

DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**



**Before the House Committee on
OCEAN, MARINE RESOURCES AND HAWAIIAN AFFAIRS**

**Tuesday, February 7, 2017
9:00 AM
State Capitol, Conference Room 312**

**In consideration of
HOUSE BILL 436
RELATING TO PROPELLER GUARDS**

House Bill 436 proposes to require all motorized recreational vessels operating in nearshore waters to have properly functioning propeller guards. **The Department of Land and Natural Resources (Department) offers the following comments.**

The Department recognizes the concern of the general public regarding vessels strikes that have occurred in the State near shore waters. Due to the sheer number of people enjoying the near shore waters, it is inevitable that there are going to be interactions between vessel and swimmers, divers, snorkelers, etc. While propeller guards may decrease the possibility of critical or fatal injuries in some instances, they can also interfere with the operation of the vessel and can hinder navigation. For instance, debris such as plastic bags can become entangled with the prop guard and cause cavitation. Propeller guards are also not manufactured for all vessels as they are typically affixed to outboard engines but may be impractical to install on sailboats and certain straight shafted vessels.

The Department believes it would be more beneficial to engage in public outreach and training to help ensure that both vessel operators and the general public utilizing the State near shore waters are aware of their responsibilities as well as their surroundings while on the water. The Department implemented a mandatory vessel education requirement several years ago that requires all vessel operators that are operating a vessel with a ten horse power or greater engine to complete a training class on the safe operation of vessels and this includes training on specific Hawaii laws. The Department's Division of Boating and Ocean Recreation (DOBOR) also engages in public outreach and has created marketing materials to get the message out regarding ocean safety that includes recreational users other than vessel operators. DOBOR participates

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON
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

during Boating Safety Week, works with the United States Coast Guard Auxillary, Power Squadrons, Hawaii Ocean Safety Team (HOST), and informational booths at various marine shows.

Thank you for the opportunity to testify on this measure.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 8:13 AM
To: omhtestimony
Cc: makani.christensen@gmail.com
Subject: Submitted testimony for HB436 on Feb 7, 2017 09:00AM

HB436

Submitted on: 2/6/2017

Testimony for OMH on Feb 7, 2017 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
makani	Hunting, Farming and Fishing Association	Comments Only	No

Comments: Testimony: We oppose HB436 in its current form. We agree that propeller guards add an additional safety element to boating. However, our fishermen and other ocean users who do not interact with swimmers, paddlers and divers should not be forced to purchase additional equipment. Why haven't organizers of events that require boat escorts pushed to require these boats to have propeller guards? Proposed addition to bill: State Permitted races must require propeller guards on all boat escorts. Additionally, commercial dive and snorkel operation must attach propeller guards at anytime motors are engaged and divers and snorkelers are in the water. Dive operations using moorings are exempt from these provisions. Fishermen and other ocean users are exempt from these provisions.

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The idea of a propeller guard being able to prevent the injury and death of a swimmer sounds like it would make a great deal of sense.

But it has to be realized that in most of the boat-related fatalities laceration and uncontrolled bleeding isn't the primary cause of death. Instead, it's blunt-force trauma and subsequent drowning.

The death of spearfishermen in Manalua Bay and Kailua Bay were due to boats operating at high speed and failing to see and avoid the victims. While there was evidence of a prop strike, please realize that in the process of getting run over by a boat there's the initial impact of the bow of the boat. It's usually a large and hard structure with a fairly acute 45-degree angle.

Then there's the leg of the outboard engine, the width of a small tree trunk, along with a narrow skeg and cavitation plate. All of these have relatively sharp leading edges.

The part of a swimmer that's closest to the surface tends to be that person's head. Getting struck by a boat going at 15 knots, which is not an unreasonable speed, is like sprinting head-first into the corner of a concrete wall.

Some outboards are also equipped with wider "planes" on the lower leg's cavitation plate, to help lift the stern when underway and provide additional fuel efficiency.

All of these structures can inflict severe injuries, including lacerations, when a boat is underway, often at 12 to 18 miles per hour. Faster if they're pulling water skiers or parasailers. In none of those cases would a prop guard protect a swimmer if struck by a boat. I

It should also be noted that around 20 years ago there was an incident in Maunalua Bay where a 5-year-old child was allowed to operate a jet ski without an adult on board. The child lost control of it, and collided with two people on a tandem kayak. One died. Jet skis have no props extending from their hulls. The death was due to blunt force trauma, not unlike many of the more recent boating fatalities.

