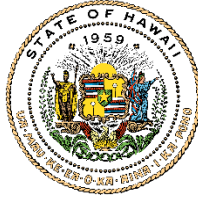


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

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
JUDICIARY

Wednesday, February 19, 2025
9:45 AM
State Capitol, Conference Room 016

In consideration of
SENATE BILL 1511, SENATE DRAFT 1
RELATING TO HANAIEI BAY

Senate Bill 1511, Senate Draft 1 proposes to prohibit vessels longer than 75 feet from entering Hanalei Bay and exempts vessels operated by a federal, state or county agency. **The Department of Land and Natural Resources (Department) offers the following comments.**

The Department notes that there are no vessels longer than 75 feet in length within any state small boat harbors on Kaua'i, and there are no vessels longer than 75 feet in length commercially permitted by the Department to operate in Hanalei Bay; thus, this measure would impact larger vessels, such as cruise vessels and container vessels.

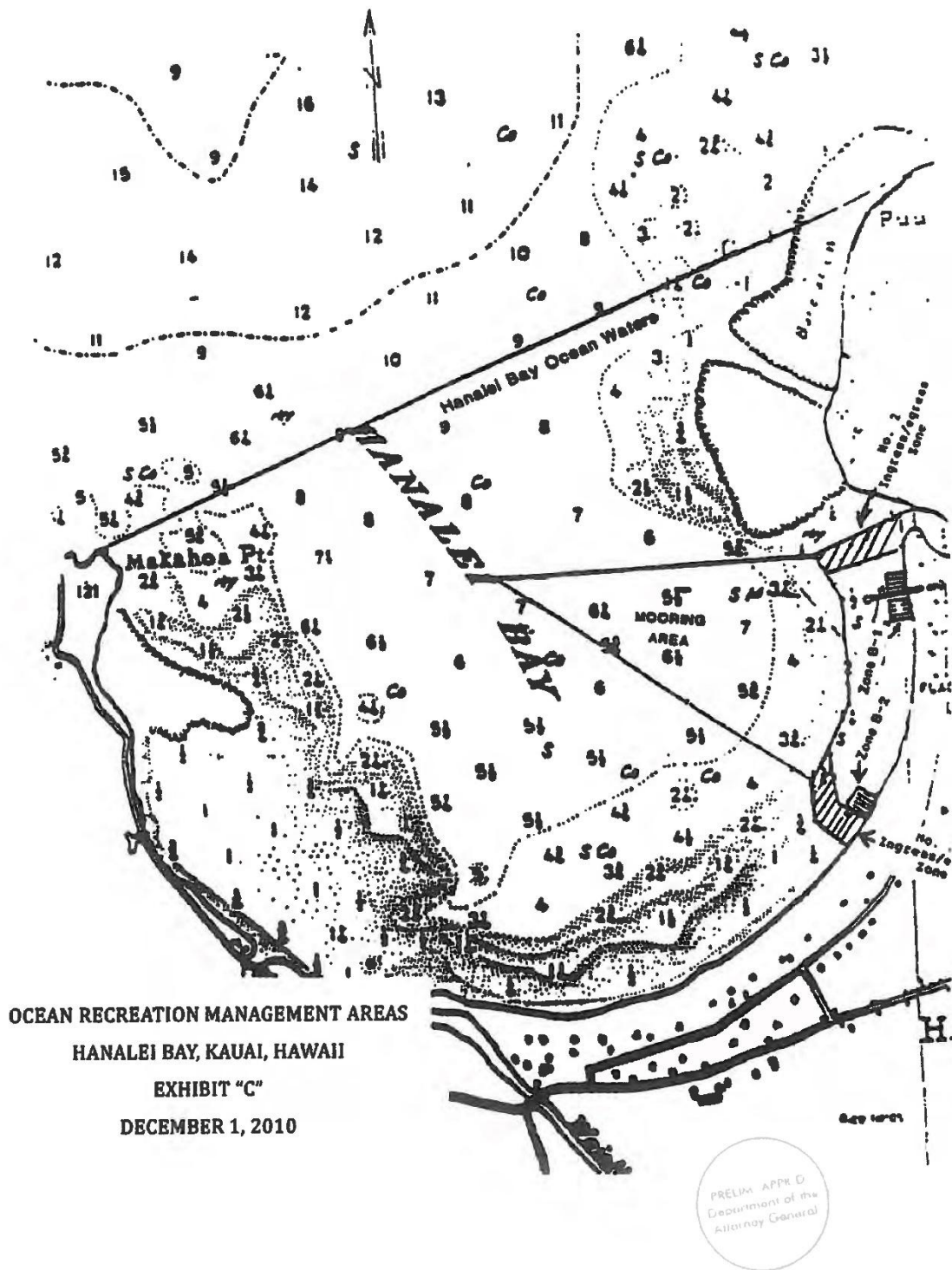
Hanalei Bay ocean waters are currently defined in Hawaii Administrative Rule Section 13-256-39, as shown in the following exhibit:

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

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

CIARA W.K. KAHAHANE
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS



OCEAN RECREATION MANAGEMENT AREAS
 HANALEI BAY, KAUAI, HAWAII
 EXHIBIT "C"
 DECEMBER 1, 2010

Mahalo for the opportunity to testify on this measure.

