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February 6, 2025
3:00 P.M.
State Capitol, Room 224

S.B. 1478
RELATING TO COMMERCIAL HARBORS

Senate Committee on Transportation and Culture and the Arts

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.

JOSH GREEN, M.D.
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STATE OF HAWAI'I
DEPARTMENT OF DEFENSE
HAWAI'I EMERGENCY MANAGEMENT AGENCY

TESTIMONY ON SENATE BILL 1478,
RELATING TO COMMERCIAL HARBORS

BEFORE THE SENATE COMMITTEE ON
TRANSPORTATION AND CULTURE AND THE ARTS

BY

JAMES DS. BARROS
ADMINISTRATOR
HAWAI'I EMERGENCY MANAGEMENT AGENCY

FEBRUARY 6, 2025

Aloha Chair Lee, Vice-Chair Inouye, and Members of the Committee:

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

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 sends 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.

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Testimony on SB 1478, Relating to Commercial Harbors

Senate Committee on Transportation and Culture & The Arts
February 6, 2025

Aloha Chair Lee, Vice Chair Inouye, and members of the committee,

The Hawaii Harbors Users Group (HHUG) is writing to **comment on SB 1478**, relating to commercial harbors. This bill would require masters or persons in charge of vessels to follow an order by a harbor master to evacuate a commercial harbor in emergencies.

The safety and wellbeing of our community, including that of maritime industry members, is our highest priority. While we appreciate the intent behind ensuring harbor safety and operational efficiency in times of crisis, HHUG would like to express concerns about the potential risks posed to vessels forced to leave under hazardous conditions.

The safety of all maritime vessels, their crews, and passengers must be the top priority in emergency response protocols. Small vessels especially may face extreme dangers when forced into open waters under perilous conditions. We believe that this measure may cause confusion in the instance there are conflicting directives from the U.S. Coast Guard and the Harbor Master. In addition, we are also concerned that this confusion may be amplified during times of emergency and that this will create an additional layer of bureaucracy.

Mahalo for the opportunity to provide comments on this bill.



February 5, 2025

Testimony in Opposition of SB1478

Aloha Chair Lee, Vice Chair Inouye and Members of the Committee,

The Hawaii Longline Association (HLA) opposes SB1478 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 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 legal.

SB1478 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 appropriate flexibility in imposing fines and penalties.

Thank you for the opportunity to testify on this bill.

Mahalo

Eric K. Kingma, Ph.D.
Executive Director