

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



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TAMMY L. LEE
CURT T. OTAGURO
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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

February 27, 2025
10:25 A.M.
State Capitol, Room 211

S.B. 1478 S.D. 1
RELATING TO COMMERCIAL HARBORS

Senate Committees on Judiciary & Ways and Means

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.

SB-1478-SD-1

Submitted on: 2/25/2025 2:19:24 PM

Testimony for JDC on 2/27/2025 10:25:00 AM

Submitted By	Organization	Testifier Position	Testify
Daniel Hazen	Testifying for Holo Holo Charters, Inc.	Oppose	Written Testimony Only

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 SB1478 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 SB1478 as written.

Sincerely,
Daniel Hazen
Operations Manager, Holo Holo Charters



February 25, 2025

Testimony in Opposition of SB1478(SD1)

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

The Hawaii Longline Association (HLA) opposes SB1478(SD1) 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.

SB1478(SD1) 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.

SB1478(SD1) should be amended to include the following:

- 1) Requires DOT to consult with the US Coast Guard and various entities and organizations to develop a hurricane evacuation plan that identifies areas of safe mooring for vessels forced to evacuate Honolulu Harbor;
- 2) Ensures the ability for vessels to submit a mooring plan; and
- 3) Reduces the severity of potential fines and penalties, and/or provides appropriate flexibility in imposing fines and penalties (replace "shall" with "may").

Thank you for the opportunity to testify on this bill.

Mahalo

Eric K. Kingma, Ph.D.
Executive Director

Testimony of Matson Navigation Company, Inc.
Comments on SB1478, SD1
Before the Committees on Judiciary
and Ways and Means
February 27, 2025

Dear Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki, and Members of the Committees:

Matson Navigation Company, Inc., (Matson) respectfully offers amendments on SB1478, SD1, 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.



February 27, 2025



COMMITTEE ON WAYS AND MEANS

Sen. Donovan Dela Cruz, Chair; Sen. Sharon Moriwaki, Vice Chair; and Committee Members

COMMITTEE ON JUDICIARY

Sen. Karl Rhoads, Chair; Sen. Mike Gabbard, Vice Chair; and Committee Members

Public Hearing, February 27, 2025 , 10:25 a.m. – Conference Room 211, State Capitol

TESTIMONY OF WILLIAM F. ANONSEN

MANAGING PARTNER/PRINCIPAL OF THE MARITIME GROUP

OFFERING COMMENTS ON S.B. 1478, SD1 (Commercial Harbor - Evacuation Orders)

My name is William F. Anonsen, the Managing Partner/Principal of The Maritime Group; we appreciate the opportunity to submit comments on S.B. 1478, SD 1, which establishes requirements for vessel masters and persons in charge of vessels to comply with evacuation orders issued by a harbor master during emergencies and imposes penalties for noncompliance. While we recognize the importance of ensuring that commercial harbor operations remain safe and efficient during emergencies, we would like to offer the following considerations for further discussion:

Clarity in Evacuation Orders and Authority

- The bill grants broad authority to a harbor master to issue evacuation orders, but it does not specify the criteria for such orders or the process by which they are communicated to vessel operators. Additional clarification of the standards for issuing an evacuation order may help ensure consistent and fair enforcement.
- It may also be beneficial to specify how evacuation orders align with emergency directives from the U.S. Coast Guard or other federal agencies to prevent conflicts in authority.

Enforcement and Proportionality of Penalties

- The proposed penalties, \$10,000 per day per vessel, are significant and could disproportionately impact smaller operators. Consideration should be given to whether a tiered penalty structure may be more appropriate based on the nature and duration of noncompliance.
- The provision allowing the deprivation of harbor access or mooring permits for up to a year is a substantial enforcement measure. Clarifying the appeals process would be beneficial to ensure due process for vessel operators.

Impact on Harbor Operations and Economic Considerations

- In emergency situations, a vessel's master may face logistical or operational constraints that could make immediate compliance challenging. Establishing guidelines for reasonable timelines and alternative compliance measures may help balance safety with operational realities.
- The bill directs fines collected to the Harbor Special Fund, but there is no specification on how these funds would be allocated. Ensuring the funds directly support emergency preparedness and harbor safety improvements may strengthen the bill's overall impact.

Education and Industry Collaboration

- It is critical to ensure that vessel operators, agents, and harbor users are fully informed of these new requirements before an emergency arises. Consideration should be given to outreach and training efforts that would help facilitate compliance.
- Engaging with stakeholders in the maritime industry, including commercial shipping companies, tug operators, and harbor pilots, may provide additional insights into practical implementation challenges and potential improvements.

Conclusion

We appreciate this bill's intent in prioritizing harbor safety during emergencies, but we would encourage further discussion on how evacuation orders will be issued and enforced, the appropriateness of penalties, and the need for clarity in implementation. Addressing these considerations may help ensure the legislation achieves its intended goals while maintaining fairness and operational feasibility.

Mahalo for the opportunity to provide comments

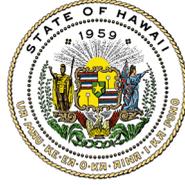
Respectfully submitted;

William F. Anonsen

William F. Anonsen

Managing Partner/Principal

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 SENATE BILL 1478 SD1,
RELATING TO COMMERCIAL HARBORS

BEFORE THE SENATE COMMITTEES ON
WAYS AND MEANS AND
JUDICIARY

BY

JAMES DS. BARROS
ADMINISTRATOR
HAWAI'I EMERGENCY MANAGEMENT AGENCY

FEBRUARY 27, 2025

Aloha Chairs Dela Cruz and Rhoads, Vice-Chairs Moriwaki and Gabbard, and Members of both Committees:

Thank you for the opportunity to submit a testimony to **SUPPORT** Senate Bill 1478 SD1.

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 the opportunity to provide testimony in support of Senate Bill 1478 SD1.

James Barros: james.barros@hawaii.gov; 808-733-4300