

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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**Testimony of
LAURA H. THIELEN
Chairperson**

**Before the House Committee on
WATER, LAND, & OCEAN RESOURCES**

**Friday, February 13, 2009
9:45 AM
State Capitol, Conference Room 325**

**In consideration of
HOUSE BILL 1615
RELATING TO SMALL BOAT HARBORS**

House Bill 1615 proposes to prohibit the Department of Land and Natural Resources (Department) from denying to a vessel owner, that is a business entity, a moorage permit for any uses of a small boat harbor in a county with a population of less than 250,000 people to a vessel owner that is a business entity. The Department does not support this bill.

The bill provides preferential treatment and gives special preference. It requires that the Department provide a moorage permit for any small boat harbor in certain counties even though there might not be a mooring available for the vessel. The bill is silent as to what the department should do in that event that no mooring is available in the small boat harbor. The bill gives special preference and allows business entities to have space in a small boat harbor ahead of all other types of users. It also appears to establish separate populations of vessel owners, those that live in counties with populations of less than 250,000 people and those that live in counties in excess of 250,000 people. The bill is silent as to what occurs when a county's population, that was once less than 250,000 people, exceeds 250,000.

The language in this bill is vague and there are terms that require clarification. For example, the Department has mooring permits, but not moorage permits. Mooring permits are issued to recreational, non-commercial users. Commercial users require a commercial mooring permit. The bill is silent as to what a moorage permit applies to. The bill is silent as to what comprises a business entity. If a business entity is defined as an entity that is in business, than the term business entity includes sole proprietorships, partnerships, and corporations. The bill is silent as to what business the entity must be in. The entity may not be in a business related to harbors or ocean recreation.

Finally, the Department would prefer to address this issue through the administrative rule process where the public has more of an opportunity to add their input to the process.

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
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CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony for HB1615 on 2/13/2009 9:45:00 AM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Thursday, February 12, 2009 5:29 AM

To: WLOtestimony

Cc: [REDACTED]

Testimony for WLO 2/13/2009 9:45:00 AM HB1615

Conference room: 325

Testifier position: oppose

Testifier will be present: Yes

Submitted by: Eric McCormick

Organization: Kona Boat Club Inc.

Address: [REDACTED]

Phone: [REDACTED]

E-mail: [REDACTED]

Submitted on: 2/12/2009

Comments:

There should continue to be a limit on the number of commercial mooring permits issued in all boat harbors and the use of these moorings be scrutinized. The proposed bill HB1615 is too ambiguous, can lead to uncontrolled use and congestion.

TESTIMONY OPPOSING HB 1615

HOUSE COMMITTEE ON WATER, LAND AND OCEAN RESOURCES

Friday, 13 February 2009 in room 325 at 09:45 AM

Chair Ito and respected members of the committee,

My name is Reg White. I work in the commercial boating industry of our state and I am a recreational boater and am a tenant and resident of Ala Wai Boat Harbor. This bill, HB 1615, is somewhat mystifying. There is already in place a well designed and time tested permitting process supported by administrative rules in HRS 200 to establish waiting lists for mooring permits and to permit either recreational or commercial mooring as space becomes available in all of the small boat harbors of the state.

This bill is sufficiently flawed as to make it a fine candidate to be "Held".

Respectfully.

Reg White

