Submitted on: 2/7/2024 8:15:14 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
gaylen yonamine	Individual	Oppose	Written Testimony Only

Comments:

Oppose SB 2209

SB-2209

Submitted on: 2/7/2024 8:12:46 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Christian Park	Individual	Oppose	Written Testimony Only

Comments:

There has never been a recorded injury from a hydrofoiler to another water-goer.

most of the e-foils are ridden far outside surf zones, or far away from surfers/swimmers. Even the lessons that are taught are no where near swimmers.

The vast majority of foilers are highly-experienced watermen/women, who have a advanced understanding of ocean safety and etiquette.

please do not support this bill. The ocean is for everyone to enjoy.

Aloha

SB-2209

Submitted on: 2/7/2024 8:22:26 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Ryan Sawai	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB2209.

SB-2209

Submitted on: 2/7/2024 8:28:35 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Shachar Jeffrey Argov	Individual	Oppose	Written Testimony Only

Comments:

My wife and I are in our late 50s. We ride Efoils together, primarily in Kaneohe Bay. Efoiling is a perfect recreation for older individuals who are interested in low speed, no-thrill activities in the ocean. We steer clear of boats, Jet Skis, swimmers, divers, surfers, and Sealife. If we were confined to areas designated for high-speed thrill crafts we would be subjected to risk of injury or death.

SB-2209

Submitted on: 2/7/2024 8:34:49 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Solange Dotro Gamboa	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I am writing to you today not only as a resident of Hawaii but also as someone deeply concerned about the proposed legislation to ban thrill craft from our waters. As the spouse of an avid foil drive enthusiast, I have firsthand experience with the positive community and the respectful practices upheld by thrill craft users like my husband.

Our experiences in the waters of Hawaii have been characterized by a shared respect for the ocean and its diverse users. My husband, along with many others in the foil drive community, has always prioritized safety and respect, ensuring a harmonious coexistence with surfers, swimmers, and other ocean-goers. This includes adhering to established etiquette such as keeping a safe distance from others and prioritizing the right of way.

The proposed bill, however, seems to overlook the possibility of coexistence and mutual respect among all water sport enthusiasts. Banning thrill crafts outright disregards the efforts of responsible individuals who are committed to maintaining the safety and serenity of our waters. It is my belief that with appropriate regulations and continued education, we can foster an environment where various water sports can thrive together without the need for exclusionary measures.

Furthermore, this bill risks stifling the innovation and diversity that is inherent to the evolving world of water sports. Thrill crafts such as foil drives represent a significant advancement in water sports technology, offering unique experiences to both residents and visitors of Hawaii. By limiting the variety of water sports available, we not only hinder the progression of the sport but also risk diminishing the appeal of Hawaii as a premier destination for water sport enthusiasts.

It is also important to consider the broader implications of such a ban, which could inadvertently signal a preference for certain water sports over others. This not only undermines the inclusive spirit that the ocean embodies but also risks alienating segments of the water sports community, potentially leading to feelings of discrimination.

In light of these concerns, I respectfully urge you to reconsider the approach taken by the proposed bill. By promoting responsible use, enhancing education, and establishing clear guidelines for all watercraft, we can ensure the safety and enjoyment of Hawaii's waters for

everyone. Let us embrace the diversity of water sports and work together to preserve the inclusive and welcoming nature of our ocean.

Thank you for taking the time to consider my perspective on this important issue.

Warm regards,

Solange Dotro

SB-2209

Submitted on: 2/7/2024 8:44:55 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Ryan Compton	Individual	Oppose	Written Testimony Only

Comments:

Motorized hydrofoils have been great for senior citizens who no longer have the cardio to compete in the lineup. We should prioritize keeping the the ocean open for all members of the community.

SB-2209

Submitted on: 2/7/2024 8:49:45 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Bruce A St Germain	Individual	Oppose	Written Testimony Only

Comments:

To whom it may concern,

As a constuction company owner, manager and worker the stress relief I recieve from my weekly or more efoil excursions are very beneficial for myself and my wonderful wife (bank worker) whom also enjoys our weekend water trips. The balanced, floating on air feeling a person gets from riding a foil is not like of any other water sport. Also, viewing the underwater wildlife that is prevelant in the Hawaiian waters is a giant plus for both of us.

As to the safty of an efoil compared to a prone (paddle-in) foil, I find we are much safer because of the fact that we foil outside of the surf breaks in the rolling bumps or in flat water because we do not need the ocean wave energy to keep us on foil. Therefore we stay out of the busy surf zone areas that the prone foilers need for underwater energy. Placing efoils in the thrill craft category will place us efoil riders way outside of safty boundaries In the turbulant open ocean conditions. In case of equipment failure or other problems an efoiler is stuck outside of saftly paddeling back to shore.

Please oppose sending us into peril. Thank you.

SB-2209

Submitted on: 2/7/2024 8:56:52 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Scot Yamamoto	Individual	Oppose	Written Testimony Only

Comments:

Poorly written and too restrictive

Aloha,

I am in opposition of SB 2209 "Relating to Thrill Craft". This bill would incorrectly categorize Efoils as "thrill craft".

I am a 60 year old local woman who is an avid efoiler. Thrill craft are operated at speeds of 35+ mph. When efoiling, I am cruising at speeds of 12-16 mph. If efoils are reclassified and required to operate in "thrill craft" zones, it would be potentially life-threatening. Operating together with watercraft that go at much higher speeds is dangerous. In addition, those zones are located further from shore. An efoil's battery lasts only about an hour to an hour and a half. Should there be any mechanical issues or if the battery fails, efoilers would be stranded far from shore.

Non-motorized hydrofoils, like kite foils and wing foils, can reach speeds much higher than my efoil. I am a novice wing foiler and I have recorded speed of 30 mph in a flat water, non-surf area.

Please defeat SB 2209 and allow efoilers to continue to safely enjoy our Hawaii waters.

Mahalo,
Carolyn Burris

SB-2209

Submitted on: 2/7/2024 9:02:53 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Jeff Presar	Individual	Oppose	Written Testimony Only

Comments:

Dear Committee Members,

I am writing to express my serious concerns over the reclassification of electric hydrofoils (eFoils) as thrill craft under HB 2209. This proposed reclassification not only misconstrues the nature of eFoiling but also, and more importantly, places eFoilers in grave danger.

eFoils are designed for environmentally friendly, quiet, and safe enjoyment of our waters, unlike traditional thrill craft that are louder, pollute, and travel at much higher speeds. Classifying eFoils alongside these high-speed vessels exposes eFoilers to significant risks, akin to asking cyclists to share the highway with trucks. The analogy highlights the danger and incompatibility of mixing slower, vulnerable eFoilers with faster, heavier thrill craft. This legislation could inadvertently put lives at risk by forcing eFoilers into unsafe conditions.

I strongly urge a reconsideration of this bill, taking into account the unique attributes of eFoils and the safety of those who enjoy this eco-friendly sport. Let us legislate with a view towards protecting and encouraging sustainable recreational activities without compromising the safety of our community.

Sincerely,

Jeff Presar

SB-2209

Submitted on: 2/7/2024 9:03:28 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Erwin Chiong	Individual	Oppose	Written Testimony Only

Comments:

the addition of the term "Thrill Craft" to the boating laws opens the interpretation of laws that should only apply to boats. This bill demonstrates the over-reach of government policies, and should NOT be supported.

SB-2209

Submitted on: 2/7/2024 9:04:35 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Wagner de Abreu	Individual	Oppose	Written Testimony Only

Comments:

the addition of the term "Thrill Craft" to the boating laws opens the interpretation of laws that should only apply to boats. This bill demonstrates the over-reach of government policies, and should NOT be supported.

SB-2209

Submitted on: 2/7/2024 9:27:10 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Brad Dela Cruz	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose the definition of "Thrill Craft" within SECTION 2. Section 200-23, Hawaii Revised Statutes, to be amended. As stated in this bill, SECTION 1. "The legislature finds that the advancement in technology used for vessel and watersports equipment propulsion has outpaced the State's ability to update its related laws." This is a fair statement, and the public should not be punished for the State's inability, by imposing this amendment without further investigation, as many of the terms and statements in this bill are inaccurate. Increasing lengths from thirteen feet to sixteen feet will have a huge impact on many recreational water-goers, and reducing the speed parameters from twenty mph to fifteen mph will also be to their detriment. Surfboards using a motorized hydrofoil should also not be classified as a "Thrill Craft", as this is encompassed within the evolution of surfing, which is freedom and should not have laws and restrictions imposed.

SB-2209

Submitted on: 2/7/2024 9:52:32 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Sean Holahan	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose the definition of "Thrill Craft" within SECTION 2. Section 200-23, Hawaii Revised Statutes, to be amended. As stated in this bill, SECTION 1. "The legislature finds that the advancement in technology used for vessel and watersports equipment propulsion has outpaced the State's ability to update its related laws." This is a fair statement, and the public should not be punished for the State's inability, by imposing this amendment without further investigation, as many of the terms and statements in this bill are inaccurate. Increasing lengths from thirteen feet to sixteen feet will have a huge impact on many recreational water-goers, and reducing the speed parameters from twenty mph to fifteen mph will also be to their detriment. Surfboards using a motorized hydrofoil should also not be classified as a "Thrill Craft", as this is encompassed within the evolution of surfing, which is freedom and should not have laws and restrictions imposed.

SB-2209

Submitted on: 2/8/2024 10:39:34 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Jason Toth	Individual	Oppose	Written Testimony Only

Comments:

Subject: Opposition to Bill SB2209 - Inclusion of Efoils and Electric Surfboards as Thrill Crafts

I hope this message finds you well. My name is Jason Toth (from Lahaina but lost everything), and I am writing to express my strong opposition to Bill SB2209, which proposes to change the definitions to include all motorized water vehicles as thrill crafts. Specifically, I am concerned about the inclusion of efoils and electric surfboards in this category.

While I understand the need for regulations and safety measures in water activities, I firmly believe that efoils and electric surfboards should not be classified under the same rules, licensing, and regulations as traditional thrill crafts (boats / jetskis). These innovative watercraft possess distinct characteristics that differentiate them from conventional boats/jetskis, and thus, they warrant a separate and more nuanced approach in regulatory frameworks.

Efoils and electric surfboards are not only significantly smaller and more maneuverable than traditional thrill crafts, they are used primarily in non-populated areas closer to surf where most people would not go, but they also operate in a manner that is distinct from the conventional thrill craft experience. Their unique design and operation do not pose the same risks or challenges that thrill crafts typically present, and as such, subjecting them to the same regulations would be unjust and unnecessary.

I urge you to reconsider the inclusion of efoils and electric surfboards in the definition of thrill crafts and to take into account the distinctive nature of these watercraft. Instead, I recommend developing a separate set of regulations that address their specific characteristics and usage patterns. This approach would ensure a fair and reasonable regulatory framework that promotes safety without imposing undue burdens on enthusiasts and businesses involved in these emerging water activities.

I appreciate your time and attention to this matter. Thank you for considering my perspective, and I hope that we can work together to find a balanced and equitable solution.

Sincerely, Jason

SB-2209

Submitted on: 2/7/2024 9:55:04 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
JASON C KADLEC	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose the definition of "Thrill Craft" within SECTION 2. Section 200-23, Hawaii Revised Statutes, to be amended. As stated in this bill, SECTION 1. "The legislature finds that the advancement in technology used for vessel and watersports equipment propulsion has outpaced the State's ability to update its related laws." This is a fair statement, and the public should not be punished for the State's inability, by imposing this amendment without further investigation, as many of the terms and statements in this bill are inaccurate. Increasing lengths from thirteen feet to sixteen feet will have a huge impact on many recreational water-goers, and reducing the speed parameters from twenty mph to fifteen mph will also be to their detriment. Surfboards using a motorized hydrofoil should also not be classified as a "Thrill Craft", as this is encompassed within the evolution of surfing, which is freedom and should not have laws and restrictions imposed.

SB-2209

Submitted on: 2/7/2024 10:00:08 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Robert Rodriguez	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose the definition of "Thrill Craft" within SECTION 2. Section 200-23, Hawaii Revised Statutes, to be amended. As stated in this bill, SECTION 1. "The legislature finds that the advancement in technology used for vessel and watersports equipment propulsion has outpaced the State's ability to update its related laws." This is a fair statement, and the public should not be punished for the State's inability, by imposing this amendment without further investigation, as many of the terms and statements in this bill are inaccurate. Increasing lengths from thirteen feet to sixteen feet will have a huge impact on many recreational water-goers, and reducing the speed parameters from twenty mph to fifteen mph will also be to their detriment. Surfboards using a motorized hydrofoil should also not be classified as a "Thrill Craft", as this is encompassed within the evolution of surfing, which is freedom and should not have laws and restrictions imposed.

SB-2209

Submitted on: 2/7/2024 10:02:10 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Y Kawana	Individual	Oppose	Written Testimony Only

Comments:

Dear Hawai'i State Legislature,

I strongly oppose SB2209 definition of "Thrill Craft" I feel that the state has not done a thorough enough investigation to start outlawing a craft when it hasn;t been fully analyzed. How many surfboard with motorized hydrofoils have actually injured people or have been a saftey issue in the water compred to say Surfing accidents or kayak accidents. I am sure these smaller crafts have minmal amount of saftey issues as a whole and to start legislating the use of them when the state admitted states that the technology has "Outpaced" the states ability to update. Just beacue you guys a slow doesn;t mean to broadly outlaw an entire tye of vessel seems backwards. Investigate the technology first then decide on safe guards.

SB-2209

Submitted on: 2/7/2024 10:02:51 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Troy Wegner	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this new legislation as it will greatly limit the freedom I have to foil where I want, and is ultimately unnecessary. It will also add new and unjustified costs and fees for enjoying a simple sport.

The whole point of an efoil is that you can use it to go to far away breaks where no one else is swimming and surfing, and that is how I use it. I never go within 50 feet of another person, and never go to crowded breaks.

Safety is key and if you want to introduce legislation stating that an efoil should always be 50 feet away from a person, that is fine, but ruling an efoil as a thrill craft is a poor decision which should not be made into law.

SB-2209

Submitted on: 2/7/2024 10:05:00 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Evan Stanford	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose classifying motorized hydrofoils along with thrill craft such as jet skis. Jet skis weight at least 400 lb and go up to 1200 lb. The motorized hydrofoils weigh between 15 lb and 60 lb. This is 10 times less. I believe the definition of a thrill craft should have a minimum weight which I would recommend at 400 lb.

SB-2209

Submitted on: 2/7/2024 10:08:49 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Gabriel Ciobanu	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. the new definition of a thrill craft that includes e-foils is unfounded.

SB-2209

Submitted on: 2/7/2024 10:10:51 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Mark Griffiths	Individual	Oppose	Written Testimony Only

Comments:

: I strongly oppose the definition of "Thrill Craft" within SECTION 2. Section 200-23, Hawaii Revised Statutes, to be amended. As stated in this bill, SECTION 1. "The legislature finds that the advancement in technology used for vessel and watersports equipment propulsion has outpaced the State's ability to update its related laws." This is a fair statement, and the public should not be punished for the State's inability, by imposing this amendment without further investigation, as many of the terms and statements in this bill are inaccurate. Increasing lengths from thirteen feet to sixteen feet will have a huge impact on many recreational water-goers, and reducing the speed parameters from twenty mph to fifteen mph will also be to their detriment. Surfboards using a motorized hydrofoil should also not be classified as a "Thrill Craft", as this is encompassed within the evolution of surfing, which is freedom and should not have laws and restrictions imposed.

