

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 House Committee on
WATER AND LAND**

**Thursday, February 13, 2025
9:30 AM
State Capitol, Conference Room 411**

**In consideration of
HOUSE BILL 1423
RELATING TO HANAIEI BAY**

House Bill 1423 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.

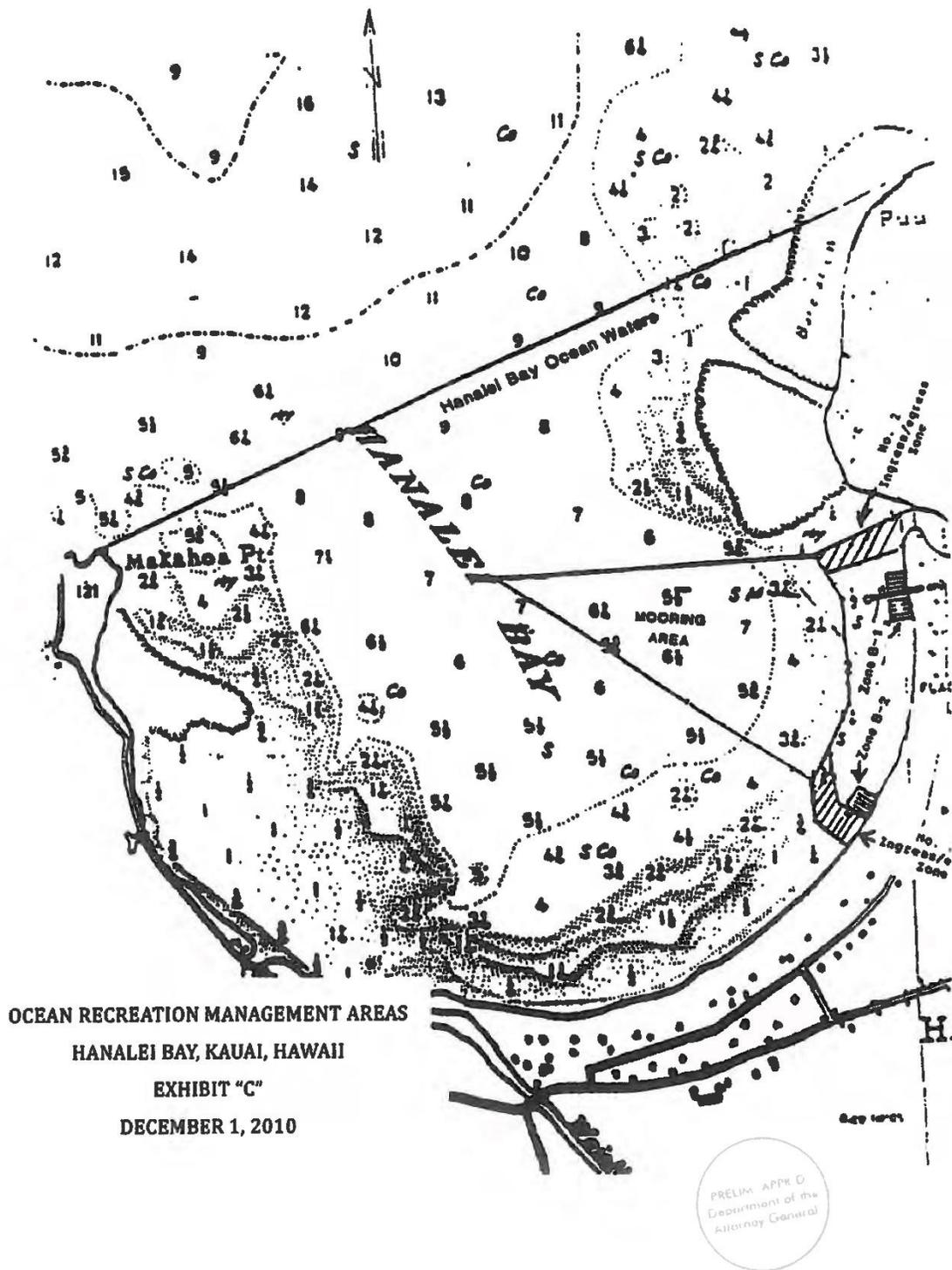
Hanalei Bay ocean waters are currently defined in Hawaii Administrative Rule Section 13-256-39, as shown in the following exhibit:

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



Mahalo for the opportunity to testify on this measure.

