

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



EDWIN H. SNIFFEN  
DIRECTOR  
KA LUNA HO'OKELE

Deputy Directors  
Nā Hope Luna Ho'okele  
DREANALEE K. KALILI  
TAMMY L. LEE  
CURT T. OTAGURO  
ROBIN K. SHISHIDO

**STATE OF HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I**  
**DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU**  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

February 27, 2025  
2:00 P.M.  
State Capitol, Room 325

**H.B. 1159 H.D. 1**  
**RELATING TO COMMERCIAL HARBORS**

House Committee on Judiciary & Hawaiian Affairs

---

The Department of Transportation (DOT) **supports** this measure that clarifies the requirement of vessels to evacuate a commercial harbor upon order by the harbor master during an emergency and to set penalties for noncompliance. This bill was included in the Governor's Package at DOT's request.

In times of emergency, it is essential that commercial harbor users evacuate the commercial harbors when ordered by the harbor master. There have been instances when the United States Coast Guard has closed a commercial harbor as part of an emergency response, and persons responsible for a vessel have not followed the harbor master's order to evacuate. In 2020, during Hurricane Douglas, 11 vessels failed to follow orders to evacuate and neither requested nor received permission to remain in port. In separate heavy weather events, vessels have broken loose from berths, sunk, and impeded delivery of cargo.

With the clarification of both the requirement and the associated penalty for non-compliance, this bill aims to encourage vessel owners, agents, and crew to plan ahead for port closures and develop plans for evacuation.

Thank you for the opportunity to provide testimony.

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



**STEPHEN F. LOGAN**  
MAJOR GENERAL  
ADJUTANT GENERAL  
KA 'AKUKANA KENELALA

**JAMES DS. BARROS**  
ADMINISTRATOR OF  
EMERGENCY MANAGEMENT  
KAHU HO'OMALU PŪLIA

STATE OF HAWAII  
KA MOKU'ĀINA O HAWAI'I  
**DEPARTMENT OF DEFENSE**  
**KA 'OIHANA PILI KAUA**  
**HAWAI'I EMERGENCY MANAGEMENT AGENCY**  
4204 DIAMOND HEAD ROAD  
HONOLULU, HAWAI'I 96816-4420

STATE OF HAWAI'I  
DEPARTMENT OF DEFENSE  
HAWAI'I EMERGENCY MANAGEMENT AGENCY

TESTIMONY ON HOUSE BILL 1159 HD1,  
RELATING TO COMMERCIAL HARBORS

BEFORE THE HOUSE COMMITTEE ON  
**JUDICIARY AND HAWAIIAN AFFAIRS**

BY

JAMES DS. BARROS  
ADMINISTRATOR  
HAWAI'I EMERGENCY MANAGEMENT AGENCY

FEBRUARY 27, 2025

Aloha Chair Tarnas, Vice-Chair Poepoe, and Members of the Committee:

Thank you for the opportunity to submit testimony to **SUPPORT** House Bill 1159 HD1.

The Hawai'i Emergency Management Agency strongly supports this measure, which seeks to amend Chapter 266 of the Hawai'i Revised Statutes by establishing clear authority for harbor masters to issue evacuation orders during emergencies, along with enforceable penalties for non-compliance. This bill is vital to improving the safety and security of Hawai'i's commercial harbors during natural disasters and other emergencies.

HIEMA recognizes that our state is susceptible to various hazards, including hurricanes, tsunamis, and volcanic eruptions. This bill ensures a coordinated, swift response to protect lives, safeguard property, and minimize damage in our harbors during times of crisis. Having an enforceable evacuation mechanism will greatly improve the state's ability to respond to emergencies and avoid chaos in commercial harbor zones.

The penalties outlined in this measure send a strong message about the importance of obeying evacuation orders. This level of accountability is necessary to ensure that all parties involved in harbor operations take evacuation orders seriously. HIEMA believes that this provision will improve compliance and contribute to more effective emergency responses, especially when time is of the essence.

HIEMA is committed to working alongside the Department of Transportation and other stakeholders to ensure the safety of our state's harbors. This legislative initiative aligns with our goal of strengthening emergency preparedness and response efforts across Hawai'i's islands.

Thank you for affording HIEMA the opportunity to provide testimony on House Bill 1159 HD1.

James Barros: [james.barros@hawaii.gov](mailto:james.barros@hawaii.gov); 808-733-4300

**HB-1159-HD-1**

Submitted on: 2/25/2025 2:17:19 PM

Testimony for JHA on 2/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Daniel Hazen	Holo Holo Charters, Inc.	Oppose	Remotely Via Zoom

Comments:

**Aloha Chair, Vice Chair, and Committee Members,**

My name is Daniel Hazen, and I am the Operations Manager for Holo Holo Charters, located on the southwest side of Kauai. I am submitting this testimony in **strong opposition to HB1159 as currently written**. While I understand and support the bill’s intent to protect Hawaii’s harbors, wharfs, and piers from damage during extreme storm conditions, I respectfully request an exemption be included for vessels under 100 GRT (Gross Registered Tonnage).