SB-2209

Submitted on: 2/7/2024 10:26:20 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Samuel Welch	Individual	Oppose	Written Testimony Only

Comments:

I am 64 years old and have shoulders that no longer enable me to hand paddle into a wave. My light weight, low power, motor assist setup gives me the initial boost necessary to catch a wave, and with motor off ride as I did in my younger years.

I have been responsibly using the motor assist setup on Maui without incidence for well over a year now.

thank you

Sam Welch

SB-2209

Submitted on: 2/7/2024 10:35:17 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Masoud mohammadi	Individual	Oppose	Written Testimony Only

Comments:

I strongly object to the proposed definition of "Thrill Craft" in SECTION 2 of Section 200-23, Hawaii Revised Statutes, as outlined for amendment. The bill acknowledges that technological advancements in vessel and watersport equipment propulsion have surpassed the state's ability to update relevant laws, a point I agree with. However, it's unjust to penalize the public for the state's shortcomings by advancing this amendment without comprehensive review. The inaccuracies within the bill's terms and statements warrant concern. The proposed changes—extending the length requirement from thirteen to sixteen feet and lowering the speed limit from twenty mph to fifteen mph—will adversely affect numerous recreational water enthusiasts. Furthermore, categorizing motorized hydrofoil surfboards as "Thrill Craft" undermines the progressive nature of surfing. Surfing epitomizes freedom and should not be constrained by such regulations.

SB-2209

Submitted on: 2/7/2024 10:38:42 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Corey Wells	Individual	Comments	Written Testimony Only

Comments:

SB2209 is far too vague in its attempt to classify anything that can be enhanced with an electric motor as a "thrill craft". All of the submitted comments that I have seen are concerning the Lift and Flightboard brand efoils that weigh approximately 80lbs, reach speeds approaching 30mph, and are currently used by commercial rental operations to allow tourists with no experience a chance at foiling in highly populated areas. If this is the issue that needs to be addressed then SB2209 should be very specific about exactly what is being regulated and not try to broadly ban anything that uses an electric motor. This is a similar issue to what we are seeing on our roadways. There are currently fully electric motorcycles that can do 100mph but there are also electric assisted bicycles, skateboards, scooters, ect. Each of these types of vehicle vary extensively in there performance and it would not be fair to lump them into a single group just as it is not fair to lump everything that has an electric motor on the water into the category of thrill craft.

SB-2209

Submitted on: 2/7/2024 10:56:22 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Quinn Deaton	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose the definition of "Thrill Craft" within SECTION 2. Section 200-23, Hawaii Revised Statutes, to be amended. As stated in this bill, SECTION 1. "The legislature finds that the advancement in technology used for vessel and watersports equipment propulsion has outpaced the State's ability to update its related laws." This is a fair statement, and the public should not be punished for the State's inability, by imposing this amendment without further investigation, as many of the terms and statements in this bill are inaccurate. Increasing lengths from thirteen feet to sixteen feet will have a huge impact on many recreational water-goers, and reducing the speed parameters from twenty mph to fifteen mph will also be to their detriment. Surfboards using a motorized hydrofoil should also not be classified as a "Thrill Craft", as this is encompassed within the evolution of surfing, which is freedom and should not have laws and restrictions imposed.

SB-2209

Submitted on: 2/7/2024 10:56:53 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Jonathan Alstead	Individual	Oppose	Written Testimony Only

Comments:

The change in bill is too broad and inadvertently or deliberately takes craft like Foil Drive into it's realm. Foil Drive is a safe product that gives the ability to the older generation to enjoy foiling. Foil Drive is an assist and not a jet ski. It's purpose is to help and then allow the rider to use the natural elements propel their craft. A jet ski does not have this purpose so let's not judge the two as a similar product.

SB-2209

Submitted on: 2/7/2024 11:14:04 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Chow Yu	Individual	Oppose	Written Testimony Only

Comments:

I Oppose SB2209

I believe the people that are complaining about e-foils near swimmers are seeing surfers using prone foil boards (non motorized foil boards that look very similar to an e-foil). These boards have to be paddled out and need a steep breaking wave to catch a wave. These prone foilers have to be in the traditional surf spots to catch waves.

Another variant is some prone foilers are purchasing a FoilDrive kit that provides a motor, propeller and battery that is bolted onto their prone foil board. Now their prone board has the ability to perform like an e-foil but with limited range so they are still staying in the surfing areas. Please look up FOILDRIVE.COM to view these kits.

Reclassifying e-foils as a thrill craft will not solve the issues this bill is trying to fix.

E-foils are already regulated buy boating laws and all the e-foilers I know are following these laws and know to stay away from surfers, swimmers and marine life. We e-foilers make an effort to educate each other on the laws and how to enjoy our foil time in the safest manner. To reclassify e-foils as a thrill craft would not only destroy our peaceful enjoyment of nature but would make it very dangerous for us to e-foil near jetskis and other motorized boats. It would be like riding a bicycle on the freeway. A jetski and other craft in these areas are much bigger, heavier, faster and more maneuverable. There are no lanes of operation like on a roadway. These vehicles are racing around in random directions and you would never know when some one is going to make quick turn right into you. It would be like a pedestrian getting hit by a car doing 50 miles per hour.

There is no peaceful nature to enjoy or swells to catch in these designated thrill craft areas.

Another issue in the thrill craft area is the motorized vehicles in these areas stir up the water under the surface. This underwater turbulence destroys the lift on our foil and can make the e-foiler fall.

E-foiling in thrill craft areas would not be an option us e-foilers. Please say no to this bill.

SB-2209

Submitted on: 2/7/2024 12:07:55 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Andrew Misitano	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I'm a lifelong surfer and ocean enthusiast born and raised here in Hawaii. I oppose SB2209 for the following reasons:

1. It's a bill that appears to stem from unfounded worries and anecdotes. For example, the bill does not cite any reported accidents/incidents involving "e-foils" nor what problem it is intending to solve.
2. It introduces additional regulation to our already heavily regulated State where enforcement resources are lacking.

In summary, this bill seems to only further complicate and strain our regulatory system and enforcement resources for a problem that doesn't seem to exist. I can just as easily argue with the same level of anecdotal reasoning seen in this bill that any individual (particularly an inexperienced/careless individual) on a kayak, surfboard, piece of plywood, etc. poses a risk to public safety, but regulation wouldn't be an ideal (or feasible) solution in these situations.

There is a level of personal responsibility and risk assessment/mitigation that I think we all need to undertake when sharing time and space in our beloved surf and recreational ocean zones. We have an ocean culture of education and self-regulation that works well here in Hawaii. Additional legal regulation isn't the answer.

Mahalo.

SB-2209

Submitted on: 2/7/2024 12:28:15 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Sam Pae	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose the definition of "Thrill Craft" within SECTION 2. Section 200-23, Hawaii Revised Statutes, to be amended. As stated in this bill, SECTION 1. "The legislature finds that the advancement in technology used for vessel and watersports equipment propulsion has outpaced the State's ability to update its related laws." This is a fair statement, and the public should not be punished for the State's inability, by imposing this amendment without further investigation, as many of the terms and statements in this bill are inaccurate. Increasing lengths from thirteen feet to sixteen feet will have a huge impact on many recreational water-goers, and reducing the speed parameters from twenty mph to fifteen mph will also be to their detriment. Surfboards using a motorized hydrofoil should also not be classified as a "Thrill Craft", as this is encompassed within the evolution of surfing, which is freedom and should not have laws and restrictions imposed.

SB-2209

Submitted on: 2/7/2024 12:29:57 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Dan Rad	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose "Thrill Craft" within SECTION 2. Section 200-23, Hawaii Revised Statutes, to be amended. As stated in this bill, SECTION 1. "The legislature finds that the advancement in technology used for vessel and watersports equipment propulsion has outpaced the State's ability to update its related laws." This is a fair statement, and the public should not be punished for the State's inability, by imposing this amendment without further investigation, as many of the terms and statements in this bill are inaccurate. Increasing lengths from thirteen feet to sixteen feet will have a huge impact on many recreational water-goers, and reducing the speed parameters from twenty mph to fifteen mph will also be to their detriment. Surfboards using a motorized hydrofoil should also not be classified as a "Thrill Craft", as this is encompassed within the evolution of surfing, which is freedom and should not have laws and restrictions imposed.

SB-2209

Submitted on: 2/7/2024 12:39:19 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Kevin Harris	Individual	Oppose	Written Testimony Only

Comments:

I enjoy the peaceful outdoors on my efoil. Efoils are not thrill craft and do not have combustion motors. My family and I love to experience nature and the ocean on efoils just as we enjoy surfing and snorkeling. There is no connection between efoils and thrill craft. The very low speed and silent experience is nothing like a 230 hp 70mph sea craft. Please consider keeping efoils separate from high speed thrill craft.

SB-2209

Submitted on: 2/8/2024 10:43:46 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Richard Rivera	Individual	Oppose	Written Testimony Only

Comments:

My experience riding efoil in Hawaii has been safe by supervised operating parties I have rented from.

I don't see how efoils are equally or more dangerous then a jet ski or boat to marine life.
thank you

SB-2209

Submitted on: 2/7/2024 12:41:47 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Mark Holland	Individual	Oppose	Written Testimony Only

Comments:

Motorized hydrofoils should not be thrill crafts. Personal use should be allowed without added regulation. The issue with electric hydrofoils is the commercial use. I am a regular user of electrical foil boards of both types "e-foil" and "foil drive" and the only issues I see are with people trying to rent this type of equipment. Commercial operations catering to inexperienced riders. Electric hydrofoils should not be allowed to be rented out commercially. Making them thrill crafts will unfairly harm personal use when the only issues are with regards to equipment rentals. This is easy to fix. Just don't allow commercial use or regulate the commercial operations themselves and leave the experienced personal users alone. This is the same thing that happened to jet skis. The issues were with equipment rentals to inexperienced users. Instead of regulating the commercial operations they unfairly regulated the personal users who were experienced and not causing issues. By making electric hydrofoils thrill crafts you are adding them to a classification that is outdated and currently being protested for updating. The current thrill craft regulation does not allow tow in surfing or tow in foiling. This is a popular sport and is regularly practiced despite being illegal under the current laws. The thrill crafts rules are outdated and need to be re-written. Adding electric hydrofoils to thrill crafts will be a step in the wrong direction. Future regulation should revolve around some combination of requiring proof of skills and a requirement for carrying liability insurance. Don't pass regulation that prohibits use at a certain location. This is unfair. Develop a program like aviation has where users are part of a group with a voice and direct communication with lawmakers And more importantly the community. We will police ourselves. We care. Thank you.

Testimony opposing bill SB2209 Hi All. I would like strongly oppose the bill trying to place efoilers in thrill craft category of water sports. As a very busy professional and a occasional efoil rider I would feel very reluctant to be forced to foil out in deep open ocean conditions. My husband and I both love riding the efoils and do so in very safe and near shore areas well away from other surfers and swimmers. If categorized as thrill craft we would be limited to dangerous off-shore conditions. Please vote no to SB2209 for the safety of us all.

SB-2209

Submitted on: 2/7/2024 1:21:17 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
joshua tamaoka	Individual	Oppose	Written Testimony Only

Comments:

i oppose this ammendment until the data actually proves electric hydrofoil surfing is dangerous, there are also many different types of powered motor foils that would be unfarily added to this category.

SB-2209

Submitted on: 2/7/2024 1:40:15 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Todd Edward Lempert	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill.

The use of FoilDrive or other surfing assist electric devices is a growing international sport which will boost tourism in Hawaii.

The sports enthusiasts are all experienced waterman and women who will act responsibly and never endanger surfers or swimmers.

The reputation of Hawaii as a forward leaning sports paradise can only be enhanced by embracing the future of surfing. I can envision large crowds in the future as competitive events are organized around this rapidly developing sport.

SB-2209

Submitted on: 2/7/2024 1:42:10 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Margie Hewes	Individual	Oppose	Written Testimony Only

Comments:

I would like to submit my support to maintain the ability to efoil. And, within reasonable limits.

SB-2209

Submitted on: 2/7/2024 1:48:14 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Paul McDonnell	Individual	Oppose	Written Testimony Only

Comments:

I am opposed to further regulations of thrill crafts, foiling, or surfing. We are already overwhelmed with over-regulation that has been causing undue stress and frustration. For example, I now use a boat in place of my previous thrillcraft which is actually more dangerous to both the environment, marine life, and people in general. Just so that I'm not breaking any of the current thrillcraft laws which need to be made away with. In fact, many of us are now trying to reduce the over-regulation that exists for Thrill Craft use to make things safer for all parties involved and I believe that adding even more restrictions is a step backwards for everybody involved.

Allow us to self-regulate and apply common-sense please, instead of making us into unnecessary criminals. The DLNR has better things to do than to cite people for riding an e-foil.

-Paul McDonnell

SB-2209

Submitted on: 2/7/2024 2:14:38 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Kyle Young	Individual	Oppose	Written Testimony Only

Comments:

I oppose bill sb2209. Most of the motorized foils used on Kauai go less than 15mph..

If there are beaches or areas that they are a danger than it should be up to the county to regulate those areas.

SB-2209

Submitted on: 2/7/2024 2:20:26 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Ryan Last	Individual	Oppose	Written Testimony Only

Comments:

I vehemently oppose SB2209 for the following reasons:

- Efoils operate at speeds much lower than that of other thrill craft.
- Hawaii's surf breaks suffer from severe overcrowding. Efoils present a solution by allowing riders to access once-unrideable sections of waves, effectively reducing the number of surfers in the crowded lineup.
- Claims about efoil motor noise disturbing marine wildlife lack substantial evidence and are purely speculative.
- Efoils lack the capacity to carry safety equipment comparable to current thrill craft. Pushing Efoil's further from shore increases risk to the efoil community.
- The likelihood of efoil equipment failure is significantly greater than that of traditional thrill craft due to tenuous design elements such as Bluetooth connectivity, battery-driven motors / remotes, and plastic propellers. I have personally experienced multiple efoil malfunctions caused by common discarded fishing line and debris entangling/damaging my prop.
- Forcing efoilers to operate in the same zones as other thrill craft places efoilers at risk due to collision and the distances required to return to safety should an efoil become inoperable. An inoperable efoil poses significant risks due to its weight, drag and shape. Due to our mast length, paddling straight to shore is often not an option. Efoils typically weigh up to 50lbs. Walking over sharp coral with an odd shaped heavy efoil is not an option. The distance to return to shore is often much further than a straight line shot to shore.
- A stand up paddle board without a leash is 10 times more dangerous than an efoiler with a leash.
- Instead of segregation, lawmakers should promote guidelines fostering community integration, such as potential leash requirements, safe distance guidelines (2-3 times leash length), or modernized swimming laws requiring fluorescent clothing or caps when swimming in mixed congestion or offshore. SB2209 offers a simplistic, short-sighted solution that unnecessarily places the efoil community at risk, disregarding other potential solutions. SB2209 is discriminatory and places the safety burden entirely on the efoil community by "pushing" them out of the way and solving one problem yet creating another.