I've been a boat owner and operator since 1983. The boat is primarily for diving, so it is often operated around people who are in the water. Any time anyone is near the stern of the boat, the engine is shifted into neutral so the prop isn't spinning. It's a basic safety-minded procedure which results in zero injuries in the past 30 years.

It's the same way with other people I know who also dive and operate boats. And when underway in water that is 100 feet deep or less, at least two are constantly on lookout, watching for anyone in the water. Guards on boat props would be an expensive requirement that will not

prevent injury or death due to reckless boaters. And in many cases there are no prop guards available for the wide variety of configurations of outboards, inboards and I/O systems in use.

Situational awareness, and being mindful of safe operating procedures, is what matters most.

Thank you for your consideration in the matter.

Aloha, Dean Sensui Executive Producer
Hawaii Goes Fishing.

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 5, 2017 7:45 PM
To: omhtestimony
Cc: wekeis333@gmail.com
Subject: Submitted testimony for HB436 on Feb 7, 2017 09:00AM

HB436

Submitted on: 2/5/2017

Testimony for OMH on Feb 7, 2017 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Tony Sylvester	Hawaii Sportsmen's Alliance	Oppose	No

Comments: Our docks, peers, boat ramps and support facilities are in bad shape with much more hazardous and unsafe conditions that potential cause more injury and harm to our citizens than someones boat propeller. Please fix and repair the missing dock planks, broken cleats and rusted metal hanging off our docks and boat ramps. Mahalo, Tony Sylvester

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 4, 2017 1:08 PM
To: omhtestimony
Cc: rgaffney@pacificboatsales.com
Subject: Submitted testimony for HB436 on Feb 7, 2017 09:00AM

HB436

Submitted on: 2/4/2017

Testimony for OMH on Feb 7, 2017 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Rick Gaffney	Hawaii Fishing & Boating Association	Oppose	No

Comments: HB438 mandating prop guards for recreational vessels, is well intentioned, but we feel the bill is ill-conceived, includes numerous factual errors, and is going to dramatically impact our recreational boating community and the industry that supports it. Propeller strike incidents are horrific, to be sure, but the truth is that propeller guards will not prevent grievous injury from a fast moving boat, or they would have been mandated by the US Coast Guard, and other states many years ago. Being struck by the propeller shaft, strut, rudder, outdrive leg or outboard motor leg, whether or not a propeller guard is in place, will cause serious bodily harm. Boats are heavy and with very little speed they bring a great deal of force to an impact with a human body. Moreover, propeller guards are largely designed and manufactured only for smaller outboard motors. They can be a relatively simple bolt-on for a small outboard, however most other propellers, particularly for inboard powered vessels, would require very expensive, uniquely engineered, custom installations, requiring a costly engineering and expensive, time-consuming haul-out for installation. There are also concerns that the installation of propeller guards on many modern outboard motors could void the warranty on a piece of equipment worth as much as \$35,000, while at the same time weakening the anti-ventilation plate by exposing it to corrosion, assuring a very expensive repair down the line. There are many more reasons why what this bill proposes would be problematic and often unworkable. In truth, speed limits near crowded beaches, swimming areas, ingress/egress areas for surfers, dive mooring areas, and so on, would largely accomplish the same thing. If the legislature is bound and determined to enact a requirement for propeller guards in Hawaii, you should first appoint an expert task force to determine how to undertake that, without inducing a crippling impact on the boating community, and the many small businesses in Hawaii that support it. Mahalo, Rick Gaffney, President Hawaii Fishing & Boating Association 74-425 Kealakehe Parkway, # 3-B Kailua-Kona, HI 96740 808 960-6767 (cell)

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Opposed to HB 436 February 7, 2017 TIME: 9:00 am

Please oppose and hold HB 436

Prop guards- they do not work!

The friction and torque on such a device limits it's use to low speeds only. Boat speed and performance is reduced. Even the best Prop guards are only are rated at 25 mph or lower. Let's see you beat a storm or rough seas with reduced power!

This is a very dangerous potentially life ending Bill!

Most who have prop guards have issues with attachment, balancing and drag. Rust and corrosion also can be a factor. High speeds can cause catastrophic failure and prop damage, lower unit or out drive transmission damage causing a boater to be stuck out at sea.

This will now endanger and put at risk for sinking many boaters.