COUNTY COUNCIL

Mel Rapozo, Chair
KipuKai Kualii, Vice Chair
Addison Bulosan
Bernard P. Carvalho, Jr.
Felicia Cowden
Fern Holland
Arryl Kaneshiro



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Lyndon M. Yoshioka, Deputy County Clerk

Telephone: (808) 241-4188
Facsimile: (808) 241-6349
Email: cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

February 11, 2025

**TESTIMONY OF ADDISON BULOSAN
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON
HB 1423, RELATING TO HANAIEI BAY
House Committee on Water & Land
Thursday, February 13, 2025
9:30 a.m.
Conference Room 411
Via Videoconference**

Dear Chair Hashem and Members of the Committee:

Thank you for this opportunity to provide testimony in SUPPORT of HB 1423, Relating to Hanalei Bay. My testimony is submitted in my individual capacity as a member of the Kaua'i County Council.

I wholeheartedly support the intent of HB 1423, which would greatly affect the Kaua'i community.

Thank you again for this opportunity to provide testimony in support of HB 1423. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188 or via email to cokcouncil@kauai.gov.

Sincerely,

ADDISON BULOSAN
Councilmember, Kaua'i County Council

AAO:mdt

OFFICE OF THE MAYOR

DEREK S.K. KAWAKAMI, MAYOR

REIKO MATSUYAMA, MANAGING DIRECTOR



Testimony of Derek S.K. Kawakami

Mayor, County of Kaua'i

Before the

House Committee on Water & Land

February 13, 2025; 9:30 AM

Conference Room 411 & Videoconference

In consideration of

House Bill 1423 Relating to Hanalei Bay

Honorable Chair Hashem, Vice Chair Lamosao, and Members of the Committee:

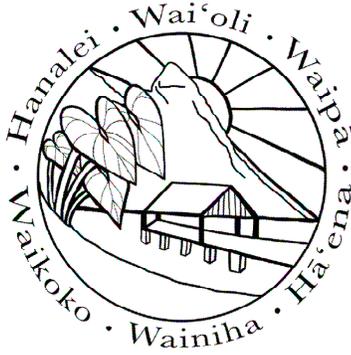
The County of Kaua'i is in **support** of HB 1423 Relating to Hanalei Bay which prohibits vessels longer than 75 feet from entering Hanalei Bay; and exempts vessels operated by a federal, state, or county agency.

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, HB 1423 Relating to Hanalei Bay.



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

**Testimony of the Hanalei-Wainiha-Ha'ena Community Association
Before the House Committee on Water and Land
Thursday, February 13, 2025, 9:30 AM
In Consideration of House Bill 1423 (Relating to Hanalei Bay)**

The Hanalei-Wainiha-Ha'ena Community Association **strongly supports** HB 1423.

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 HB 1423 is so necessary.

In your consideration of HB 1423, please keep in mind the following:

- HB 1423'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** HB 1423.



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 feet long.



Hanalei Watershed Hui

February 12, 2025

Testimony in SUPPORT HB 1423

WAL Feb.13, 2025
0930 Rm.411

Aloha Chair Hashem, Vice Chair Lamosao and Members,

The Hanalei Watershed Hui STRONGLY SUPPORTS HB 1423.

The Hanalei Watershed Hui has implemented the Hanalei Watershed Action Plan since 1999. The resources we monitor and work to restore and protect include those of Hanalei Bay. We partner with Hawaii DAR, DOBOR and DOCARE in this effort.

We also partner with the Hawaiian Islands Humpback Whale National Marine Sanctuary, the University of Hawaii, the USGS Geological Survey and the National Weather Service to research and monitor the resources of these coastal waters.

Our Hui also coordinates the Hanalei Makai Watch Program which provides community education, user information and support for enforcement of State and Federal regulations in the Hanalei River and Bay.

We coordinate and assist in the ecological monitoring of the Hanalei Bay coral ecosystem, uninterrupted research underway since 1991 and of which we are proud partners with Drs. Friedlander and Brown.

Hanalei Bay does have a designated recreational mooring are available seasonally BUT IT CANNOT ACCOMMODATE THE VESSELS OVER 75 FEET. Those vessels simply don't fit in Hanalei and are directed by DOBOR to moor outside of this area where the risks they present to the reef and marine resources are REAL.

Please support this legislation to partner with the Federal, State and Community folks who are working hard to protect the precious and healthy resources of Hanalei.

MAHALO FOR YOUR KOKJUA!

Sincerely,

Makaala Kaaumoana
Executive Director

E malama kumu wai ~ Protect the source

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