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SUZANNE D. CASE
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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of
SUZANNE D. CASE
Chairperson

Before the House Committee on
FINANCE

Thursday, March 30, 2017
2:00 PM
State Capitol, Conference Room 308

In consideration of
SENATE BILL 992, SENATE DRAFT 2, HOUSE DRAFT 1
RELATING TO VESSELS AGROUND

Senate Bill 992, Senate Draft 2, House Draft 1, proposes to: (1) clarify that the Department of Land and Natural Resources (Department) may assume immediate control of a vessel that is grounded on state submerged land, a shoreline, or a coral reef, or in imminent danger of breaking up, if the vessel cannot be removed by the owner within twenty-four hours from the time the vessel is grounded; and (2) clarify that the Department may assume immediate control of a vessel not in imminent danger of breaking up and grounded on a sand beach, sand bar, or mudflat, after the owner has been given seventy-two hours' notice to remove the vessel and has not done so. **The Department strongly supports this Administration measure.**

Currently, Section 200-47.5, Hawaii Revised Statutes, authorizes the Department to assume control of any vessel that is grounded on a coral reef once the owner of the vessel has been given notice and an opportunity to safely remove the vessel in accordance with Department guidelines. However, the statute is silent with regard to the Department's authority to assume control of any vessel that is *not* in imminent danger of breaking up and is grounded on state submerged lands or a shoreline, or on a sand beach, sandbar, or mudflat. This statutory omission creates difficulties for the Department in circumstances where removal of a grounded vessel *not* in imminent danger of breaking up is necessary for public safety or environmental purposes.

The proposed amendments in this measure would clarify the Department's areas of control for vessels aground on state property and the manners in which to do so.

Thank you for the opportunity to comment on this measure.



SB992 SD2 HD1
RELATING TO VESSELS AGROUND
House Committee on Finance

March 30, 2017

2:00 p.m.

Room 308

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SB992 SD2 HD1, which will allow the state to more expeditiously address and mitigate environmental impacts from grounded vessels.

Vessels that run aground on our reefs and coastal areas have the potential to cause significant environmental damage to their surrounding areas. After a vessel grounding, boating fuel and oil, debris, and the vessel structure itself may continuously impact marine life, including coral, until the grounded vessel is removed. Such impacts may be particularly harmful to the interests of Native Hawaiian rural community members, who rely heavily on the health and accessibility of their nearshore resources, to meet their daily subsistence needs. Unfortunately, OHA is aware of numerous instances where the State has been unable to timely address the ongoing impacts of a grounded vessel, including by compelling responsible parties to take action to minimize damage to our reefs and waters.

By clarifying when, where, and how the State may take action to assume control of and remove a grounded vessel, this measure may help to significantly reduce avoidable impacts to our nearshore and coastal environment.

Therefore, OHA urges the Committee to **PASS** SB992 SD2 HD1. Mahalo for the opportunity to testify on this measure.



COMMITTEE ON FINANCE

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Rep. Ty J.K. Cullen, Vice Chair

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NOTICE OF HEARING

DATE: Thursday, March 30, 2017
TIME: 2:00 P.M.
PLACE: Conference Room 308

**TESTIMONY OF THE OCEAN TOURISM COALITION SPEAKING IN SUPORT OF
SB992,SD2, HD1**

Chair Luke, Vice Chair Cullen and Members of the FIN Committee:

My name is James E. Coon, President of the Ocean Tourism Coalition **speaking in Support of SB 992, SD2,HD1**. The OTC represents over 300 small ocean tourism businesses state wide. Most of these are family businesses which are locally owned and operated. Many of them have been in business for several decades and are an important and valued part of their respective communities. Most of these businesses operate from State Boating Facilities.

We agree with the intent of this bill and protecting the reef from abandoned or derelict vessels. Commercial operators are highly motivated to save their vessels and do as little damage to the reef or environment as possible. This bill reflects the rights of the vessel owner to be the primary agent in the salvaging of his vessel as long as the owner is actively and effectively completing the salvage.

Sincerely,

James E. Coon, President, Ocean Tourism Coalition