Manufacturers tell you only for low speed use! Even then they fail!

There are so many different designs we would need to do it you could never meet market demands to comply with such a law.

Prop guards are not available for many make of engines! Especially inboards or straight shafts.

Prop guards can be very costly to buy and maintain. Maybe the state should pay for them the damage they would cause and the liability if someone loses their lives due to using one. The state should appropriate millions to engineer new designs!

Prop guards create more drag reducing engine efficiency increasing fuel cost. People could run out of gas because of them. Who is going to pay for the increased fuel cost to run them on your boat? You would be putting boater's lives at risk.

Prop guard vibrations and drag can cause failure of your gear case especially when they come loose and hit your prop.

They could easily leave you stranded in the ocean and result in the death of a boater.

This SB 258 will end up costing every boater in Hawaii hundreds of dollars on prop guards which do not work, break, put boaters at risk, reduce engine performance, and are not even made for most boats.

Trying to extend the effective date to 2018 will not give engineers time to come up with a prop guard miracle!

HB 436 is a very bad law which will not even be able to comply with if passed. I can see thousands of boaters buying prop guards to have them fail or cause damage to only fall off and go bad in a short time. Most will not even be able to get them and only try to comply with bad designs and the resulting expensive engine damage.

Please hold HB 436

Ron Tubbs B.S.N.D.
RT Distributors

We need to enforce dive flag laws; as many have lost their lives to swimming or diving without one!

35 years boating and I have never hit a whale, dolphin, turtle or marine life with my boat!

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 5, 2017 10:21 PM
To: omhtestimony
Cc: hanapaaj@hotmail.com
Subject: Submitted testimony for HB436 on Feb 7, 2017 09:00AM

HB436

Submitted on: 2/5/2017

Testimony for OMH on Feb 7, 2017 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Jim Hori, DDS	Individual	Oppose	No

Comments: Aloha, I oppose this bill because a propeller guard is not practical to install let alone operate with it and will not be of much benefit because the boat's hull and running gear will cause most of the damage. I believe that you should monitor recreational vessels such as kayaks, canoes, jet skis, etc that are much more of a safety issue especially at night with no safety/running lights. Sincerely, Jim Hori, DDS

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 5, 2017 9:59 PM
To: omhtestimony
Cc: swhal@hawaii.rr.com
Subject: Submitted testimony for HB436 on Feb 7, 2017 09:00AM

HB436

Submitted on: 2/5/2017

Testimony for OMH on Feb 7, 2017 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Stephen Lee	Individual	Oppose	Yes

Comments: Chair and members, I oppose HB436 as an avid boater and long time fisherman. Similar bills have come up in the past when the legislature grabs on to the emotional nature of a boating accident no matter how few there are. This bill is ill advised and will only cause economic hardship for all boaters.

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Gentlemen;

My name Nash Kobayashi, I'm a fisherman on the Big Island of Hawaii. 30 years ago, I gave up shore fishing for Ulua when too many of my friends lost their lives to the Ocean due to treacherous shore conditions.

I then purchased my boat, which I still own today.

Being a responsible and safe person, I took the Coast Guard Boating classes and found a mentor to teach me offshore fishing.

My boat is trailer-based and I launch out of Wailoa River in Hilo.

In my 30 years of boat ownership, I've seen, in order, The Wind-Surfer, The Kayak, The Jet-Ski(PWC), and the Stand-up Paddle Board.

During all these new Ocean users, I've noticed ONE thing in common, the above users have little or NO knowledge of boating regulations and I've personally heard 3 dealers of these craft state “ Don't worry about the Power Boats, THEY have to yield right of way to you”.

What good will a Prop-Guard do when these people turn right in front of you and you run into them at a high rate of speed?

I've had a few close calls when people don't look and cut in front of me

In Hilo, one of the biggest hazards entering the Wailoa River mouth is the presence of young children swimming in the river mouth, right in the main Ship-channel

This goes on DESPITE a prominent “NO SWIMMING” sign posted right at the river mouth.

I've had young children, with their parents watching, swim out right in front of my boat as we were coming into the harbor.

Unfortunately, there is NO enforcement of the No Swimming rule at the river mouth.

This also is a huge problem at the Pohoiki launch ramp.

Since the Black Sand beach at Kaimu was destroyed by lava flows, the Pohoiki launch ramp has become a popular swimming area.