As operators of smaller vessels in the tour industry, we face unique challenges. Unlike larger vessels that can drop anchor and ride out a storm, vessels of our size cannot safely evacuate harbors into hazardous sea conditions. Requiring us to leave safe harbor would place both our equipment and our crews in considerable danger. It’s important to recognize that no responsible operator would knowingly jeopardize the safety of their team. The alternative—being forced to pay the steep fines intended for much larger businesses—could be devastating for smaller operations like ours.

It is crucial that this bill be amended to account for the realities faced by smaller vessels in the tour industry, ensuring that such sweeping regulations do not unintentionally put us at risk. I urge you to consider an exemption for vessels under 100 GRT to protect both the safety of our crews and the financial stability of our businesses.

Thank you for your time and thoughtful consideration. I respectfully ask for your support in opposing HB1159 as written.

Sincerely,  
Daniel Hazen  
Operations Manager, Holo Holo Charters



February 25, 2025

**Testimony in Opposition of HB1159(HD1)**

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee,

The Hawaii Longline Association (HLA) opposes HB1159(HD1) because we believe the safest place to be during a heavy weather event such as hurricane is in a safe harbor. This is consistent with existing US Coast Guard policy and guidance. In event of an approaching hurricane, the US Coast Guard issues port conditions (Whiskey, X-Ray, Yankee, Zulu) for vessels. Under port condition Whiskey, when gale force winds are expected within 72 hrs, ocean going cargo ships and barges (200 gross tons or more) must notify the USCG if they are going to remain in port or submit and follow an approved mooring plan.

Prior to 2018, vessels smaller than 200 gross tons including fishing vessels were not subject to Harbor evacuation orders issued by the State Harbors Division. To our understanding, there is no publicly available risk assessment that supports the shift in 2018 to require evacuation of small vessels from the State's commercial harbors. It is the long-standing position of HLA that because Hawaii longline vessels are not large (less than 200 gross tons), forcing our vessels into the potential path of a dangerous hurricane puts lives at risk. DOT Harbors should develop a vessel evacuation plan in consultation with the US Coast Guard to identify alternative mooring areas in the event of a evacuation of Honolulu Harbor.

HB1159(HD1) would provide Harbors Division the ability to fine a vessel that does not evacuate a commercial harbor an amount of \$10,000 per day and 1-year suspension from operating within one of its commercial harbors. Such fines and penalties are so severe as to likely end operations for a particular fishing vessel. Putting vessel owners in a situation where they have to choose between potentially losing their business or risk the lives of their crew and their own life in hurricane conditions at sea does not seem right or humane. SB1159(HD1) should be amended to provide flexibility in assigning penalties in the event of non-compliance.

We respectfully request the following amendments (highlighted):

“(a) During an emergency, any master or person in charge of a vessel using the commercial waterways and facilities under the jurisdiction of the department of transportation shall comply with and carry into effect any evacuation order from a commercial harbor issued by the harbor master assigned to that commercial harbor; provided that this subsection shall not apply to a vessel with a mooring plan approved by the United States Coast Guard.”

(b) Notwithstanding any law to the contrary, any person, including but not limited to a vessel master, agent, owner, or 13 crew, who violates this section shall may be fined \$10,000 for each day of violation per vessel to be deposited into the harbor special fund pursuant to section 266-19; provided that in addition to the fines, a court, the department of transportation, or a hearing officer may deprive the offender the privilege of entering the secured area of a commercial harbor or obtaining an operating or mooring permit for any vessel in a commercial harbor for a period of one year.

(d) Prior to imposing any fines and penalties under subsection (b), the department of transportation harbors division shall consult with the United States Coast Guard and various entities and organizations to develop a hurricane evacuation plan that identifies areas of safe mooring for vessels required to evacuate Honolulu Harbor.

Thank you for the opportunity to testify on this bill.

Mahalo



Eric K. Kingma, Ph.D.  
Executive Director

**HB-1159-HD-1**

Submitted on: 2/26/2025 7:52:47 AM

Testimony for JHA on 2/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Zachary LaPrade	Ocean Tourism Coalition	Oppose	Remotely Via Zoom

Comments:

**TESTIMONY IN OPPOSITION TO HB 1159  
COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS**

Hearing Date: February 27, 2025

Conference Room 325 / Videoconference

Aloha Chair, Vice Chair, and Members of the Committee,

The **Ocean Tourism Coalition (OTC)** represents over **300 small ocean tourism businesses statewide**. Our members rely on harbors as safe refuge during emergencies. In Hawaii, there is nowhere else to go—forcing small vessels out to sea during dangerous conditions is reckless and endangers lives.