SB-2209

Submitted on: 2/7/2024 2:33:54 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Henry Hurt Hancock III	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

SB-2209

Submitted on: 2/7/2024 3:16:50 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Darren Bass	Individual	Oppose	Written Testimony Only

Comments:

On Friday, February 9, 2024, the Committee and Water and Land is set to consider SB2209 “Relating to thrill craft”. This bill would incorrectly recategorize eFoils as thrill craft. I am opposed to this bill.

eFoils are quiet, electric, and non-polluting. eFoils are relatively small (shorter than most surfboards), light (can easily be carried, unlike jet skis and don’t require boat launch ramps or trailers), and are generally operated at relatively slow speeds (10 miles per hour). They produce no wake.

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

Indeed, the text of the bill demonstrates a fundamental misunderstanding of what an eFoil actually is. First, the finding that eFoils can reach the speeds of thrill craft is incorrect. Jet skis go an average of 55 mph, and can reach speeds of up to 70 mph. eFoils cannot go anywhere near this fast. The finding that eFoils can go much faster than “non-motorized hydrofoils” is also incorrect. As a regular visitor to the Hawaiian Islands, I can assure you that kite foilers can go much, much faster than eFoilers.

I think if you actually talk to those of us who eFoil, you will realize that we are not crazy thrill-seekers who want to disrupt the enjoyment of others in the water. I am a 51-year-old man with absolutely no “need for speed,” nor am I an adrenaline junkie. I love eFoiling because of the peacefulness that comes with gliding over the water, and because it allows me to explore the ocean in a way that simply wasn’t possible for me before I started to ride.

I am very concerned that if this bill passes, eFoilers will be limited to riding in a few very dangerous areas--that is, areas where true "Thrill Craft" are allowed. I don't want my friends and I to be competing with jet skis on the water--a competition that we will surely lose, perhaps even with tragic results.

Please defeat SB 2209 and allow eFoilers to continue to safely enjoy the beauty of Hawaii's waters without putting them in danger.

I OPPOSE S.B. NO. 2209

Aloha,

The opinion driving this bill proposal is from sources not within the department of Land and natural resources Division of Boating and Ocean Recreation. These concerned people have an agenda unrelated to the safety and well being of the ocean, marine life and the people who use it. The reason I state that as my opening point is because these people do not have careers that strategically align around ocean safety such as the DLNR DOBOR. If we can agree on these simple facts then we can move forward as professionals in ending this bill.

The DLNR DOBOR, guided by its Administrator Ed Underwood and partnered with such veteran DLNR experienced staff such as Clifford In, spent a whole year accumulating data to create regulations and rules encompassing new technologies on very simple factors. In completion of the DLNR DOBOR's year long investigation, they concluded that E-foils are simply not "Thrill Crafts". In doing so, DLNR DOBOR permitted the use of these vessels under the guidelines of that of a boat. In lines 4-9 of this bill there is already a poor assumption of risk that does not support the actual use of the boards as defined by the DLNR DOBOR's already existing regulations. Meaning, by the definition of the existing category that these vessels share with boats, they are not to be used within " areas intended only for non-motorized and manually powered vessels and equipment." The fact that these vessels are used outside "non-motorized areas" already directly conflicts with this false opinion or statement in this bill. If the boards were hypothetically being used in "non-motorized areas" it would be the job of the DLNR Enforcement to catch and cite these criminals. As I have stated in bills previous to this, the private owners and commercial companies enjoying these vessels appropriately, should not be penalized because the state DLNR DOBOR is poorly funded and or the DLNR enforcement has shortcomings in their recruitment or employee retention. I would certainly support a bill to fund the DLNR better and pay their staff better to allow them the opportunity to successfully follow their duties as officers and officials of the people of hawaii! ***I would like to end this paragraph with the point that the opinion submitted in this bill in no way supports any real data collected by any state, county or federal government. I would suggest before submitting any future bills that the state and county request or require the concerned to supply ample supporting data to justify the time it takes to construct, manage, and fulfill a public bill on the taxpayers dollar.***

Again, just scanning this bill, in Lines 9-12 of S.B. NO 2209, "the legislature" can not recognize an assumption or opinion of use by the non-motorized foil boards without professional and factual data. If such data exists, the state or county funded agency or offices that have obtained this data should be transparent with the people of this great state and should grant simple access to it. As an E-Foil board owner and participant and also a manual Foil board owner and participant I can tell you that Manual boards can certainly move at the speeds as well as faster than that of an E-Foil! Even worse, is that manual boards are actively used inside regular swim, snorkel, and surf areas. This yet again denounces the statements made on lines 9-12. There is also actual state and county data across the Islands that have shown to reveal

manual foil boards as being extremely dangerous while participating in non motorized waters. I, as well as many citizens, support factual data only. Our representatives should not be pushing rumors or opinions through legislation. Just in the fear that there may be future risk of legal ramifications directed at the state and counties for the lack of proper data collection procedures associated with the approval of such bills.

As previously mentioned the last 4 years during my testimonies, you are attempting to take away or limit the regular and safe use of this vessel from the disabilities community as well. You are attempting to regulate further or take away the use of this vessel after its NOA and DLNR research study in 2022 revealed no danger to marine life or the whales. Finally, in last year's legislative session you attempted to take away regular use of this vessel on the notion of its safety to swimmers and regular ocean goers inside the swim zone with no data supporting any injuries, yet plentiful data was supporting its use with little (less than 5) to no injuries across the entire state! The Administrator of the DLNR Ed Underwood himself has expressed no issues with the category that the E-foils reside in. The State attorney General Clare E. Connors and her Deputy Dana O. Viola have expressed to council men and women in the past that they have no experience or authority to offer opinions of that of the DLNR DOBOR's recommendations or job duties as it relates to vessel classification and that for all intensive purposes the E-Foil classification was done properly and efficiently with little to no safety concerns in its classification.

I personally have the State attorney General's Letter to Tina Wildberger dated March 17th, 2021. I personally have the results of the only research study conducted in the world, involving E-Foil Boards, off of Sugar beach, in that same year, by NOA & DLNR DOBOR, with all of the scientists, volunteers and participants names. I personally have the rendering and final copy of the safety manual created by the DLNR's risk management and ocean safety team in 2020. When the honorable council has no data or accolades to support this bill in comparison to mine to oppose it, you have a serious red flag.

As this has been the 4th official year the state has strategically and consistently altered agendas to appear different, while continuing to try to eliminate or further restrict E-Foils from the states oceans, I as well as others are prepared participating in a potential investigation into the connections between the state, county, and any activist or small interest groups that are involved in discrimination and potential corrupt activities related to the attack on Electric Foil Boards. I hope that facts here as well as the 100's of others by written and or video testimony help you to understand how you should move forward.

Mahalo Nui Loa,

SB-2209

Submitted on: 2/7/2024 3:50:28 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
clinton yap	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose the definition of "Thrill Craft" within SECTION 2. Section 200-23, Hawaii Revised Statutes, to be amended. As stated in this bill, SECTION 1. "The legislature finds that the advancement in technology used for vessel and watersports equipment propulsion has outpaced the State's ability to update its related laws." This is a fair statement, and the public should not be punished for the State's inability, by imposing this amendment without further investigation, as many of the terms and statements in this bill are inaccurate. Increasing lengths from thirteen feet to sixteen feet will have a huge impact on many recreational water-goers, and reducing the speed parameters from twenty mph to fifteen mph will also be to their detriment. Surfboards using a motorized hydrofoil should also not be classified as a "Thrill Craft", as this is encompassed within the evolution of surfing, which is freedom and should not have laws and restrictions imposed.

SB-2209

Submitted on: 2/7/2024 4:06:28 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Randy Erickson	Individual	Oppose	Written Testimony Only

Comments:

I am opposed to including efoils in the category of "thrill craft".

Reason.... they are absolutely quiet [think noise pollution], and maximum speed is only 20-25 mph whereas jet skis can reach speeds of 70mph.... in a few seconds!!

They are very safe and are no harm to the environment with their new technology battery systems.

Mahalo for your time

Randy Erickson

SB-2209

Submitted on: 2/7/2024 4:38:55 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Dan Burris	Individual	Oppose	Written Testimony Only

Comments:

Dear Committee members

I do not support SB 2209 proposal to include E Foils as "Thrill Craft". I am 63 years old and do my best to remain active and to respectfully enjoy the Ocean and all the activities it has to offer. My wife and I enjoy E foiling as it is a safe activity we both can do together at our age. The E foils that we ride are registered and are not "Thrill craft". The board has a small electric assist and is not capable of operating anywhere near the speeds or range of a "Thrill craft". It would be very dangerous to have to operate in the same areas and apply the same "Thrill craft" guidelines to an E foil.

I would appreciate your consideration in not supporting SB2209 to include E Foils as "Thrill Craft".

Mahalos- Dan Burris

SB-2209

Submitted on: 2/7/2024 4:45:49 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Wallace Higa	Individual	Oppose	Written Testimony Only

Comments:

I'm against bill sb2209

SB-2209

Submitted on: 2/7/2024 5:23:37 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Laurie West	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB2209 related to thrill craft.

SB-2209

Submitted on: 2/8/2024 10:38:29 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
William Takashima	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose the definition of "Thrill Craft" within SECTION 2. Section 200-23, Hawaii Revised Statutes, to be amended. As stated in this bill, SECTION 1. "The legislature finds that the advancement in technology used for vessel and watersports equipment propulsion has outpaced the State's ability to update its related laws." This is a fair statement, and the public should not be punished for the State's inability, by imposing this amendment without further investigation, as many of the terms and statements in this bill are inaccurate. Increasing lengths from thirteen feet to sixteen feet will have a huge impact on many recreational water-goers, and reducing the speed parameters from twenty mph to fifteen mph will also be to their detriment. Surfboards using a motorized hydrofoil should also not be classified as a "Thrill Craft", as this is encompassed within the evolution of surfing, which is freedom and should not have laws and restrictions imposed.

In addition, I strongly oppose SB2209 as it inappropriately categorizes the large variety of motorized watercraft smaller than 16 feet in length. Comparison between a 300hp jet ski and a 0.5hp motorized surf / foil board is inappropriate; as wind-assisted watersports can meet speeds greater than most motorized craft under 16' feet in length. Our ocean is an enormous place and these motorized craft enable many to spread out away from historically crowded areas and enjoy it. Lastly, without data to substantiate the justification for this proposal it is inappropriate to approve it.

Lastly, these devices can and are used as assisted devices to allow those with disabilities to participate in water sports that they might not otherwise be able to do. Restricting some of these crafts would be an impediment to those with disabilities and under federal law, illegal.

Very respectfully,

Dr. William Takashima

SB-2209

Submitted on: 2/7/2024 5:29:03 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Rob hooton	Individual	Oppose	Written Testimony Only

Comments:

I just wanted to submit my testimony to state that I think this legislation is unfair to the growing hydrofoil community.

What about all the powered jet skis that go in and out through surf breaks. Jet skis can weigh the best part of a tonne and extremely dangerous to swimmers and surfers if they're handled badly. It seems to unfairly select hydro Foilers. What about the varieties of hydrofoil assist that go well below 15 miles an hour that just gets the Surfer up onto the Foil?

Hawaii is a global Mecca for all sorts of watersports and historically has been the birthplace of windsurfing, surfing, Big wave surfing, hydro Foiling.. to name a few. To limit a particular type of watercraft that is so intrinsically linked to one of the most exciting developments in watersport in recent years, would seem to be very short sighted.

I oppose this legislation as it could damage Hawaii's position at the forefront of watersports innovation, and also its position as a tourist destination for thousands of avid watersports fans.

SB-2209

Submitted on: 2/7/2024 6:05:22 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Chuck Dembo	Individual	Oppose	Written Testimony Only

Comments:

Dear representatives and legislators, I strongly oppose the definition of "Thrill Craft" within SECTION 2. Section 200-23, Hawaii Revised Statutes, to be amended. As stated in this bill, SECTION 1. "The legislature finds that the advancement in technology used for vessel and watersports equipment propulsion has outpaced the State's ability to update its related laws." This is a fair statement, and the public should not be punished for the State's inability, by imposing this amendment without further investigation, as many of the terms and statements in this bill are inaccurate. Increasing lengths from thirteen feet to sixteen feet will have a huge impact on many recreational water-goers, and reducing the speed parameters from twenty mph to fifteen mph will also be to their detriment. Surfboards using a motorized hydrofoil should also not be classified as a "Thrill Craft", as this is encompassed within the evolution of surfing, which is freedom and should not have laws and restrictions imposed.

Thank you very much for your consideration!

SB-2209

Submitted on: 2/7/2024 6:20:59 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Rex Shinmon	Individual	Oppose	Written Testimony Only

Comments:

SB-2209

Submitted on: 2/7/2024 6:38:03 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Caitlyn Francis	Individual	Oppose	Written Testimony Only

Comments:

I oppose the bill as I do not believe the points made are from an educated perspective and inadequate research has been completed. Passing this bill, classing anything with a motor as a PWC, would put a 350 horsepower Jet Ski in the same class as a less than 2 horsepower foil assist motor... does that seem reasonable?

SB-2209

Submitted on: 2/7/2024 6:53:11 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Mark T Howard	Individual	Oppose	Written Testimony Only

Comments:

I oppose legislation to designate e-foils as thrill Craft. My 100lb wife can carry her e-foil on her shoulder. No human can put a jet ski over their shoulder and carry it to the beach. Putting the two in the same category is not appropriate.

SB-2209

Submitted on: 2/7/2024 7:12:34 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
eric thorstad	Individual	Oppose	Written Testimony Only

Comments:

Testimony Opposing SB2209: Misclassification of E-Foils as Thrillcraft

Introduction: My name is Eric Thorstad. Today, I am writing to express my strong opposition to SB2209, which seeks to classify e-foils as thrillcraft. This bill, in its current form, is misguided for several reasons.

Lack of Demonstrated Issues: First and foremost, there is no substantial evidence to suggest that e-foils present a safety or environmental hazard that necessitates their classification as thrillcraft. Unlike traditional motorized watercraft that this bill seems to target, e-foils operate quietly, with minimal environmental impact, and have not been shown to disproportionately contribute to accidents or injuries on our waterways.

Misunderstanding of Capabilities and Uses: E-foils represent a significant advancement in watercraft technology. They harness electric power to lift the board above the water's surface, providing a unique experience that is both exhilarating and environmentally friendly. Far from the high-speed, disruptive activities associated with traditional jetskis and thrillcraft, e-foiling can be a serene, accessible way to enjoy the outdoors for people of all ages. This versatility and the capacity for clean, low-impact enjoyment are lost in the bill's current language.

Incorrect Assumptions and Definitions: The bill's definition of thrillcraft fails to account for the significant differences between e-foils and more invasive forms of watercraft. E-foils do not typically operate at the high speeds or noise levels associated with thrillcraft, nor do they pose the same level of risk to wildlife and ecosystems or other water users. By lumping e-foils with significantly different types of watercraft, the bill demonstrates a fundamental misunderstanding of what e-foils are and how they are used.

Lack of Consultation with Stakeholders: Given the significant, incorrect assumptions included, it appears that SB2209 was drafted without consultation with key stakeholders in the community. Input from users and safety experts could have informed a more correct approach to regulation, one that fosters innovation and safety without unnecessary restrictions.

Potential Negative Impacts: The misclassification of e-foils as thrillcraft could have several unintended consequences, including stifling innovation, harming local businesses, and depriving residents of a sustainable, safe and enjoyable form of recreation. Moreover, e-foils align with broader environmental goals.

Recommendations for Amendments or Alternatives: I urge lawmakers to oppose the classification of e-foils under SB2209. Put energy and time into solving problems that actually exist: this one does not. Continue to promote safe practices by all ocean users. Have agencies set reasonable operational guidelines. Engage with the efoil community to establish best practices and self-regulate.

