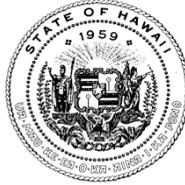


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STATE OF HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I  
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

January 30, 2025  
10:00 A.M.  
State Capitol, Room 430

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

House Committee on Transportation

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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.



January 28, 2025

**Testimony in Opposition of HB1159**

Aloha Chair Kila and Members of the Committee,

The Hawaii Longline Association (HLA) opposes HB1159 because we believe the safest place to be during a heavy weather event such as hurricane is in a safe harbor. The US Coast Guard has authority to direct large vessels over 500 gross tons, such as cargo vessels, to evacuate ports when there is a pending hurricane. For vessels smaller than 500 gross tons, the State Department of Transportation Harbors Division has jurisdiction.

When there is a nearby hurricane in proximity of Oahu, Harbors Division issues evacuation orders for all vessels under 500 gross tons including Hawaii longline vessels to leave the safety of Honolulu Harbor. While most vessels begrudgingly comply, not all vessels are capable of moving in a short time span and Harbors does allow vessels to submit a mooring plan. If the mooring plan is approved, then vessels are authorized to stay in the harbor.

It is the long-standing position of HLA that because Hawaii longline vessels are not large, forcing vessels into the potential path of a dangerous hurricane puts lives at risk. Harbors Division believes vessels that potentially break loose and sink in Honolulu Harbor during a hurricane pose risks to the greater Oahu population if Honolulu Harbor is unusable. While we understand Harbors Division's point of view, HLA essentially agrees to disagree on the need to evacuate our fleet of small vessels out of a safe Harbor, especially since there is no available risk assessment or evaluation.

HB1159 could be improved if it ensures the ability for vessels to submit a mooring plan, reduces the severity of potential fines and penalties, and/or provides some flexibility in imposing fines and penalties.

Thank you for the opportunity to testify on this bill.

Mahalo

Eric K. Kingma, Ph.D.  
Executive Director

**HB-1159**

Submitted on: 1/29/2025 1:12:21 PM

Testimony for TRN on 1/30/2025 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Daniel Hazen	Holo Holo Charters Inc.	Oppose	Remotely Via Zoom

Comments:

I oppose this bill as I believe it is to protect State DOT harbors from vessels that may cause damage to piers, wharves, docks, etc.

Vessels under 50GRT do not present such a risk. I ask for an amendment to the HB1159, including such language.

**HB-1159**

Submitted on: 1/29/2025 1:35:17 PM

Testimony for TRN on 1/30/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Gabriel Lucy	Capt. Andy's Sailing Inc.	Oppose	Remotely Via Zoom

Comments:

Aloha Esteemed Legislators,

My name is Gabe Lucy, and I am the General Manager at Captain Andy’s Sailing Adventures on Kauai. For over 40 years, Captain Andy’s has welcomed both locals and visitors aboard, sharing the breathtaking beauty of the Na Pali Coast while building strong ties to our community and creating local jobs. But I’m writing today with serious concerns about HB 1159 and what it could mean for small maritime businesses like ours.

I fully understand the need for safety and preparedness in our harbors, our crew faces the challenges of the ocean daily, and we never take those responsibilities lightly. But this bill, in its current form, raises concerns that could put unnecessary strain on small operators and harm the very businesses that rely on the harbors to survive.

**1. Emergency Orders Must Consider Operational Realities.**

Under this bill, harbor masters would have the authority to order vessels to evacuate the harbor during emergencies. While this may sound straightforward, it’s not that simple for us. We’re not a cargo ship that can just pull up anchor and go.

We’ve been through sudden weather changes and unexpected conditions before, and we know what it takes to get everyone back to shore safely. What we need are clear, reasonable directives that allow us enough time to prioritize safety, not blanket orders with severe penalties attached if we can’t comply fast enough.

**2. Financial Penalties Could Hit Us Hard.**

The higher penalties for noncompliance outlined in this bill are a major concern. As a small business, we already operate on thin margins, balancing the costs of vessel maintenance, crew wages, and safety upgrades. One fine for a delayed evacuation or a misunderstanding could set us back in ways that larger companies would barely notice.

**3. Give Small Operators a Seat at the Table.**

We’ve been a part of the maritime community for decades, and we want to see our harbors run smoothly and safely. But that can’t happen if decisions are made without input from the people on the water every day. We know the practical challenges, the limitations, and the risks. Please consider including small operators in discussions about emergency procedures, so the policies

reflect the realities we face and work for everyone—not just the larger shipping and transportation companies.

We believe there's a way to balance safety, efficiency, and fairness. We're ready to collaborate and be part of the solution, but we need your help to make sure we're not overlooked in the process. Mahalo for your time and consideration.

Sincerely,

**Gabe Lucy**

General Manager, Captain Andy's Sailing Adventures

**HB-1159**

Submitted on: 1/29/2025 4:00:21 PM

Testimony for TRN on 1/30/2025 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Shaye	Blue Dolphin Charters	Oppose	Written Testimony Only

Comments:

Submitting an opposing testimony for HB1159. Vessels 100T or less do not post a risk to DOT harbors during inclement weather. Being part of a commercial vessel inspected by the USCG on an annual basis, our team is trained to handle and prepare for these situations. On a regular basis we perform drills to always be prepared. Also, our boats are Passenger Vessels and need to maintain a safe standard and do not pose a risk to DOT harbors.