OFFICE OF THE MAYOR

DEREK S.K. KAWAKAMI, MAYOR

REIKO MATSUYAMA, MANAGING DIRECTOR



LATE

Testimony of Derek S.K. Kawakami
Mayor, County of Kaua'i

Before the
Senate Committee on Judiciary
February 19, 2025; 9:45 AM
Conference Room 016 & Videoconference

In consideration of
Senate Bill 1511 SD1 Relating to Hanalei Bay

Honorable Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

The County of Kaua'i is in **support** of SB 1511 SD1 Relating to Hanalei Bay which prohibits vessels longer than 75 feet from entering Hanalei Bay; and exempts vessels operated by a federal, state, or county agency.

Hanalei Bay is one of Kaua'i and Hawai'i's natural and cultural treasures. Its water supports our families with fishing, whether by boat, pole, or throwing net. Recreational activities abound with surfing, swimming, paddle boarding, sailing, as well as Hawaiian canoe paddling.

During the summer, Hanalei Bay is home to small sailing and motorboats enjoying the safe harbor during the calm weather months. However, in recent years several large yachts have anchored in the bay disrupting the peace and tranquility for residents and visitors. Not only is the presence of these large vessels disruptive to the natural beauty of the bay, but their presence may also pose a risk to the health and safety of those who are partaking in ocean activities.

Yachts over 75 feet do not belong in Hanalei Bay and we appreciate your willingness to preserve the rural character of Hanalei Town and the north shore of Kaua'i by restricting these large yachts from entering Hanalei Bay.

Mahalo for the opportunity to testify in **support** of this measure, SB 1511 SD1 Relating to Hanalei Bay.



Hanalei Watershed Hui

February 17, 2025

JDC Testimony in SUPPORT of SB1511

Hawaii State Senate JDC Committee
Hearing 2-19-25

Aloha Chair Rhoades, Vice Chair Gabbard and committee members,

We thank Senate President Kouchi for introducing this strongly supported community legislation that is unanimously supported by our Kauai legislators and Kauai County Council.

The Hanalei Watershed Hui has stewarded Hanalei Bay since 1998. We partner with multiple NGOs, County, State and Federal entities in this work. Hanalei Bay provides reef protection, critical habitat, food and recreational resources to the north shore of Kauai.

Super sized vessels do not fit in the designated DLNR mooring area. They cause disruption, community concerns and potentially damage to the resources of Hanalei Bay.

Mahalo for your support of this important legislation.

Makaala Kaaumoana
Executive Director

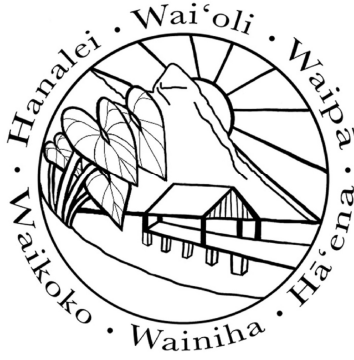
E malama kumu wai ~ Protect the source

5299C Kuhio Hwy, P. O. Box 1285, Hanalei, Kauai, HI 96714

Telephone (808) 826-1985/(808)346-5458 Email: hanaleiwatershedhui@gmail.com

www.hanaleiwatershedhui.org

The Hanalei Watershed Hui is an equal opportunity employer and provider.



Hanalei-Wainiha-Hā'ena Community Association
Post Office Box 1072
Hanalei, Hawaii 96714

**Testimony of the Hanalei-Wainiha-Ha'ena Community Association
Before the Senate Committee on Judiciary
Wednesday, February 19, 2025, 9:45 AM
In Consideration of Senate Bill 1511 (Relating to Hanalei Bay)**

The Hanalei-Wainiha-Ha'ena Community Association **strongly supports** SB 1511.

1. Large vessels, including “super-yachts,” should not be allowed in Hanalei Bay.

In 2012, the *Karima*, a 162-foot long super-yacht (equal in length to the height of a 13-story building) moored in Hanalei Bay for nearly two weeks. During that time, it violated a number of state and county rules, guidelines and protocols:

- Because the super-yacht's launch boats were too large for the bay's designated ingress/egress zones, DOBOR allowed them to violate the Hawaii Administrative Rules for Hanalei Bay, allowing the launches to operate in the bay's swimming zone and to moor/load/unload at the Hanalei recreational pier.
- The super-yacht was a *de facto* off-shore heliport in Hanalei Bay: its on-board helicopter flew over Hanalei Bay and Hanalei town 5-to-10 times a day, ignoring the “Fly Neighborly” agreement against such noisy overflights and the Kauai North Shore Development Plan's ban on helicopter landings on the north shore.
- The luxury rental vessel operated as an off-shore transient vacation rental, violating the spirit and intent (if not the letter) of Kauai's vacation rental rules.