The conditions at Pohoiki require a high-speed entry and with all the young children swimming in the launch area, it's a disaster waiting to happen.

Again the launch area is a “NO SWIMMING” area.

I've also had a close call with a group of divers diving near the end of the Hilo Breakwater WITHOUT a Diver's flag, another violation of state rules. Here again is a situation that has little or no enforcement.

Checking with Prop-Guard manufacturers indicate adding a prop-guard to a vessel will incur a 15-20 loss of mileage and speed, adding more costs to an already expensive costs of running a boat.

Why must WE, the boat owner suffer when a lot could be done by simply enforcing rules that we already have?

Nash Kobayashi
Owner/Captain F/V Ocean Warrior
156 Laukona St.
Hilo, Hawaii, 96720
(808) 938-5991 (C)

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 5, 2017 11:02 AM
To: omhtestimony
Cc: rnvfishing@gmail.com
Subject: Submitted testimony for HB436 on Feb 7, 2017 09:00AM

HB436

Submitted on: 2/5/2017

Testimony for OMH on Feb 7, 2017 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Roy N Morioka	Individual	Oppose	No

Comments: Aloha Chair Ing, VC Gates and Members of the House Committee on OMH: I Oppose HB436 as it presents an unnecessary and costly burden on boaters transiting nearshore waters but rather recommend a broad review of incidents involving boat strikes involving humans and the development of appropriate rules to mitigate such incidents. To think that a prop guard would prevent boat strikes is a stretch at best as the hull and running gear of a motorized vessel can cause catastrophic injury with or without a prop guard. As I transit harbor channels around our state, the ever increasing ocean recreation activities creates great concern. Kayakers, paddle boarders, canoe club paddlers, sailboarders, etc. all use these channels and are not governed by safe boating rules and regulations.. For example, while returning after sunset yesterday there were two kayakers mid-channel without lights in dark clothing. If I did not have my spotlight on and simply relying upon my GPS track, I may have struck them. I strongly urge your committee to direct the DLNR/DOOBOR to first perform a comprehensive assessment of current rules and regulations against the numerous aquatic activities in our nearshore waters and employ the Administrative Rule process to have a comprehensive, inclusive/transparent informational briefings with discussion and debate of proposed rules. Thank you for this opportunity to testify and comment. Respectfully, Roy N. Morioka

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 4, 2017 4:35 PM
To: omhstestimony
Cc: braddah.roy@gmail.com
Subject: *Submitted testimony for HB436 on Feb 7, 2017 09:00AM*

HB436

Submitted on: 2/4/2017

Testimony for OMH on Feb 7, 2017 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
roy matsuoka	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 4, 2017 1:13 PM
To: omhtestimony
Cc: bcsc@hawaii.rr.com
Subject: Submitted testimony for HB436 on Feb 7, 2017 09:00AM

HB436

Submitted on: 2/4/2017

Testimony for OMH on Feb 7, 2017 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
William K. Chang	Individual	Oppose	No

Comments: I oppose this bill

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 3, 2017 3:31 PM
To: omhtestimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for HB436 on Feb 7, 2017 09:00AM*

HB436

Submitted on: 2/3/2017

Testimony for OMH on Feb 7, 2017 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 10:09 AM
To: omhtestimony
Cc: mjellings@hawaii.rr.com
Subject: *Submitted testimony for HB436 on Feb 7, 2017 09:00AM*

HB436

Submitted on: 2/6/2017

Testimony for OMH on Feb 7, 2017 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Carl M Jellings Sr	Individual	Oppose	No

Comments:

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LATE

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 1:18 PM
To: omhtestimony
Cc: troyo@geotecholutions.com
Subject: Submitted testimony for HB436 on Feb 7, 2017 09:00AM

HB436

Submitted on: 2/6/2017

Testimony for OMH on Feb 7, 2017 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Troy A. Ogasawara	Individual	Oppose	No

Comments: Dear Mr. Chair and members of the house. I oppose this bill as it places unnecessary burden on boaters in nearshore waters. I frequently transit nearshore waters and believe that rather than placing this prop guard requirement on boaters, it would be far more effective to make all users aware of and follow ocean use rules. I frequently come upon divers without flags, kayakers in rough water with no markers or flags to enable them to easily be seen between swells. Moreover, ocean users, other than boats frequent harbor entrances. Boat strikes by the hull could be just as fatal as a prop strike. Boaters have already been mandated to undergo safety training and certification. Rather than placing undue burden on boaters, making all users more responsible and educated especially when using nearshore waters shared with boaters would be a more effective solution. Thank you for your consideration in this matter.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 3:19 PM
To: omhtestimony
Cc: tulsigreenlee@icloud.com
Subject: *Submitted testimony for HB436 on Feb 7, 2017 09:00AM*