Conclusion: In conclusion, while I share the goal of ensuring our waterways are safe and enjoyable for all, SB2209, in its current form, is not the solution. The e-foil community is committed to working with lawmakers and stakeholders to find a balanced approach that recognizes the benefits of e-foils and addresses any legitimate concerns in a thoughtful, evidence-based manner. Thank you for considering my testimony on this matter.

SB-2209

Submitted on: 2/7/2024 7:14:47 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Sean Lau	Individual	Oppose	Written Testimony Only

Comments:

ntroduction: My name is Sean Lau. Today, I am writing to express my strong opposition to SB2209, which seeks to classify e-foils as thrillcraft. This bill, in its current form, is misguided for several reasons.

Lack of Demonstrated Issues: First and foremost, there is no substantial evidence to suggest that e-foils present a safety or environmental hazard that necessitates their classification as thrillcraft. Unlike traditional motorized watercraft that this bill seems to target, e-foils operate quietly, with minimal environmental impact, and have not been shown to disproportionately contribute to accidents or injuries on our waterways.

Misunderstanding of Capabilities and Uses: E-foils represent a significant advancement in watercraft technology. They harness electric power to lift the board above the water's surface, providing a unique experience that is both exhilarating and environmentally friendly. Far from the high-speed, disruptive activities associated with traditional jetskis and thrillcraft, e-foiling can be a serene, accessible way to enjoy the outdoors for people of all ages. This versatility and the capacity for clean, low-impact enjoyment are lost in the bill's current language.

Incorrect Assumptions and Definitions: The bill's definition of thrillcraft fails to account for the significant differences between e-foils and more invasive forms of watercraft. E-foils do not typically operate at the high speeds or noise levels associated with thrillcraft, nor do they pose the same level of risk to wildlife and ecosystems or other water users. By lumping e-foils with significantly different types of watercraft, the bill demonstrates a fundamental misunderstanding of what e-foils are and how they are used.

Lack of Consultation with Stakeholders: Given the significant, incorrect assumptions included, it appears that SB2209 was drafted without consultation with key stakeholders in the community. Input from users and safety experts could have informed a more correct approach to regulation, one that fosters innovation and safety without unnecessary restrictions.

Potential Negative Impacts: The misclassification of e-foils as thrillcraft could have several unintended consequences, including stifling innovation, harming local businesses, and depriving residents of a sustainable, safe and enjoyable form of recreation. Moreover, e-foils align with broader environmental goals.

Recommendations for Amendments or Alternatives: I urge lawmakers to oppose the classification of e-foils under SB2209. Put energy and time into solving problems that actually exist: this one does not. Continue to promote safe practices by all ocean users. Have agencies set reasonable operational guidelines. Engage with the efoil community to establish best practices and self-regulate.

Conclusion: In conclusion, while I share the goal of ensuring our waterways are safe and enjoyable for all, SB2209, in its current form, is not the solution. The e-foil community is committed to working with lawmakers and stakeholders to find a balanced approach that recognizes the benefits of e-foils and addresses any legitimate concerns in a thoughtful, evidence-based manner. Thank you for considering my testimony on this matter.

SB-2209

Submitted on: 2/7/2024 7:31:57 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Shari Nohara	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill as I truly believe that a majority of the watermen and waterwomen are responsible ocean users. They should not be penalized for the few that may be irresponsible.

SB-2209

Submitted on: 2/7/2024 7:33:05 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Rebecca Mia	Individual	Oppose	Remotely Via Zoom

Comments:

On Friday, February 9, 2024, the Committee on Water and Land is set to consider SB2209 which would incorrectly re-categorize eFoils as thrill craft. I oppose this bill.

Before I ever rode an eFoil, I thought they were going to be scary, high-speed watercraft giving a thrill like a jet ski ride. In truth, the ride is much more similar to a stand-up paddle board only you don't have to paddle. Most of the eFoil community (including myself) is comprised of riders over 50 who no longer have as much shoulder mobility for paddling. Many of us prefer the eFoil because riding on a foil slightly above the water, rather than on a board that cruises on the surface of the water, avoids the turbulence that hurts our arthritic knees and other joints. What we do is similar to going for a beautiful jog in the country, only we do it on the ocean with less physical pain. I would guess the highest speeds we reach with the wind at our back is about 10mph. In fact, most of us try to ride at a lower speed to conserve battery life so we can enjoy the scenery longer. All of us ride on very quiet, electric batteries that don't pollute the water. My home fronts Kaneohe Bay, and none of my neighbors can even hear the board go by. We are not a noise nuisance. Furthermore, when we fall or take a rest, we are either in the water or on a small board. If we are forced to ride with thrill craft, we could be seriously injured by Jet skis (which go about 55-65mph) or other more dangerous thrill craft.

If this bill passes, I am almost certain most of us would give up our sport altogether for fear of getting injured. Please allow us to continue to safely enjoy our sport. We are not a nuisance or a threat. We are just trying to enjoy the water safely. Mahalo for your consideration.

SB-2209

Submitted on: 2/7/2024 7:47:21 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Anneli Munkholm	Individual	Oppose	Written Testimony Only

Comments:

I'm an Efoil owner and have efoiled the past 2+ years on Maui and enjoy this activity tremendously. It's a calm and peaceful way to get exercise, work on balance, and experience the beauty of floating on the water.

Some are raising a concern over the noise from the electric motor and it's impact on marine life. However, the Pacific Whale Foundation along with a DNLR scientists did a study where they concluded that it is equivalent to the ambient noise of the ocean. I am a dive master and am also in favor of doing all we can to protect the precious marine life we have in Hawai'i, but there is no evidence that Efoils does any harm whatsoever. In fact, Efoils are electric, and in my case powered by electricity from solar cells, so completely green technology, that doesn't pollute our ocean or beaches. We need to embrace new technology such as Efoils that provide an opportunity for Hawai'i's residents and visitors to explore the ocean without polluting, instead of attempting to ban it.

DNLR has already rules in place for Efoils that make them safe. We need to operate them away from shore (200 feet) and in safe operating distance from others and keep clear of any sea life. These rules that already are in place are very important and adequate and allow us all to enjoy the ocean. Being classified as a thrill craft would mean I would need to launch my efoil from a boat ramp, which is extremely unsafe. My board is only 4'2" long and I'm barely invisible to any boats/cars going in/out of a boat ramp. Today I'm able to launch from beaches and slowly enter the water without fearing for my safety. All my interactions with residents and visitors before and after being out on the Efoil are always positive, and not once have I had anyone raise any concerns.

Efoils are not dangerous, and I therefore strongly oppose this measure.

SB-2209

Submitted on: 2/7/2024 8:12:34 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Anson Urabe	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. Surfboards using attached motorized hydrofoil technology are NOT reaching speed capabilities of more traditional vessel types. Intermediate surfers achieve speeds of 15-20mph without a motor. I cant reach these speeds with the add-on hydrofoil. These hobby type add-on's only weigh about 8 lbs.

SB-2209

Submitted on: 2/7/2024 8:49:08 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
scott pang	Individual	Oppose	Written Testimony Only

Comments:

I oppose bill sb 2209. More time and research needs to be done before classifying all boards with attached motors as thrill crafts!!! I'm a 64 yr old surfer/ foiler and owner of a foil drive assist . This is a small motor which is attached to a foil and goes under 5mph. I use this to assist myself in catching the waves easier. I'm not going any faster than than a person who doesn't have one of these. What this unit does is assist me in catching waves easier. In fact proficient foilers with out a motor reach and attain higher speeds. Looks like this proposed bill originated in Maui. On Maui they have more rules and regulations regarding water usage then here on Oahu. For example you cannot wing foil at Kanaha before 11:00. They are jumping to fast to ban and classify any board with a motor as a thrill craft. About 3 or 4 yrs ago when Hydrofoiling just came out and became popular there was all this talk about how dangerous foiling was and talk about regulating foiling and possible ban. Foilers were foiling in Waikiki at Queens surf break. This is a surf break full of tourists and beginner surfers. Because of this The Beach Boys and respected surfers took it upon themselves to spread the word to the foiling community that no foiling at Queens surf break for the safety of everyone. The foilers listened and complied. My point here is self regulation works. We don't need all these laws banning and classifying these boards as thrill crafts. There are a lot of different boards and motors and each one does different things. You can't classify all of them as the same. Maybe each island is different and need different rules and regulations! Bill sb2209 should be put on hold or cancelled until more thought or input is given. Once the bill is passed and becomes law it will be hard to change or modify .

SB-2209

Submitted on: 2/7/2024 9:35:18 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Matthew Elsasser	Individual	Oppose	Remotely Via Zoom

Comments:

My name is Matthew Elsasser and I oppose HB1900.

I'm a 30 year old who was grown up on the beautiful island of Maui and now work for the e-foil manufacturer Lift Foils. My love for the marine environment is part of what lead me to work for Lift, we strive our hardest to make the greenest mode of transportation and recreation on the water. I believe the DNLR's website, describes an efoil best. "IT'S A SMOOTH, COOL RIDE. IT'S ECO-FRIENDLY. IT'S SWIFT AND SILENT. IT'S A VESSEL AND IT NEEDS TO BE REGISTERED WITH DNLR TO BE OPPOERATED LEGALLY IN HAWAII STATE WATERS". The e-foiling community has welcomed with open arms all of those that would like to take a deeper dive into these vessels' potential effects. Tow years ago group of Maui efoilers worked with whale activists to analyze the potential effects on whales, of course they found the efoils to be nearly silent and to have no negative effects on the marine life. The proposed adjustments to the thrill craft bill fail to realize that e-foils are already governed under the laws of a vessel under 10 horse power. efoils are not unregulated under the current laws.

This is a rushed decision to shut down efoils without any input from the users involved or factual evidence regarding the noise emitted, potential safety concerns, ect. In summary an efoil produces no wake, does not have a combustion engine, does not leave any pollution in the water, and is silent. It does not meet the criteria of a thrill craft as evident by the DNLR'S classification of the efoil as a vessel on September 4th 2020.

SB-2209

Submitted on: 2/7/2024 9:58:57 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Shane boreham	Individual	Oppose	Written Testimony Only

Comments:

Efoils or surfboard boards with electric assist motors are not comparable to thrill craft. They are small low powered and generally only have one person on them.

They can improve safety as they allow surf foilers to leave the areas normally used by conventional type surf boards and allow access to unbroken waves further off shore to be caught and ridden reducing congestion and removing foil boards from potentially crowded spots.

They allow people to downwind foil boards far off shore with the additional safety to get back to shore should conditions change.

When used correctly they improve safety and are nothing close to other existing thrill craft. They should remain the same classification as a non powered foil board.

Thanks Shane

SB-2209

Submitted on: 2/7/2024 10:06:26 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Nick Goodchild	Individual	Oppose	Written Testimony Only

Comments:

Motorized foil assist devices have extremely low powered electric motors which are not capable of high speeds and should not be grouped together with Jet skis as this bill is trying to do.

Evidence of a problem or risk should be presented along with this bill before regulation is amended. No evidence or justification has been presented to justify the change (e.g. are there a significant number of near misses or incidents or is this bill presented as a result of an isolated incident?).

This amendment as presented is misleading as it does not show the implications/consequences of amending the definition of thrill craft on public liberty and the right for all to enjoy their sport in nature. By widening the definition of thrill craft in this way what will the burden be on the public and is this proportional to the risk?

SB-2209

Submitted on: 2/7/2024 10:46:25 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Nick Bardetta	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose the definition of "Thrill Craft" within SECTION 2. Section 200-23, Hawaii Revised Statutes, to be amended. As stated in this bill, SECTION 1. "The legislature finds that the advancement in technology used for vessel and watersports equipment propulsion has outpaced the State's ability to update its related laws." This is a fair statement, and the public should not be punished for the State's inability, by imposing this amendment without further investigation, as many of the terms and statements in this bill are inaccurate. Increasing lengths from thirteen feet to sixteen feet will have a huge impact on many recreational water-goers, and reducing the speed parameters from twenty mph to fifteen mph will also be to their detriment. Surfboards using a motorized hydrofoil should also not be classified as a "Thrill Craft", as this is encompassed within the evolution of surfing, which is freedom and should not have laws and restrictions imposed.

SB-2209

Submitted on: 2/7/2024 11:06:50 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Stephen Mowlma	Individual	Oppose	Written Testimony Only

Comments:

The attempt to change the defintion of a thrill craft (PWC) to include low powered electric assisted foil boards is not fair or reasonable. Most PWC are 300HP and travel in excess of 80mph. My electric foil assist device does not even get on the plane (5mph) but helps me paddle onto an unbroken wave where the wave energy then propels me on foil not the motor. Whether I have a foil assist or not when I foil surf I reach well in excess of 15mph. If these systems are banned it will mean I will then have to come back to the highly populated breaking part of the wave to foil surf increasing risk not reducing it. It's pretty clear the people writing and pushing for thi legislation change don't understand and in fact are being counterintuitive. I emlore the legislators to provide hard data for the reason for the proposed change and speak to experienced experts on foiling which are plentiful in Hawaii rather that make uninformed, undeducated irrational decision not based on any data.

thankyou for taking my submission

Stephen Mowlam

SB-2209

Submitted on: 2/7/2024 11:31:52 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Glenn Wade	Individual	Oppose	Written Testimony Only

Comments:

Do not agree that Foil Drive powered craft should be included in the proposed ban

SB-2209

Submitted on: 2/8/2024 12:26:39 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Brian trappy	Individual	Oppose	Written Testimony Only

Comments:

Hybrid foil surfing has only begun and this will cripple this new emerging sport in its infancy. We enjoy the perfect conditions Hawaii offers for hydrofoil surfing. Tourists and visitors will now chose other destinations if this bill passes.

SB-2209

Submitted on: 2/8/2024 12:35:17 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Erika Lane	Individual	Oppose	Written Testimony Only

Comments:

I oppose legislation to designate e-foils and other motorized foils as thrill Craft. Putting the two in the same category is not appropriate. The legislation has non factual statements about the subject matter as well.

I propose the legislation put more time and effort towards customer service to tax paying citizens and government employee training rather than trying to regulate things that pose no threat or danger.

SB-2209

Submitted on: 2/8/2024 12:44:07 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Anthony Paterson	Individual	Oppose	Written Testimony Only

Comments:

I am totally opposed to this bill. I use a device called foil drive to help me get out onto the water as i have health issues with my shoulders . If this bill was to pass I would not be able to get out onto the water . This would be discretionary towards myself and others with health concerns and people with disabilities.

I ask you to seriously consider not to pass this bill or to exclude foil drive from this bill.
thank you.

regards,

Anthony Paterson

SB-2209

Submitted on: 2/8/2024 1:36:15 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Imogen	Individual	Oppose	Written Testimony Only

Comments:

Foil drive is an amazing product and will make Hawaii an even better place!! It would be a mistake not to allow it to be used

SB-2209

Submitted on: 2/8/2024 1:44:04 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Matt	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill

SB-2209

Submitted on: 2/8/2024 2:02:17 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Ty M Takaezu	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I oppose this on the grounds that the county shouldn't have the power to make that decision. State waters should be regulated by the state. Besides that all people using foils assists are watermen that have been in and around surf culture their whole life. I can speak for everyone I know, were are always respectful and safe, regardless of the discipline we are engagd in. With the foil assist, the power is about 5% of the power of a jetski. To group them in that category would be like mandating all bicyclist to acquire drivers licenses. Ebikes are proportionally closer to motorcycles than foil assists are to jetskis. They barely have the power to get oneself up on foil let alone tow someone. I really hope those that make this decisions take the time to investigate exactly what they are making it on. Personally I can tell you that I am a recovering addict with over 5 years clean and foiling, has been the activity that has created the greatest impact on living a new life clean, striving to grow, to continually enjoy the gifts of recovery...Living a new life free. Please vote "No" on this mandate.