We strongly urge an amendment to **exclude vessels under 100 gross tons** from mandatory evacuation orders. Smaller vessels do not have the capability to safely evacuate in severe weather. Harbors exist to provide safety, not to push mariners into peril.

This bill’s **severe penalties** place an unfair burden on small operators who must prioritize safety over arbitrary evacuation orders. Emergency protocols should be developed **with** small maritime businesses, not imposed without consideration of real-world challenges.

We ask you to amend HB 1159 to protect Hawaii’s small commercial vessel operators and ensure that harbors remain places of safety, not sources of additional risk.

**Mahalo for your time and consideration.**

**Respectfully submitted,**

Zachary LaPrade  
Director  
Ocean Tourism Coalition

Testimony of Matson Navigation Company, Inc.  
Comments on HB1159, HD1  
Before the Committee on Judiciary and Hawaiian Affairs  
February 27, 2025

Dear Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

Matson Navigation Company, Inc., (Matson) respectfully offers amendments on HB1159, HD1, Relating to Commercial Harbors.

As an island state, Hawaii is very dependent upon our commercial harbors to ensure the continued and unimpeded flow of cargo in and out of our State. It is estimated that over 90 percent Hawaii's imported goods pass through our commercial harbors, including consumer goods, motor vehicles, construction materials, and fuel. Given the critical role of our commercial harbors, it is imperative that the State support safe, dependable, and efficient cargo transportation and logistics to timely service our residents and businesses who depend on these goods, vehicles, materials, and fuel on all major islands.

Currently, the United States Coast Guard has the authority to direct vessels over 500 gross tons, such as cargo vessels, during emergencies such as hurricanes. As drafted, this measure appears to create ambiguity as to whose orders vessels must follow by mandating that all vessels regardless of size follow the Hawaii Department of Transportation Harbors Division's harbor master assigned to the respective harbor. During an emergency, it is critical for vessels to know which order to follow. Accordingly, we respectfully request the following amendment to the definition of "vessel":

"Vessel" includes all description of watercraft **under five gross hundred tons** that are used or are capable of being used as a means of transportation on or in the water." (amendment highlighted).

Thank you for considering our suggested amendments.

**HB-1159-HD-1**

Submitted on: 2/26/2025 12:53:55 PM

Testimony for JHA on 2/27/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Tony Coscia	Captain Andy's Sailing Inc	Oppose	Written Testimony Only

Comments:

Aloha Chairs, Vice Chairs, and Members of the Committee,

My name is Tony Coscia, and I am a Captain and Operations Manager at Captain Andy’s Sailing Adventures. I strongly oppose H.B. 1159 as it threatens the safety of vessels, crew, and passengers by enforcing a one-size-fits-all evacuation order in emergencies. For smaller vessels like ours, harbors provide the safest refuge during storms, while forcing us into open water increases the risk of capsizing, severe damage, or even loss of life.

Unlike large cargo ships, our sailing catamarans do not pose the same hazards when secured at the pier. Evacuating into dangerous conditions puts our crew in unnecessary danger. Safety decisions should be made based on vessel type and conditions, not arbitrary mandates.

I urge you to oppose H.B. 1159 and consider a more practical approach that prioritizes true maritime safety. Mahalo for your time and consideration.

Tony Coscia  
Captain Andy’s Sailing Adventures

**HB-1159-HD-1**

Submitted on: 2/26/2025 1:40:47 AM

Testimony for JHA on 2/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sylvie Madison	Individual	Oppose	Written Testimony Only

Comments:

**Aloha Chair, Vice Chair, and Members of the Committee,**

**I stand in full opposition to H.B. No. 1159, HD1.**

**This bill strips boat owners of their rights and imposes excessive penalties that are both unreasonable and unjust.**

**The bill grants harbor masters unchecked authority to force every vessel out of a harbor during an emergency—without consideration of feasibility or safety. In Keauhou Bay and Honokohau Harbor, this mandate is simply impossible to carry out.**

**Honokohau Harbor has only two boat ramps and 262 slips. Assuming boat owners are even on-island, the logistics of mass evacuation are entirely unworkable!!!!!!!!!**

**Furthermore, the penalties outlined in this bill are excessive and unconstitutional. A \$10,000 per day fine per vessel, plus a potential one-year harbor ban, is punitive and violates the Eighth Amendment of the U.S. Constitution, which protects against excessive fines and cruel and unusual punishment.**

**This legislation grants absolute power to the state with no allowance for common sense or practicality. Additionally, these excessive fines raise serious concerns—it appears less about safety and more like a money grab, yet another attempt by the state to work against our commercial boat operators and regain greater control over leased slips.**

**As a small business owner in Hawaii’s fishing industry, I strongly urge you to vote NO on H.B. No. 1159, HD1.**

**Support—not sabotage—our fishing, diving, snorkeling, and boating**

**communities.**

**Respectfully,  
Sylvie Madison**