HB436

Submitted on: 2/6/2017

Testimony for OMH on Feb 7, 2017 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Tulsi Greenlee	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 2:58 PM
To: omhtestimony
Cc: teresa.parsons@hawaii.edu
Subject: Submitted testimony for HB436 on Feb 7, 2017 09:00AM

HB436

Submitted on: 2/6/2017

Testimony for OMH on Feb 7, 2017 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Teresa Parsons	Individual	Support	No

Comments: Chair Ing, Vicechair Gates and members of the committee, I stand in strong support of HB 436, requiring propeller guards on all vessels with a motor. Whether protecting ocean life or humans, this simple requirement will reduce needless suffering. I urge you to give favorable consideration to this measure. Mahalo for allowing me to submit testimony in support of HB 436.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 5:02 PM
To: omhtestimony
Cc: kamakane73@gmail.com
Subject: *Submitted testimony for HB436 on Feb 7, 2017 09:00AM*

HB436

Submitted on: 2/6/2017

Testimony for OMH on Feb 7, 2017 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Kama Hopkins	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 4:58 PM
To: omhtestimony
Cc: gkvierra@gmail.com
Subject: Submitted testimony for HB436 on Feb 7, 2017 09:00AM

HB436

Submitted on: 2/6/2017

Testimony for OMH on Feb 7, 2017 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
George Vierra	Individual	Support	No

Comments: Please do something to make our waters safer. Prop guards can save life and limbs. What happened at last years Pailolo challenge is a huge liability for the State. DOBOR signed off on a marine ocean water event permit that basically had no safety plan someone got propped and lost a leg and almost their life. MOWE permits should not be allowed without the requirement that boats with outboard motors have prop guards if they are coming into close contact with swimmers in the water. A few years ago a man swimming from Lanai got his arm cut off. These are horrific, tragic events that require action by our legislators. Please be bold in saving lives and limbs. Thank you for your time George Vierra 250-3604

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 4:52 PM
To: omhtestimony
Cc: tampaltin@gmail.com
Subject: Submitted testimony for HB436 on Feb 7, 2017 09:00AM

HB436

Submitted on: 2/6/2017

Testimony for OMH on Feb 7, 2017 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Tamara Paltin	Individual	Support	No

Comments: Aloha Representatives, On September 17, 2016 I was working at DT Flemings Beach Park when the Pailolo Challenge inter-island canoe race took place. Tragically, one of the participants got cut up by the propeller of her escort boat as she was trying to climb back on the boat and the boat was drifting into another boat and started the props up to reverse away from the other boat. It is a miracle this patron survived and it took a huge group effort from everyone who came in contact with her from that incident till today. This was a day and an incident that I will never forget and it is bad enough by itself, but the thing is it's not the first time this has happened and without this type of legislation it will not be the last - in ocean races this is the third time that I know of - another man was propped in the back during the Molokai Hoe and another man was propped on the arm during a swim race from Lanai, similar type situation one of the escort boats drifted into the no boat area, started their props to get out and the man was swimming right there. At the very least I think the State should require prop guards if they are going to continue to issue MOWE permits for these types of recreational races. There are also three incidents that do not involve fishing boats or races that I know of, one of the victims was a personal friend and it happened at a beach that I work at but I wasn't working that day. He was setting up the lanes for a canoe regatta and a water ski boat ran him over and he got propped to death, similar situation happened with divers in Kailua and at Lana'i. I know that prop guards won't end boating accidents/deaths but seatbelt don't end accidents or deaths either we require them to be worn by all passengers because the potential they have to save a life, the same should hold true for prop guards. On a side note I don't think they're necessary at this time for inboard motors since the risk is significantly less and as for fishing boats I haven't heard of any incidences and they're generally more aware of these types of things so I don't think it is necessary to apply to those situations. Mahalo for the work you do and for reading my testimony

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 4:51 PM
To: omhtestimony
Cc: terrygalpin@gmail.com
Subject: Submitted testimony for HB436 on Feb 7, 2017 09:00AM