Aloha and Mahalo,

With Humility and Respect,

Ty Takaezu

SB-2209

Submitted on: 2/8/2024 3:24:32 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Sean Adorno	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill as it will have a very negative impact on the quality of life of many people who contribute in many ways to the local community and there is little data supporting it and much against it. It is a myopic bill that punishes people for participating in Watersports who support the community in many measurable ways.

SB-2209

Submitted on: 2/8/2024 4:43:17 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Taylor Hammond	Individual	Oppose	Written Testimony Only

Comments:

Hybrid foiling is creating a whole new sport for enjoyment on the ocean and should not be lumped in to this bill. Thank you

SB-2209

Submitted on: 2/8/2024 4:58:53 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
kern barta	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill as foil assist equipped boards are nothing like a jet ski.

SB-2209

Submitted on: 2/8/2024 5:54:24 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Steve Shapiro	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose the definition of "Thrill Craft" within SECTION 2. Section 200-23, Hawaii Revised Statutes, to be amended. As stated in this bill, SECTION 1. "The legislature finds that the advancement in technology used for vessel and watersports equipment propulsion has outpaced the State's ability to update its related laws." This is a fair statement, and the public should not be punished for the State's inability, by imposing this amendment without further investigation, as many of the terms and statements in this bill are inaccurate. Increasing lengths from thirteen feet to sixteen feet will have a huge impact on many recreational water-goers, and reducing the speed parameters from twenty mph to fifteen mph will also be to their detriment. Surfboards using a motorized hydrofoil should also not be classified as a "Thrill Craft", as this is encompassed within the evolution of surfing, which is freedom and should not have laws and restrictions imposed. Lastly these devices are used as assisted devices to allow those with disabilities to participate in water sports that they might not otherwise be able to do. Restricting some of these crafts would be an impediment to those with disabilities and under federal law illegal.

SB-2209

Submitted on: 2/8/2024 6:06:59 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Randal West	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose SB2209 as it inappropriately blanketly categorizes the large variety of motorized watercraft smaller than 16 feet in length. Comparison between a 300hp jet ski and a 0.5hp motorized surf / foil board is inappropriate; wind-assisted watersports can meet speeds greater than most motorized craft under 16' feet in length. Our ocean is an enormous place and these motorized craft enable many to spread out away from historically crowded areas and enjoy it. Lastly, without data to substantiate the justification for this proposal it is inappropriate to approve it.

SB-2209

Submitted on: 2/8/2024 6:18:04 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Javier Rodriguez	Individual	Oppose	Written Testimony Only

Comments:

I'm writing to strongly oppose SB2209, the proposed bill to regulate efoil usage in Hawaii waters. As a water sports enthusiast and island resident, I believe imposing strict regulations on efoils is a mistake.

Efoils, or electric hydrofoils, offer an innovative and eco-friendly way to enjoy our oceans without the drawbacks of traditional watercraft. They provide accessibility for individuals with varying abilities, have minimal environmental impact, and contribute positively to Hawaii's tourism.

The bill seems to stem from isolated complaints in Kaanapali Maui, which should be addressed locally rather than through statewide regulations. There's no concrete evidence that efoils endanger people or marine life in Hawaii. On the other hand, existing laws can regulate efoils effectively without the need for this change.

As responsible e-foilers, we prioritize safety, are certified in rescue procedures, use reef-safe products, and actively contribute to beach cleanups. Imposing sweeping regulations on efoils will adversely affect Hawaii's economy and deprive residents and tourists of an exciting, eco-conscious water activity.

I urge policymakers to reconsider and find a balanced approach that preserves our natural resources while allowing responsible enjoyment of our oceans.

SB-2209

Submitted on: 2/8/2024 7:00:53 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Sam	Individual	Oppose	Written Testimony Only

Comments:

Electric hydrofoils are a safe and fun watersport for all to enjoy. They allow those who cannot easily get into Watersports the opportunity to do so. Electric hydrofoils do not create any harm on the environment in terms of pollution and they are a clean vessel that create no wake or noise. Classifying surfboards as a thrill craft is a detriment to the evolution of surfing and encroaches on what surfing is all about; freedom. I strongly oppose this bill.

SB-2209

Submitted on: 2/8/2024 7:04:49 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Tim Von Ruetzen	Individual	Oppose	Written Testimony Only

Comments:

Small battery driven hydrofoils should not be classed as thrill craft. Sub 10horsepower are purely designed to get onto a wave, not create a "thrill" such as a 100+ hp Jet ski.

I oppose this change in the law as it is poorly written with little thought to any actual perceived problems.

SB-2209

Submitted on: 2/8/2024 7:48:12 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Victor Velasco	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose the definition of "Thrill Craft" within SECTION 2. Section 200-23, Hawaii Revised Statutes, to be amended. As stated in this bill, SECTION 1. "The legislature finds that the advancement in technology used for vessel and watersports equipment propulsion has outpaced the State's ability to update its related laws." This is a fair statement, and the public should not be punished for the State's inability, by imposing this amendment without further investigation, as many of the terms and statements in this bill are inaccurate. Increasing lengths from thirteen feet to sixteen feet will have a huge impact on many recreational water-goers, and reducing the speed parameters from twenty mph to fifteen mph will also be to their detriment. Surfboards using a motorized hydrofoil should also not be classified as a "Thrill Craft", as this is encompassed within the evolution of surfing, which is freedom and should not have laws and restrictions imposed.

The use of small assist devices to enable surfing to move away from overcrowded surf breaks actually helps to spread out people and prevents accidents. Take an average day at Canoes and look at how many people are concentrated into that area. Accidents already happen - with zero motorized devices. If you study where small motorized devices are used - they are away from crowded areas in accordance with existing motor boat rules. The users also self police and discourage new users from conducting the activity at traditional surf breaks.

The existing rules are sufficient for protecting all ocean users. Adding additional restrictions will likely increase accidents from pushing more people into limited areas, and slow down the development of technology that could be used in other applications.

Mahalo for your consideration

SB-2209

Submitted on: 2/8/2024 7:53:30 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Edmund pestana	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. The motorized foilboards are not thrill craft. The proposer does not understand that paddle assist boards are not EFoils. They just help the rider get onto swells. The motor is out of the water once the board rises onto the foil. It is for people who cannot paddle as fast as the younger riders. I'm not sure but, could this rule be discriminatory and invite legal problems that could be avoided by rewriting a rule with the counseling of experts in this field. EFoil boards require the prop to be engaged in order to make forward progress.

SB-2209

Submitted on: 2/8/2024 8:21:08 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
James Gludemans	Individual	Oppose	Written Testimony Only

Comments:

If you ban electric foil assist, the surf breaks will get more crowded and dangerous. With the electric assist, we can stay outside in non breaking surf. Also, you will impact tourism.

SB-2209

Submitted on: 2/8/2024 8:25:34 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
James M. Brown	Individual	Oppose	Written Testimony Only

Comments:

eFoil craft are completely different from jet skis and should not be classified or regulated the same way. They weigh about 50 pounds and typically cruise at 15 mph with a top speed of 25 mph, and they have a tiny motor. For reference, a surfer on a surfboard goes about 15-20 mph. A jet ski is about 1000 pounds and cruises at 25-35mph with top speeds of over 50mph with a car engine.

A surfer on a surfboard is more dangerous than an eFoil because they are going as fast or faster and are typically in a crowded surf line up.

SB-2209

Submitted on: 2/8/2024 8:35:15 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Dana Schreiber	Individual	Oppose	Written Testimony Only

Comments:

I opppse this bill, it is attempting to restrict all vessel types which is unfair. Small low output vessels that are used outside of the surf zone and away from surfers should be ok to operate.

SB-2209

Submitted on: 2/8/2024 9:16:10 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Rudi Miklosvary	Testifying for Fliteboard	Oppose	Written Testimony Only

Comments:

Dear Senator Inouye and members of the committee:

On behalf of Fliteboard USA LLC, we would like to thank you for the opportunity to express our concerns about SB 2209 – relating to thrill craft. This bill, as written, would apply significant regulations to the individual users of eFoils, and on eFoil schools that exceed what is necessary to ensure safe operations and shared access to the ocean and beach.

Our key concern (inline with NMMA's objections) is that SB 2209 would apply restrictions created for PWC on eFoils, a completely different type of vessel. In this instance, there are few common elements between eFoils and PWC from a user perspective.

For a number of reasons that differentiate eFoils and PWC, we request that the committee vote against this bill, and that it support designating eFoils as “other” and not PWC – an option provided by USCG.

DIFFERENCES BETWEEN EFOILS AND PWC

Personal watercraft provide drivers and riders with significant flotation and a safe platform to rest and regroup as needed. PWC have storage for water and sunscreen, as well as hand-held marine radios and Emergency Position Indicating Radio Beacon (EPIRBs). They require minimal physical effort to operate in most conditions.

If the regulations for thrill craft are applied to eFoils, the result would be several unsafe or impractical situations. eFoils would be directed to use thrill craft zones at Hilo Bay, Kailua-Kona, Haleiwa, Kaneohe Bay and Maunaloa Bay. These zones were created with the assumption that the operators of the thrill craft will be able to quickly return to safety from well offshore in the event of unexpected high winds or waves, fatigue or other unexpected conditions. PWC are also capable of running for several hours without refueling.

In contrast, an eFoil rider in thrill craft zone will be well offshore without these protections, the ability to carry water or easily adapt to rough conditions. eFoils operators have no easy way to carry a hand-held marine radio or other safety equipment that one would often have when offshore in a thrill craft. While simple to master in calm conditions, it takes skill to ride eFoils in the conditions that are common in the thrill craft zones, yet there would be an implication by law that it is safe, and even encouraged, for eFoil riders to travel offshore into these zones. State

guidelines for the use of thrill zones strongly recommend that operators also carry EPIRBs in recognition of the inherent danger of operating offshore in small watercraft. State law should not be effectively pushing eFoil riders into these zones.

While riders can operate outside of thrill craft zones, they still must be a minimum of 500 feet from shore or seaward of the fringe reef, again a distance that is significant for the eFoil rider.

Thrill craft restrictions regarding launching also should not be applied to eFoils. eFoils weigh around 70 pounds when fully assembled, including a battery, and they can be disassembled into even lighter components. State law requires that thrill craft only gain access to state waters from launching or harbor facilities or from private beachfront property. While this may make sense when applied to a vessel weighing between 800 and 1,100 pounds, it is not an appropriate restriction for eFoils.

Thrill craft rules also do not easily apply to eFoil schools. These few schools have significantly less impact on other persons in the ocean or on the beach, particularly compared to the conditions that lead to the creation of thrill zones in the 1990's. The eFoil schools are low impact, with limited noise or other disturbances for others.

Our Fliteschools teach riders to ride under the close supervision of experienced and trained instructors. The riders learn to ride appropriate distances from shore and others in the water, and to control their boards and speed. Given the differences between an eFoil school (Fliteschool) and a PWC rental, the limits to weekday-only operation go well beyond what is necessary to regulate this activity.

Restricted days of operation will have a significant impact on the economic benefits that flow from these schools. Weekend jobs, tourism, and spending will be less, and will be felt by restaurants and other businesses in the vicinity of these schools.

We recommend that the committee vote against SB 2209. Efoils have few similarities to personal watercraft and their operation should not be subject to the same regulations. Please contact me at rudi@fliteboard.com with any questions or concerns.

SB-2209

Submitted on: 2/8/2024 9:16:56 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
David Look	Individual	Oppose	Written Testimony Only

Comments:

An eFoil is **not** a thrill craft.. it's more like an elevated controlled paddleboard, without a paddle. The operating prop, inches below the surface, is mostly protected, silent, slow controlled speed and without exhaust. Just like a skeg.

The rider rarely goes faster than a swell.

A rider's head is elevated and can easily see all potential obstacles below the water's surface, and at its slow operating speed can easily avoid.

A thrill craft, like a JetSki, goes upwards of 80 miles an hour, eyes watering/blinded, splashing and is often operated on the edge of "out of control". Most problems with thrill crafts, like JetSki's, occur among their own kind. In my experience, I've seen JetSki to JetSki collisions occur while trying to jump the other's wake. Jetski's also polute the air and water with their combustion engine polutants. Not the case with battery operated devices.

Foilers stay far away from each other. There is no wake, or wave created by the craft, so there's no reason to come close.

My propeller is totally silent, as is the motor itself (Liftfoil brand).

In my experience, I haven't seen a fish, or any wildlife at the surface level approximately 6 inches from the surface (where the foil and prop run). On a clear Day, I typically see them much deeper. Props are typically covered, so even if it were to come in contact with wildlife at slow speeds, it would nearly bump them away.

Again, the key here is the slow speed at which the foil operates. That is the **key differentiator** of the technology. While being towed by a motorboat, on a regular foil (without motor) board, we set the tow boat speed at 11 Miles per hour. Any faster than that and you feel like your hair is on fire. That is the optimal range of all foil use. Hardly close to 80 miles an hour.

As a medical researcher, it is very enticing to act based on opinion. I have trained my mind over the decades to be objective and only respond to hard data. When operating outside of this realm in my business, you can make well intended mistakes and risk the success of the company or product you're developing. In the same way, I would like to know the data that has driven the reaction I am writing about. From my personal observation, I cannot believe that there are any

injuries of note due to eFoils, other than uncoordinated users falling off of the unit and hurting themselves at impact (11 mph :)). Are we working on a non-problem to appease some minority fringe, not operating with objective data?

I have been eFoiling for about six months, mostly in Waikiki. I am 58 years old and from what I've seen, I representative of the avg demographic of users.

The devices are cost prohibitive and thus screen out young, disrespectful whippersnappers. Most users keep to themselves far from swimmers/surfers and far from surf spots, otherwise surfers would chase them out. They dont work well in breaking waves, best way outside on slow rolling swells or flat lagoons/lakes.

Uses are retired, or experienced businessman, with good judgment and sense, voters, taxpayers and dads. I have not seen them ever do stupid things (like you would expect from jet skiers on a rental craft).

The skill involved to balance on a foil really keeps the riffraff out. I am a once college level athlete and foiling is one of the most difficult coordination exercises I have encountered in my life. So this is not something that the general public will just jump on during spring break and abuse. It is very self-restrictive, self monitoring and because of this, needs regulation less than any pursuit I can think of.

The role of regulation is to ensure its electorate's freedom/safety. Fun is a basic freedom, as long as it isn't affecting someone else's freedom and safety. Regulation should work to ensure this, while not depriving freedoms. I think we may be barking up the wrong tree here. People that live in Hawaii love the outdoors and want to maximize its enjoyment. I have yet found in my lifetime something encourages this more than my eFoil, **without bothering a single soul around.** - no wakes, no noise (above water or below), no disruption or risk to anyone around me. Total respect for the environment!

I trust you will consider also the large community of those who enjoy efoils respectfully and the business community and their family's that supports them. It is much larger than you can imagine. Next generations of these devices will only futher the fundamentals of safe use, respectfullness ad environmental conciousness.