In 2014, the 390-foot long (equal in length to the height of a 30 story building) super-yacht “A” moored in Hanalei Bay. Once again, because its launches were too large, DOBOR allowed them to break the rules and use the Hanalei pier.

2. Hanalei Bay is not a commercial harbor.

Hanalei Bay must not become a port-of-call on the luxury super-yacht circuit.

Hanalei Bay must not become a haven for floating vacation rentals and heliports, where the current DOBOR rules allow DOBOR to provide, for a nominal fee, super-yachts with a mooring location more beautiful than that of any hotel, while at the same allowing those vessels' visual impacts to degrade the calm and beauty of Hanalei Bay for everyone else.

The current DOBOR rules incentivize such a business model for the super-yacht trade. That is why the threat of offshore commercialization of Hanalei Bay needs to be addressed preemptively, before such a business model takes root.

3. Legislative action is needed.

Ten years ago, the Kauai County Council recognized that without a new state rule restricting large vessels from Hanalei Bay, the increasing future use of Hanalei Bay by such vessels would transform the quiet recreational character of Hanalei Bay and its beaches, diminish the visual beauty of the bay and its surroundings, interfere with the use and enjoyment of the bay and beaches by residents and visitors, and threaten the health and safety of individuals swimming in the bay.

The County Council wisely recognized the need to proactively address this growing threat. It therefore unanimously passed Resolution 2014-49, which called for the DLNR to preserve the character of Hanalei Bay as a quiet recreational area for families and visitors by prohibiting vessels longer than 75 feet from entering the waters of Hanalei Bay, with the exception of federal, state or county agency operated vessels

But to date, the state has not acted. That is why SB 1511 is so necessary.

In your consideration of SB 1511, please keep in mind the following:

- SB 1511's prohibition on vessels longer than 75 feet from entering Hanalei Bay¹ would not impact the overwhelming majority of vessels that enter and moor in Hanalei Bay, including even the largest of the Hawaiian voyaging canoes.²
- Case law (specifically, the Ninth Circuit Court ruling in *Young v. Coloma-Agara*) affirms the state of Hawaii's authority to reasonably regulate in the waters of Hanalei Bay. Among other things, that ruling explicitly affirmed that the state has "the ability to prohibit all motorized vessels, all vessels of a certain size, or all vessels meeting certain criteria relevant to ecological protection and conservation, or other legitimate concerns." [Emphasis added.] And in discussing the preservation of scenic beauty, the ruling also explicitly affirmed that the state may "limit the size of vessels allowed to use Hanalei Bay".

For all of these reasons, the Hanalei-Wainiha-Ha'ena Community Association strongly urges you to **support and approve** SB 1511.



Jonny Wichman, President
Hanalei-Wainiha-Ha'ena Community Association

¹ Note: Hanalei Bay ocean waters are already defined in HAR 13-256-39(a).

² Hikianalia and Na Mahoe are 72 feet long; Hokule'a, Hokualaka'i, Mo'okiha O Pi'ilani are 62 feet long; Hawaii'iloaa and Iosepa are 57 feet long; and E Ala wa'a and Mo'olele are 42 long.

SB-1511-SD-1

Submitted on: 2/17/2025 9:38:49 AM

Testimony for JDC on 2/19/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Thomas Baptiste	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am testifying in strong support of SB 1511, which would restrict large vessels from entering Hanalei Bay. As a Native Hawaiian, I have seen firsthand how Hanalei has changed over the years—how it is slowly turning into another Waikīkī, a place that was once full of Hawaiian culture but is now overrun by commercialization. Hanalei Bay has always been a special place for our people, where families gather, children learn to surf, and our connection to the ocean is honored. But now, with the increasing number of yachts and large boats anchoring in the bay, it feels like history is repeating itself. Just like Waikīkī, Hanalei is losing what made it so uniquely Hawaiian.

This bill is about preserving what is left of our sacred spaces. When I was growing up, Hanalei was a quiet place where locals could still enjoy the water without worrying about massive vessels disturbing the bay. Now, these large boats not only disrupt the peacefulness but also create dangerous conditions for swimmers, paddlers, and keiki learning to navigate the ocean. If we don't put protections in place now, we risk losing Hanalei as we lost Waikīkī—turned into a playground for the wealthy at the expense of our community. Hanalei should remain a place for the people, not just another destination for luxury tourism. I urge you to pass this bill and help protect one of the last truly Hawaiian places we have left.

Mahalo,

Thomas Baptiste - Kailua, Oahu - Kalaheo, Kauai

LATE

SB-1511-SD-1

Submitted on: 2/18/2025 10:05:26 AM

Testimony for JDC on 2/19/2025 9:45:00 AM

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

Comments:

I Oppose.

This bill exempts the government, which doesn't mean it is necessary.

Laws for me(government) not for thee(public)