SB-2209

Submitted on: 2/8/2024 10:10:57 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Rafael Rivera	Individual	Oppose	Written Testimony Only

Comments:

Proven data from this study conducted on an Efoil shows the sound of an Efoil hold to the ambient sound of the ocean. This proves an Efoil is the least danger to whales and wildlife over ALL other vessels. So this raises questions??? If an Efoil is to be restricted then ALL vessels should be restricted. This is why we oppose this bill. Because it has no facts or data to back it. The DLNR simply needs the resources it deserves to do its job. They have been underfunded and understaffed for years.

Furthermore in the last 3 years we have performed several ocean rescues on an Efoil. These were young kinds that were swept away on paddle boards. We also work with wildlife entities to keep marine life SAFE. For example: We have made several calls to the monk seal protection Association to come down and set safety exclusion zones. And we have cleaned the beaches every chance we have (trash, glass, fishingline On reefs.

Lastly an Efoil Association has been established to educate all Efoil operators here in Hawai'i. We will continue to network and communicate all rules set by our DLNR officers and ADD more safety protocols to create an outstanding safety standard for efoil operations here in Hawai'i.

Thank you

February 8, 2024

Sen. Lorraine Inouye
Chair
Hawai'i Senate Committee on Water and Land
415 South Beretania Street
Honolulu, HI 96813

Re: SB 2209 – Thrill Craft

Dear Senator Inouye and members of the committee:

On behalf of the National Marine Manufacturers Association (NMMA), we would like to thank you for the opportunity to express our concerns about SB 2209 – relating to thrill craft. This bill, as written, would apply significant regulations to the individual users of eFoils, and on eFoil schools that exceed what is necessary to ensure safe operations and shared access to the ocean and beach.

Our key concern is that SB 2209 would apply restrictions created for PWC on eFoils, a completely different type of vessel. In this instance, there are few common elements between eFoils and PWC from a user perspective.

For a number of reasons that differentiate eFoils and PWC, we request that the committee vote against this bill, and that it support designating eFoils as “other” and not PWC – an option provided by USCG.

DIFFERENCES BETWEEN EFOILS AND PWC

Personal watercraft provide drivers and riders with significant flotation and a safe platform to rest and regroup as needed. PWC have storage for water and sunscreen, as well as hand-held marine radios and Emergency Position Indicating Radio Beacon (EPIRBs). They require minimal physical effort to operate in most conditions.

If the regulations for thrill craft are applied to eFoils, the result would be several unsafe or impractical situations. eFoils would be directed to use thrill craft zones at Hilo Bay, Kailua-Kona, Haleiwa, Kaneohe Bay and Maunalua Bay. These zones were created with the assumption that the operators of the thrill craft will be able to quickly return to safety from well offshore in the event of unexpected high winds or waves, fatigue or other unexpected conditions. PWC are also capable of running for several hours without refueling.

In contrast, an eFoil rider in thrill craft zone will be well offshore without these protections, the ability to carry water or easily adapt to rough conditions. eFoils operators have no easy way to carry a hand-held marine radio

or other safety equipment that one would often have when offshore in a thrill craft. While simple to master in calm conditions, it takes skill to ride eFoils in the conditions that are common in the thrill craft zones, yet there would be an implication by law that it is safe, and even encouraged, for eFoil riders to travel offshore into these zones. State guidelines for the use of thrill zones strongly recommend that operators also carry EPIRBs in recognition of the inherent danger of operating offshore in small watercraft. State law should not be effectively pushing eFoil riders into these zones.

While riders can operate outside of thrill craft zones, they still must be a minimum of 500 feet from shore or seaward of the fringe reef, again a distance that is significant for the eFoil rider.

Thrill craft restrictions regarding launching also should not be applied to eFoils. eFoils weigh around 70 pounds when fully assembled, including a battery, and they can be disassembled into even lighter components. State law requires that thrill craft only gain access to state waters from launching or harbor facilities or from private beachfront property. While this may make sense when applied to a vessel weighing between 800 and 1,100 pounds, it is not an appropriate restriction for eFoils.

Thrill craft rules also do not easily apply to eFoil schools. These few schools have significantly less impact on other persons in the ocean or on the beach, particularly compared to the conditions that lead to the creation of thrill zones in the 1990's. The eFoil schools are low impact, with limited noise or other disturbances for others.

The eFoil schools teach riders to ride under the close supervision of experienced instructors. The riders learn to ride appropriate distances from shore and others in the water, and to control their boards and speed. Given the differences between an eFoil school and a PWC rental, the limits to weekday-only operation go well beyond what is necessary to regulate this activity.

Restricted days of operation will have a significant impact on the economic benefits that flow from these schools. Weekend jobs, tourism, and spending will be less, and will be felt by restaurants and other businesses in the vicinity of these schools.

We recommend that the committee vote against SB 2209. Efoils have few similarities to personal watercraft and their operation should not be subject to the same regulations. Please contact me at rfischer@nmma.org with any questions or concerns.

Sincerely,

Rachel Fischer
Manager, Western Policy and Engagement

SB-2209

Submitted on: 2/8/2024 10:57:45 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Andrea Stancati, M.D	Individual	Oppose	Written Testimony Only

Comments:

To whom it may concern, my name is Andrea Stancati, I'm an M.D. Rheumatologist and I have been practicing surfing for 40 years and foilsports (including efoiling) for the past 4 years. I live in Switzerland but I have visited Hawaii numerous times and I deeply admire its people and love its environment.

For this reason it is my strong believe that opposing the proposal to reclassify efoils as thrill crafts in Hawaii is essential for several reasons. Firstly, efoils, also known as electric hydrofoil surfboards, are primarily used for recreational purposes such as surfing and cruising. Unlike traditional thrill crafts like jet skis or speedboats, efoils do not pose the same level of risk to public safety or the environment.

Reclassifying efoils as thrill crafts could lead to unnecessary regulations and restrictions that would limit access to this emerging and environmentally friendly water sport. Efoils are typically quieter and produce less pollution compared to traditional thrill crafts, making them a more sustainable option for enjoying Hawaii's beautiful waters.

Furthermore, lumping efoils into the same category as thrill crafts ignores their distinct characteristics and usage patterns. Efoils are generally operated at lower speeds and are less likely to cause disturbances to marine life or other water users. Placing them under the same regulatory framework as thrill crafts could result in unfair restrictions that hinder the growth of this innovative and eco-friendly recreational activity.

Instead of reclassifying efoils as thrill crafts, the government of Hawaii should consider implementing targeted regulations that address any specific concerns related to their use, such as safety guidelines and designated operating areas. By taking a nuanced approach to regulation, Hawaii can support the responsible enjoyment of efoils while preserving public safety and the natural beauty of its marine environment.

SB-2209

Submitted on: 2/8/2024 11:17:16 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Pete Hicks	Individual	Oppose	Written Testimony Only

Comments:

The regulator has clearly demonstrated that they do not understand the type of craft that they are trying to regulate, and the detrimental affects on safety if they are to do so. Furthermore, no evidence has been provided to substantiate any change to current regulations. The first order of business should be a study to see if the findings of this bill are even accurate. As I am a user of this technology, I can confirm that the assumptions, and they are only assumptions made, are completely inaccurate. This bill clearly demonstrates that the regulator is I'll informed and will potentially jeopardise the safety of many, and this reason I am vehemently opposed.

SB-2209

Submitted on: 2/8/2024 11:35:32 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Byron Kitkousky	Individual	Oppose	Written Testimony Only

Comments:

I am a foil drive assist user the bill would designate my tiny .05 horse power battery driven assist motor foil board as a thrill craft such as a 300 horsepower gas driven motor on a jet ski that weighs hundreds of pounds, my board weighs 22 pounds. I am 69 years old and disabled, the little foil drive assist allows me to catch and ride waves I could never catch or ride with my old damaged shoulders arms and legs. I don't ride in the surfing line up near surfers or beach goers but stay away in the unused portion of surf areas and just use the motor to get me on foil then ride the wave without the motor like a prone foiler, wing foiler, or downwind paddle foiler. I carry a paddle with me which I use once I am up and riding the wave, chop, or unbroken swell. My body is old and disabled without this assist device I have no chance to hand paddle into waves like the young prone foilers or canoe paddle into waves , chop, swell like stand up foilers or downwind foilers do. Don't take away my life by calling my little foil drive assist foil board a thrill craft, comparing the tiny >.05 hp battery motor to the gas powered 300 hp jet ski which weighs hundreds of pounds is insane

SB-2209

Submitted on: 2/8/2024 11:35:37 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Christopher Ayazi	Individual	Oppose	Written Testimony Only

Comments:

I do not think efoils should be considered thrill craft.

Opposition to SB2209

I Jason Healey am here to testify that eFoil's should not be classified as "thrill crafts" due to their inherent design characteristics and intended use compared to traditional thrill craft like jet skis.

I am opposed to Bill SB2209 for many reasons. Let's start with the inaccurate statements found within the bill. SB2209 states "The legislature further finds that surfboards using motorized hydrofoil technology are reaching speed capabilities of more traditional vessel types, such as thrill craft, and can present safety concerns when motorized hydrofoil surfboards are operated in areas intended only for non-motorized and manually powered vessels and equipment." Typically eFoils operate just above their hydrofoil foiling speed which for most models is between 7-12mph. The claimed top speeds attained by the models require exceptionally flat-water conditions and are not achievable by most riders. Also, eFoil's typically have motor output powers in the 4-8hp range. This contrasts to Thrill craft where the base models can easy achieve speeds of 50mph, and higher end models reach speeds of 75mph, in a wide range of water conditions. Thill craft also have output powers in the 150-325hp range which is far in excess of any efoil ability.

Bill SB2209 goes on to state "The legislature recognizes that non-motorized hydrofoils cannot reach speeds comparable to motorized hydrofoils and therefore should not be considered thrill craft under the state boating law". This is another factually incorrect statement, with non-motorized hydrofoils often operating at higher speeds than motorized hydrofoils, primarily due to their higher aspect and smaller hydrofoil wings which permits higher speeds. The non-motorized hydrofoils operate in the surf zones and harness wave energy which allows higher foiling speeds. Also, when we consider kite foiling and wing foiling these sports operate at higher speeds than eFoils and operate in the surf zones. The surf zones are often shared with public users. eFoils do not operate in these area's.

SB2209 item (4) states "Designed to provide similar operating performance [as] to a [personal watercraft] "personal watercraft", as defined in title 33 Code of Federal Regulations section 174.3, through a combination of small size, [power plant,] propulsion machinery, performance characteristics, and hull design" As shown through the points above, this statement is incorrect with an eFoil operating performance being in no way comparable to a jets ski's/thrill crafts operating performance.

Furthermore, it is my understanding that this bill is being driven by an upset member of the public in Maui, and the real issue is Beach access. The public member in Maui doesn't want the local eFoil School operating on "her" beach and taking "her" public street parking. If this is the case then there have been many attempts to limit public access to beaches within Hawaii, with the state always standing on the side of allowing beach access to all users (public, canoes, surfboards, SUPs, spearfishing, windsurfers, kitesurfers, wing foilers etc). If indeed this is what this measure is about lets recognize it for what it is -

an attempt to limit beach access. Rather than attempt to improve safety - where a safety issue does not exist (compare injuries from eFoiling to people being hit in the surf zones by canoes/surfboards etc)

Key Differences between eFoils and Thrill craft and my proposals to address safety concerns.

Speed: While some eFoil's can reach speeds similar to jet skis, their design prioritizes stability and gliding rather than high-speed maneuvers. Unlike jet skis, eFoil's lack steering handles and sit-down positions, encouraging a calmer and more controlled riding style.

Maneuverability: Efoil's have limited maneuverability compared to jet skis. Their larger boards and hydrofoil wings make sharp turns and rapid changes in direction difficult, discouraging aggressive riding.

Impact on Environment: Efoil's are electric-powered, generating no harmful emissions or disruptive noise. This contrasts with gasoline-powered jet skis, which contribute to air and water pollution and create significant noise disturbance.

Accessibility and Learning Curve: Efoil's have a gentler learning curve compared to jet skis. Their wider boards and stable design make them easier to balance and control, allowing riders of all skill levels to enjoy the experience safely.

Intended Use: Unlike jet skis often associated with adrenaline-pumping stunts and aggressive maneuvers, eFoil's are primarily intended for cruising, gliding, and enjoying the serenity of the water. Their design promotes a more relaxed and contemplative riding experience.

Regulations and Safety:

While eFoil's may deserve their own regulatory category distinct from thrill crafts, their inherent safety features and responsible use require similar safety regulations to a small vessel with less than 10hp (dinghy or small boat tender) These regulations may include:

Mandatory safety gear like life jackets and leashes.

Speed limits appropriate for specific areas and user skill levels.

Operator licensing or safety training requirements.

SB-2209

Submitted on: 2/8/2024 11:49:14 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Ben Corbett	Individual	Oppose	Written Testimony Only

Comments:

Opposition to SB2209

Today, I am here to testify that eFoil's should not be classified as "thrill crafts" due to their inherent design characteristics and intended use compared to traditional thrill craft like jet skis.

Im opposed to Bill SB2209 for many reasons. Let'sstart with the inaccurate statements found within the bill. SB2209 states “ The legislature further finds that surfboards using motorized hydrofoil technology are reaching speed capabilities of more traditional vessel types, such as thrill craft, and can present safety concerns when motorized hydrofoil surfboards are operated in areas intended only for non-motorized and manually powered vessels and equipment.” Typically eFoils operate just above their hydrofoil foiling speed which for most models is between 7-12mph. The claimed top speeds attained by the models require exceptionally flat-water conditions and are not achievable by most riders. Also, eFoil's typically have motor output powers in the 4-8hp range. This contrasts to Thrill craftwhere the base models can easy achieve speeds of 50mph, and higher end models reach speeds of 75mph, in a wide range of water conditions. Thill craft also have output powers in the150-325hp range which is far in excess of any efoil ability.

Bill SB2209 goes on to state “The legislature recognizes that nonmotorized hydrofoils cannot reach speeds comparable to motorized hydrofoils and therefore should not be considered thrill craft under the state boating law”. This is another factually incorrect statement, with non-motorized hydrofoils often operating at higher speeds than motorized hydrofoils, primarily due to their higher aspect and smaller hydrofoil wings which permits higher speeds. The non-motorized hydrofoils operate in the surf zones and harness wave energy which allows higher foiling speeds.Also, when we consider kite foiling and wing foiling these sports operate at higher speeds than eFoils and operate in the surf zones. The surf zones are often shared with public users. eFoils do not operate in these area's.

SB2209 item (4) states “Designed to provide similar operating performance [as] to a [personal watercraft] "personal watercraft", as defined in title 33 Code of Federal Regulations section 174.3, through a combination of small size, [power plant,] propulsion machinery, performance characteristics, and hull design” As shown through the points above, this statement is incorrect with an eFoil operating performance being in no way comparable to a jetski's/thrill crafts operating performance.

Furthermore, it is eFoils Waikiki's understanding that this bill is being driven by an upset member of the public in Maui, and the real issue is Beach access. The public member in Maui doesn't want the local eFoil School operating on “her” beach and taking “her” public street parking. If this is the case then there have been many attempts to limit public access to beaches within Hawaii, with the state always standing on the side of allowing beach access to all users (public, canoes, surfboards, SUPs, spearfishing, windsurfers, kitesurfers, wing foilers etc). If indeed this is what this measure is about lets recognize it for what it is - an attempt to limit beach access. Rather than attempt to improve safety - where a safety issue does not exist (compare injuries from eFoiling to people being hit in the surf zones by canoes/surfboards etc)

Key Differences between eFoils and Thrill craft and eFoil's Waikiki's proposals to address safety concerns.

Speed: While some eFoil's can reach speeds similar to jet skis, their design prioritizes stability and gliding rather than high-speed maneuvers. Unlike jet skis, eFoil's lack steering handles and sit-down positions, encouraging a calmer and more controlled riding style.

Maneuverability: Efoil's have limited maneuverability compared to jet skis. Their larger boards and hydrofoil wings make sharp turns and rapid changes in direction difficult, discouraging aggressive riding.

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Regulations and Safety:

While eFoil's may deserve their own regulatory category distinct from thrill crafts, their inherent safety features and responsible use require similar safety regulations to a small vessel with less than 10hp (dinghy or small boat tender) These regulations may include:

Mandatory safety gear like life jackets and leashes.

Speed limits appropriate for specific areas and user skill levels.

Operator licensing or safety training requirements.

SB-2209

Submitted on: 2/8/2024 11:59:37 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Thomas Cooper	Individual	Oppose	Remotely Via Zoom

Comments:

I'm opposed to efoils being classified as thrill craft. There is a mis perception that we ride in the same places as surfers and traditional surf foils. We ride beyond where the waves are breaking or in flat water and thus take pressure off of the crowded surf spots. We are also aware of the scrutiny of the public with a new sort of toy and make extra efforts to be far away from swimmers and be respectful at all times. The demographics of the average boarder is a 50 something professional. We're not crazy thrill seekers but professional responsible citizens who want to be welcomed in to the community. We look out to educate and police our own should we encounter someone who isn't familiar with the etiquette. The boards themselves don't polute either with noise or gasoline. If you drive us farther out to sea as proposed it puts us in danger. We're then a smalll speck in the ocean with no way to get back if something goes wrong like a battery malfunction. The rules as they stand are sufficient. We're not competing with any of the surfers because those just don't work for what we have. We're often mistaken for regular foil surfers but that's a misperception

Respectfully,

Thomas Cooper

SB-2209

Submitted on: 2/8/2024 12:16:09 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Carly Adcox	Individual	Oppose	Written Testimony Only

Comments:

This water activity has minimal impact on others and the environment. There is no need to classify this as something thrilling, it is peaceful and easily accessible for people with handicaps and with limited board skills. It is important to keep this accessibility as it is. The reason this bill is even occurring is due to corrupt wealthy individuals who are not knowledgeable about the eFoil. the eFoil is highly misunderstood and many individuals who are in agreement with this bill don't know what they are speaking about

SB-2209

Submitted on: 2/8/2024 12:44:37 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Addison Howard	Individual	Oppose	In Person

Comments:

Opposition to SB2209

Today, I am here to testify that eFoil's should not be classified as "thrill crafts" due to their inherent design characteristics and intended use compared to traditional thrill craft like jet skis.

Im opposed to Bill SB2209 for many reasons. Let's start with the inaccurate statements found within the bill. SB2209 states " The legislature further finds that surfboards using motorized hydrofoil technology are reaching speed capabilities of more traditional vessel types, such as thrill craft, and can present safety concerns when motorized hydrofoil surfboards are operated in areas intended only for non-motorized and manually powered vessels and equipment." Typically eFoils operate just above their hydrofoil foiling speed which for most models is between 7-12mph. The claimed top speeds attained by the models require exceptionally flat-water conditions and are not achievable by most riders. Also, eFoil's typically have motor output powers in the 4-8hp range. This contrasts to Thrill craft where the base models can easily achieve speeds of 50mph, and higher end models reach speeds of 75mph, in a wide range of water conditions. Thrill craft also have output powers in the 150-325hp range which is far in excess of any efoil ability.

Bill SB2209 goes on to state "The legislature recognizes that nonmotorized hydrofoils cannot reach speeds comparable to motorized hydrofoils and therefore should not be considered thrill craft under the state boating law". This is another factually incorrect statement, with non-motorized hydrofoils often operating at higher speeds than motorized hydrofoils, primarily due to their higher aspect and smaller hydrofoil wings which permits higher speeds. The non-motorized hydrofoils operate in the surf zones and harness wave energy which allows higher foiling speeds. Also, when we consider kite foiling and wing foiling these sports operate at higher speeds than eFoils and operate in the surf zones. The surf zones are often shared with public users. eFoils do not operate in these areas.

SB2209 item (4) states "Designed to provide similar operating performance [as] to a [personal watercraft] "personal watercraft", as defined in title 33 Code of Federal Regulations section 174.3, through a combination of small size, [power plant,] propulsion machinery, performance characteristics, and hull design" As shown through the points above, this statement is incorrect with an eFoil operating performance being in no way comparable to a jetski's/thrill crafts operating performance.

Furthermore, it is eFoils Waikiki's understanding that this bill is being driven by an upset member of the public in Maui, and the real issue is Beach access. The public member in Maui doesn't want the local eFoil School operating on "her" beach and taking "her" public street parking. If this is the case then there have been many attempts to limit public access to beaches within Hawai'i, with the state always standing on the side of allowing beach access to all users (public, canoes, surfboards, SUPs, spearfishing, windsurfers, kitesurfers, wing foilers etc). If indeed this is what this measure is about lets recognize it for what it is - an attempt to limit beach access. Rather than attempt to improve safety - where a safety issue does not exist (compare injuries from eFoiling to people being hit in the surf zones by canoes/surfboards etc)

Key Differences between eFoils and Thrill craft and eFoil's Waikiki's proposals to address safety concerns.

Speed: While some eFoil's can reach speeds similar to jet skis, their design prioritizes stability and gliding rather than high-speed maneuvers. Unlike jet skis, eFoil's lack steering handles and sit-down positions, encouraging a calmer and more controlled riding style.

Maneuverability: Efoil's have limited maneuverability compared to jet skis. Their larger boards and hydrofoil wings make sharp turns and rapid changes in direction difficult, discouraging aggressive riding.

Impact on Environment: Efoil's are electric-powered, generating no harmful emissions or disruptive noise. This contrasts with gasoline-powered jet skis, which contribute to air and water pollution and create significant noise disturbance.

Accessibility and Learning Curve: Efoil's have a gentler learning curve compared to jet skis. Their wider boards and stable design make them easier to balance and control, allowing riders of all skill levels to enjoy the experience safely.

Intended Use: Unlike jet skis often associated with adrenaline-pumping stunts and aggressive maneuvers, eFoil's are primarily intended for cruising, gliding, and enjoying the serenity of the water. Their design promotes a more relaxed and contemplative riding experience.

Regulations and Safety:

While eFoil's may deserve their own regulatory category distinct from thrill crafts, their inherent safety features and responsible use require similar safety regulations to a small vessel with less than 10hp (dinghy or small boat tender) These regulations may include:

Mandatory safety gear like life jackets and leashes.

Speed limits appropriate for specific areas and user skill levels.

Operator licensing or safety training requirements.

SB-2209

Submitted on: 2/8/2024 12:50:46 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Gordon Froeb	Individual	Oppose	Written Testimony Only

Comments:

Foiling is a completely different sport than jet skis. Jet skis can reach upwards of 60 mph and are capable of towing people on water skis and are extremely dangerous. Efoils are nowhere near the danger of jet skis. We are using the wind, waves and the power of the ocean to propel us most of the time. By limiting the areas we can foil it will create a great hazard for us to be crammed into small areas with jet skis. Please do not lump us together with jet skis. We are completely different and do not pose an existential threat to the other users of the ocean.

SB-2209

Submitted on: 2/8/2024 12:57:17 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Henry Odillo Maher	Individual	Oppose	Written Testimony Only

Comments:

This bill and its restrictions will hurt a growing sport and is against the freedoms of individuals. Like all sports, there is some danger, for example, the sport of football. Like football protective measures are taken. An efoiler also takes these protective measures. An e-foiler, with its power capabilities, is no wear near the capabilities as a "thrill craft". Having to register an e-foil will do nothing for the safety of the sport but will only add more red tape to an already highly restrictive world that we live in.

SB-2209

Submitted on: 2/8/2024 1:01:06 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Blane Chambers	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. One reason is if we are now under the "thrill craft" designation we then are required to launch from a boat ramp. That is so extremely dangerous!
Not all efoils are created equal. For example, our efoils are only to assist with paddling. We are not on wing flying under the power of the motor with speed. We only use for paddle assist yet the craft we use is still considered an efoil when we pose no dangers. Please spend more time writing this bill to separate what is dangerous or not.
Aloha, Blane

LATE

SB-2209

Submitted on: 2/8/2024 1:29:13 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Bob Bahlman	Individual	Oppose	Written Testimony Only

Comments:

There is a danger to including efoil to the thrill craft allotment.
I do not support this initiative.

LATE

SB-2209

Submitted on: 2/8/2024 1:31:52 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Leland Dao	Individual	Oppose	Written Testimony Only

Comments:

- I strongly oppose the definition of "Thrill Craft" within SECTION 2. Section 200-23, Hawaii Revised Statutes, to be amended. As stated in this bill, SECTION 1. "The legislature finds that the advancement in technology used for vessel and watersports equipment propulsion has outpaced the State's ability to update its related laws." This is a fair statement, and the public should not be punished for the State's inability, by imposing this amendment without further investigation, as many of the terms and statements in this bill are inaccurate. Increasing lengths from thirteen feet to sixteen feet will have a huge impact on many recreational water-**

goers, and reducing the speed parameters from twenty mph to fifteen mph will also be to their detriment. Surfboards using a motorized hydrofoil should also not be classified as a "Thrill Craft", as this is encompassed within the evolution of surfing, which is freedom and should not have laws and restrictions imposed.

LATE

SB-2209

Submitted on: 2/8/2024 1:32:37 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Jared Roth	Individual	Oppose	Written Testimony Only

Comments:

I am opposed to this as it is has in accurate statements, is poorly written and discriminates against the free use of the ocean resource.

LATE

SB-2209

Submitted on: 2/8/2024 1:51:00 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Fabian Enanoria	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose the definition of "Thrill Craft" within SECTION 2. Section 200-23, Hawaii Revised Statutes, to be amended. As stated in this bill, SECTION 1. "The legislature finds that the advancement in technology used for vessel and watersports equipment propulsion has outpaced the State's ability to update its related laws." This is a fair statement, and the public should not be punished for the State's inability, by imposing this amendment without further investigation, as many of the terms and statements in this bill are inaccurate. Increasing lengths from thirteen feet to sixteen feet will have a huge impact on many recreational water-goers, and reducing the speed parameters from twenty mph to fifteen mph will also be to their detriment. Surfboards using a motorized hydrofoil should also not be classified as a "Thrill Craft", as this is encompassed within the evolution of surfing, which is freedom and should not have laws and restrictions imposed.

In addition, I strongly oppose SB2209 as it inappropriately categorizes the large variety of motorized watercraft smaller than 16 feet in length. Comparison between a 300hp jet ski and a 0.5hp motorized surf / foil board is inappropriate; as wind-assisted watersports can meet speeds greater than most motorized craft under 16' feet in length. Our ocean is an enormous place and these motorized craft enable many to spread out away from historically crowded areas and enjoy it. Ultimately, without data to substantiate the justification for this proposal, it is inappropriate to approve it.

Lastly, these devices can and are used as assisted devices to allow those with disabilities to participate in water sports that they might not otherwise be able to do. Restricting some of these crafts would be an impediment to those with disabilities and under federal law, illegal.

Very respectfully,
Fabian Enanoria

LATE

SB-2209

Submitted on: 2/8/2024 1:58:44 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Albert Kim	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill for the following reasons:

1) The underlying assumptions are false and based on misunderstanding:

- e-foils, and more so foil-assist systems (like FoilDrive) are significantly less powerful than Jetskis (1-2hp vs 100-300 hp) and should not be put in the same category; they pose dramatically less risk for anyone in the water

- a 15mph "speed limit" seems arbitrary and not helpful; many if not all wind driven craft go much faster than 15mph; even surfers reach these speeds regularly (big wave surfers have reached in excess of 50mph); taking such a speed limit to its logical conclusion would essentially necessitate a ban of almost any watersport involving a board

2) There is no data supporting an increased risk due to electrically assisted foiling activity

- to my knowledge there is not a single documented incident of injury; that is in stark contrast to many recorded incidents recorded in kiting, or even swimmers being seriously injured by errant surfboards

3) Such regulation would in fact likely lead to an increased risk of injury due to continued overcrowding of surf breaks

- hydrofoils in general, but in particular electrically assisted ones, help to spread out waveriders; they allow people to take off and ride in waves that surfers can not or are not interested to ride
- outlawing electrically assisted hydrofoils will lead to all current users of these to congregate back to the point breaks and popular wave spots, leading to overcrowding, and indeed increased injury risk

LATE

SB-2209

Submitted on: 2/8/2024 2:36:50 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Bernard Stark	Individual	Oppose	Written Testimony Only

Comments:

Dear Councillors,

I commend your efforts to keep your beautiful islands in tune with nature. I completely understand why you need to regulate 300 hp petrol driven jet skis, with their chemical and noise pollution.

Electric assist drives, however, for hydrofoil craft, are around one horsepower, over 100 times less than jet skis, and they are electric and therefore environmentally friendly. They are used by people like me who struggle to surf and need this to get away from the crowds. We only use it as an assist to catch a wave, and it helps us enjoy locations that are unsuitable for surfers. It helps people with disabilities or other problems, like my advancing age, to enjoy the sea, without harming nature. These electric hydrofoils require a lot of skill to get going because they are so underpowered. They are really just an assist to help you do sport that 20-year-olds can do without the mild form of safe propulsion.

I do hope that you can see it in your heart to reject this bill, and perhaps at a future date, discuss regulating based on horsepower and fuel type.

Wishing you all all the best,

Bernard Stark

LATE

SB-2209

Submitted on: 2/8/2024 3:23:01 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Hayden Reeves	Individual	Oppose	Written Testimony Only

Comments:

Opposed

SB-2209

Submitted on: 2/8/2024 4:03:54 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

LATE

Submitted By	Organization	Testifier Position	Testify
Paul Davies	Individual	Oppose	Written Testimony Only

Comments:

Nonsensical

LATE

SB-2209

Submitted on: 2/8/2024 5:02:15 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
John melrose	Individual	Oppose	Written Testimony Only

Comments:

Please do not pass this bill. Efoils and foil assist equipment greatly enhances the surfing experience and should be allowed if basic safety measures are being followed. They should not be treated the same as jetskis or other watercraft

thank you.

John Melrose

LATE

SB-2209

Submitted on: 2/8/2024 6:11:50 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Brian Tobe	Individual	Oppose	Written Testimony Only

Comments:

Testimony Opposing Hawaii State Senate Bill 2209

Honorable Members of the Senate,

I am writing to express my strong opposition to Senate Bill 2209. While I appreciate the need for updating laws related to watercraft, I believe that this bill unfairly categorizes electric hydrofoil surfboards, commonly known as “e-foils,” as thrill craft. As a resident of our beautiful island, I urge you to reconsider this classification.

1. **Not a Thrill Craft:** E-foils are fundamentally different from traditional thrill craft. They do not reach speeds comparable to motorized hydrofoils. E-foils provide a serene and tranquil experience on the water, allowing riders to glide silently across the waves. They are not adrenaline-pumping thrill machines but rather a harmonious blend of technology and nature.
2. **Quiet and Environmentally Friendly:** Unlike noisy motorized vessels, e-foils operate silently. They do not disrupt marine life or disturb the peace of our coastal communities. By promoting e-foils, we encourage a more sustainable and eco-friendly approach to water sports.
3. **Benefit to the Aging Population:** E-foils offer a unique opportunity for our aging population to stay active and connected with the ocean. As joints age, traditional water sports become challenging. E-foils provide a low-impact alternative, allowing seniors to enjoy the freedom of gliding effortlessly over the water.
4. **Inclusivity for Physically Challenged Individuals:** E-foils level the playing field. Individuals with physical disabilities can experience the joy of riding the waves, feeling the wind in their hair, and connecting with nature. Let us embrace inclusivity and celebrate the accessibility that e-foils bring to our shores.

In conclusion, I implore you to recognize the true nature of e-foils and exempt them from the thrill craft category. Let us foster a vibrant water sports community that embraces innovation, environmental stewardship, and the well-being of all our residents.

Mahalo for your consideration.

Sincerely,

BRIAN TOBE

Kaneohe, HI 96744

LATE

SB-2209

Submitted on: 2/8/2024 6:54:55 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Scott Forstall	Individual	Oppose	Written Testimony Only

Comments:

Friday, February 9, 2024, the Committee on Water and Land is set to consider SB 2209 “Relating to Thrill Craft”. This bill would incorrectly recategorize eFoils as Thrill Craft. I am strenuously opposed to this bill.

IT COULD PUT THE LIVES OF eFOILERS AT RISK.

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

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

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

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

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

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

Please defeat SB 2209 (as was done with similar bills, like HB 1900, that keep getting introduced by the same people hoping to sneak through this dangerous change) and allow us to continue to safely enjoy the beauty that Hawaii has to offer in our quiet, non-polluting, fun manner with our community.

LATE

SB-2209

Submitted on: 2/8/2024 8:44:23 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Josh Seymour	Individual	Oppose	Written Testimony Only

Comments:

I am an avid waterman that enjoys windsurfing, surfing, kiteboarding and efoiling on Maui and Oahu. I do not believe that electric foils should be reclassified as thrill craft.

Electric foils do not have any waste products and are very quiet compared to all other boats. There is no chance of any hazzard to marine life or coral reefs like other boats have recently created at Honolua bay.

Kiteboarders and windsurfers often go much faster than efoils which I have ridden very often.

I do believe that efoil users should follow the same rules as boats, surfers and wind powered vessels and irresponsible or ignorant users should be subject to penalties.

this bill sets a dangerous precedent that could / would lump all foils, wind powered vessels and boats into a complete ban of all vessels everywhere rather than punish those who cause trouble.

LATE

SB-2209

Submitted on: 2/8/2024 8:55:50 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Philip when	Individual	Oppose	Written Testimony Only

Comments:

I whole heartedly OPPOSE this bill about "thrill craft"

LATE

SB-2209

Submitted on: 2/8/2024 8:58:03 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Travis Gulnac	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I've been windsurfing, surfing, diving, fishing, skimming, body surfing, swimming, boating, and jet skiing in Maui Coastal Waters for over 35 years. I've also been efoiling in the same waters for the past three and a half years. I strongly oppose SB2209 (formerly Resolution 23-183 and bill 1900HB, which were both struck down) classifying an efoil as a thrill craft / in the same category as a jet ski, as it is illogical based on the following reasoning. An efoil is clean, green, whisper quiet, creates no wake, weighs 60 lbs., averages 15 knots or less, and has an electric 5-hp motor. In contrast, a jet ski weighs 750 lbs., is capable of speeds of 65 knots, and has a gas-powered 300+ hp motor. Furthermore, by this same logic, boats would also fall into this thrill craft category.

Are we setting a precedent to ban/restrict boaters and fishermen to only operate at certain times of the year or in certain areas in the future too? Wouldn't a larger vessel do more damage to the reef, marine life, or a fellow waterman if it accidentally struck them? What studies have been done on the impacts of efoilers? What are the statistics and facts that were found? Is there an unbiased third-party documented, verified, and published report on these findings? Is there factual evidence or is it just a lot of noise from those who oppose

We love the ocean as much as those who might oppose efoiling. Just because it's new/different, doesn't mean it's bad. Every time a new sport comes out there is often opposition in some way or another. Look at windsurfing, kiting, SUP, foiling, winging & now efoiling. The ocean is vast and there's room for everyone to enjoy it. Let's find a way to come together and find solutions to resolve any issues that might be underlying, rather than just writing legislation to lump us in a category that is very different and illogical.

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

Mahalo,

Travis

LATE

SB-2209

Submitted on: 2/8/2024 10:35:03 PM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Neil Tanaka	Individual	Oppose	Written Testimony Only

Comments:

You must not lump all propelled watercraft into the category thrillcraft. It's not fair and doesn't make sense. I'm 65 years old and need help to catch waves. The bill as written considers my less than 1/2 horsepower foildrive assist prone foil board setup weighing 12 lbs. top speed of 5 to 8 mph equivalent to a dedicated e-foil weighing over 60 lbs and capable of speeds over 30 mph and jetski or waverunner type 110 horsepower water craft weighing over 400 lbs. and capable of speeds 50+ mph.

This bill is analogous to banning all stand up paddle boards, kayaks, canoes and longboards from all surf spots because they, weigh more than typical surf equipment, are capable of dangerous speeds and a hazard to swimmers and surfers.

LATE

SB-2209

Submitted on: 2/9/2024 12:18:00 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Bengt Hovgard	Individual	Oppose	Written Testimony Only

Comments:

Comparing a low powered e-foil with less than 10hp motor and and electric assist motor with 1.5hp to a PWC with a massive 200-300hp engine does not make sense. The performance and speeds and ways of operating are completely different.

A speed based limitation of 15mph does not makes sense as well. Non powered riders such as surfer on a wave, with or without a foil, a kite surfer and a wind surfer reaches speeds way above 15mph at any given time.

As a tourist visiting I see surfing as the onr state individual sport and using an electric assist motor or is a natural extension of the sport. It has many benefits for everyone, not only the user, such as mimimizing congestion on the wave and the inherent safety aspects due to the motorized surfers searches for waves away from the masses at the perfect breaks.

Safety is a huge aspect of assisted foiling. The motor allows for recovery and easy transfer to shore should something go wrong. I have used it myself in a situation like that when the wind dropped and I was facing a very long swim. It allows groups of Downwind surfers at sea to re-group and maintain the group much easier than just using a paddle.

A thorough study should be made to determine if the findings of the bill is correct. The ocean is a shared resource and we each have the opportunity to engage with it in a way that we enjoy and is considerate of the environment and to others.

This legislation is discriminatory based on a lack of understanding of the various types of watercraft and the way they are used

Thank you.

LATE

SB-2209

Submitted on: 2/9/2024 6:53:01 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Mark Pierce	Individual	Oppose	Written Testimony Only

Comments:

I'm not sure if this was intended to impact foil assist boards but I'm absolutely opposed if so. I can understand straight efoil boards which are mostly used by tourists who do not understand the safety and etiquette of surfing, but that is not true of the users of a foil assist board. Foil assist is only intended to help the foiler get up on foil. The battery if used as a straight foil board would last only a few minutes and it's not at all intended to be an efoil. These boards are really no different in the line up than a sup foil. Good judgement needs to be used on both as it does in the other extreme sports such as kiting and winging that are the mainstay and draw of the north shore of Maui. There absolutely needs to be a distinction. Grouping these into a thrill craft would be a major set back to a great sport. Thank you for your thoughtful consideration.

SB-2209

Submitted on: 2/9/2024 7:22:19 AM

Testimony for WTL on 2/9/2024 1:10:00 PM



Submitted By	Organization	Testifier Position	Testify
David Lewis	Individual	Oppose	Written Testimony Only

Comments:

Bill SB2209

Aloha,

I am writing this in opposition to Bill SB2209 which would unfairly classify battery-powered foilboards (“Efoils”) as “thrillcraft” and therefore lump them in with jet skis and the like and severely restrict their use. As someone who grew up windsurfing in Kailua Bay since the late 1970s and who now both wingfoils and uses an Efoil occasionally, I wish to provide some insight into my opposition to this proposed legislation.

First, a couple of major differences between an Efoil and a JetSki:

- 1) The vast majority of commercially available jet skis are gasoline-powered, producing noise and pollution. This is in contrast to Efoils which are battery powered and therefore are quiet and non-polluting.
- 2) Another important difference is the fact that anyone without experience can hop on a jet ski and quickly reach top speeds of 40 to 70 mph and, per Google, riders typically maintain speeds closer to 40-45 mph while learning or for casual riding. We have all heard horror stories of inexperienced JetSki riders crashing into other jet skis, boats, and swimmers. This is in stark contrast to an Efoil which takes many, many hours of learning (believe me, I know from experience!) usually moving along at about 10 to 15 mph. On an Efoil you are very aware of your surroundings as you need to maintain balance and observe the water ahead of you. While it is true that the top speed of an Efoil may max out at almost 30 mph, very few riders will achieve this speed as even 20 mph FEELS extremely fast when riding an Efoil.
- 3) While decent used jetskis can be purchased for under \$2000, used Efoils go for around \$6000, with new ones in the \$8,000-\$12,000 range, thus limiting the numbers of people who can afford one.

Lastly, a section of Bill SB2209 states something that is demonstrably FALSE:

“The legislature recognizes that non-motorized hydrofoils cannot reach speeds comparable to motorized hydrofoils”. The current wingfoil speed record is 31kts, or nearly 36mph! Wingfoilers

and kitefoilers in Kailua Bay routinely match and exceed the speed of those Efoiling and a wingfoil gives you LESS ability to see your surroundings due to the wing.

For these reasons, Bill SB2209 needs to be REJECTED.

Mahalo for your consideration!

Aloha,

David Lewis

SB-2209

Submitted on: 2/9/2024 7:25:46 AM

Testimony for WTL on 2/9/2024 1:10:00 PM



Submitted By	Organization	Testifier Position	Testify
Tod Francis	Individual	Comments	Written Testimony Only

Comments:

There are new technologies (just launching now) that provide minimal assist should not be included in this classification. These are small motors that provide temporary assistance. They fit on the mast of a foil to help wing foilers get up in light wind or get back to shore after the wind dies. An example is Foil Drive. These can also be used to assist a foil surfer to get a little boost of speed to get onto a wave. Once on foil, these motors are no longer in the water and not propelling the rider. These devices are temporary attachments that should not be confused with an "efoil" that can travel long distances at higher speeds.

LATE

To Whom it may concern

Hawaii, the birthplace of surfing, is globally recognized as the world leader in ocean sports progression and innovation from boogie boarding, windsurfing, SUP surfing, kitesurfing, foiling, wing foiling, downwind foiling to name a few.

Every time one of these technological advancements has occurred there has been understandable concern from existing water sports community which has resulted in criticism, ridicule and rejection of the innovation and user group until an equilibrium is reached.

This is a predictable pattern that has played out time and time again and SB 2209 is the latest manifestation of this pattern.

Surfing is recognized as the individual state sport of Hawaii and foiling is a logical extension of this.

SB 2209 makes clear link between speed and safety of non-motorized users. On this basis, a key criterion for the definition of a “Thrill Craft” is one that exceeds 15mph.

If the relationship between speed and safety is in fact the key issue being addressed here then based on this logic, would it not make sense that all craft capable of speeds in excess of 15mph now be included under in SB 2209?

On this basis and to remain consistent with this logic, consideration must be given to the excessive speeds generated by wind/ kite surfing equipment as well as wing foiling and SUP surfing/foiling which are capable of top speeds equal to or well in excess of foil assist technology.

It must also be stated that to categorize a foil fitted with foil assist technology in the same class as a high-powered jet ski is the equivalent of classing an electric mobility scooter in the same category as a high-powered street motorcycle.

SB 2209, demonstrates a lack of nuanced understanding in the logical advancement of ocean recreation and sporting equipment nor does it demonstrate a basis in factual data. As a result, SB 2209 unfairly discriminates against select group of ocean users based on nothing more than the type of equipment they choose to use to engage with this shared resource.

Finally, it must be stated that what may be a “problem” on Maui or Oahu does not necessarily mean it is an issue on Kauai, the Big Island and to impose this level of change at a statewide without fully understanding the nature of the problem itself and the downstream ramifications and impacts to the user groups is premature and unfounded.

On this basis I request that SB 2209 be rejected and the following occur ;

- a) The evaluation methodology and assessment criteria of the individual crafts and their relevant usage patterns and speed capacities upon which SB 2209 is based be made public***
- b) That a study be done to determine if what is being presented as factual data in SB 2209 is in fact true and correct?***
- c) That upon completion of this study that a course of action be determined based on factual data which incorporates feedback and discussions with relevant user groups/stakeholders to achieve a collaborative, effective and equitable outcome.***

Best Regards
Simon Oxenham
Surfer, Foiler, Kauai Resident.

LATE

SB-2209

Submitted on: 2/9/2024 9:14:19 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
James Wrigglesworth	Individual	Oppose	Written Testimony Only

Comments:

Dear Senators and committee members, My name is Michael Wrigglesworth. I have lived on the west side of Maui for 12 years. I love Maui for the community, beauty and cultural connection to the land and environment. I believe we as people have an intrinsic connection to nature, and Maui has given me a wonderful opportunity to connect with nature regularly. It is for this reason that I am so grateful for the technology introduced by the sport of efoiling. Efoils are EV, environmentally friendly vehicles that operate on very low horsepower, with very little impact to the environment around them. They are quiet and emit nothing to our air or ocean water. It is true they can reach speeds comparable with a small boat, but when operating from the beach riders operate at a very low speed and close to the water with clear visibility to swimmers and snorkelers until they are well off shore in the boating areas. High speed riding takes place far away from anywhere where a person would be swimming. A main objective of efoil enthusiasts is the freedom and exploration they afford, and is thus done well outside of where anyone would be swimming. To do this, we avoid other motorized vessels, not only for safety but because it would detract from the experience. Forcing us into zones with jetskis would be extremely dangerous. In addition, the proximity of jetski zones, would be very difficult to operate a school for beginner riders and could cause serious injury. All efoil riders I know are watermen/women, ocean lovers, surfers and care a great deal about safety. The businesses I know are generating great tourism experience with very little impact to the environment. Please do not pass this bill that would effectively ban a wonderful ocean experience. Mahalo.

LATE

SB-2209

Submitted on: 2/9/2024 9:25:08 AM

Testimony for WTL on 2/9/2024 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
David Fox	Individual	Oppose	Written Testimony Only

Comments:

Banning motorized personal foilcraft would be akin to banning motorized bicycles. Please don't. My "foil assist" booster has a max speed of barely 15mph when powered on flat water and thus cannot be compared to a jetski which reaches 50mph+.

My foil assist motor + board weigh in at less than 25lb versus 300-900lbs for a jetski.

In terms of horsepower my motor foil assist generates around 2 (TWO) horsepower versus 150 (ONE HUNDRED AND FIFTY) for a jetski. NOTE: Both motor foil assist and non motorized foils can reach much higher speeds but only when riding down the face of a wave or powered by the wind. Windsurfers and kites regularly reach speeds above 30mph. Speed should not be a reason for banning electric foils.

There is simply no comparison between a foil assist (or even a full efoil) and a jetski, it is an entirely different class of watercraft.

Thank you for taking the time to understand the difference between 1) motorized foil assist 2) efoil and 3) Jetkis. I look forward to a well reasoned approach to legislation.