HB436

Submitted on: 2/6/2017

Testimony for OMH on Feb 7, 2017 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
terry marshall galpin	Individual	Support	No

Comments: please pass this important bill. We have been using prop guards on all our motors for 7 years. They save lives.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 4:40 PM
To: omhtestimony
Cc: shannonkona@gmail.com
Subject: Submitted testimony for HB436 on Feb 7, 2017 09:00AM

HB436

Submitted on: 2/6/2017

Testimony for OMH on Feb 7, 2017 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph	Individual	Support	No

Comments: SUPPORT

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Heather Kimball
27-612 Kalaoa Camp Road
Papaikou, HI
96781
808-333-1535
Hkimball98781@gmail.com

I am writing in support of HB436 because of my friend Faith, who, because of the life-threatening injury she received from a boat propeller, cannot write for herself. I was there that day when Faith was nearly killed and the image of the blood-filled water will be forever etched in my mind. At the time, I did not know it was Faith. It was only after the canoe race that I learned that this determine, kind, intelligent wonderful woman was mortally wounded. Faith was a gift to her community and her family, generous with her time and her compassion. This needless accident has forever changed her life, the lives of her family and the lives of her community.

I fully support prop guard legislation but not in the current form of this bill. It is too ambiguous to pass. I would suggest the following improvements:

1. Limit to marine motor craft with outboard motors.
2. Limit to activities where entering from the water and exiting to the water from the marine motor craft are part of the anticipated activities of the craft. Such as escort boating, official boating, snorkel tours, dive tours, etc.
3. Include propeller guard requirements as part of the MOWE permit process for events with activities covered in item 2.

Those of us who are regular paddlers in channel races know that many little things went wrong the day that Faith was hurt. Any one thing having been different could have prevented this tragedy. The only thing that would have prevented it with certainty would have been prop guards.

Thank you for your time and consideration,

Heather Kimball



Faith Kalei-Imaizumi

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 7, 2017 8:32 AM
To: omhtestimony
Cc: kurisko808@gmail.com
Subject: Submitted testimony for HB436 on Feb 7, 2017 09:00AM

HB436

Submitted on: 2/7/2017

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Submitted By	Organization	Testifier Position	Present at Hearing
Amy Kurisko	Individual	Support	No

Comments: How many more divers need to die before safety measures are taken? I support this measure.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 7, 2017 8:07 AM
To: omhtestimony
Cc: terry@oceanpaddler.tv
Subject: Submitted testimony for HB436 on Feb 7, 2017 09:00AM

HB436

Submitted on: 2/7/2017

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Submitted By	Organization	Testifier Position	Present at Hearing
Brett prejean	Individual	Support	No

Comments: As a ocean activities company business owner, I urge you to pass the prop guard bill. We have used them for both our personal and business boats for over 7 years. Prop guards save lives. Nakoa Prejean

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 7, 2017 7:59 AM
To: omhtestimony
Cc: terrygalpin@gmail.com
Subject: Submitted testimony for HB436 on Feb 7, 2017 09:00AM

HB436

Submitted on: 2/7/2017

Testimony for OMH on Feb 7, 2017 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
terry marshall galpin	Individual	Support	No

Comments: Propguards save lives. Please pass this bill

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Heather Nahaku Kalei
February 6, 2017
Kawaihae, HI

Aloha Committee Members,

Thank you for hearing HB 436. It is the foundation for much needed safety measures, and I solemnly support it due the reasons below, and with the following suggested amendments.

Last September, a boat reversed into my Mom, Faith Kalei-Imaizumi, its propellers tearing into her at over 1000 revolutions per minute. It pulverized her lower body, severing her femoral artery and causing her to bleed out almost immediately. She died and was revived multiple times as a quaking yet heroic rescue crew administered aid. No one there expected her to survive.

The brain injury due to anoxic blood loss was immediate, but it took a week for her to lose her left leg at the hip. It is most definitely a miracle she lived. After weeks in the ICU and months in the hospital she became barely lucid enough to start to understand and mourn her loss. So much was lost, her entire world, shattered with the pull of a throttle. Her future, our future, is riddled with physical, emotional, and economic hardship. And all of it is preventable.

I believe that this bill will save lives. I believe propeller guards will eliminate the horrific effects of open propeller strikes with a relatively inexpensive and easily obtainable propeller modification.

I suggest the following modifications to the current bill:

Propeller guards be

1. Required for outboard motors in which people will be entering and exiting the boat from the water (regardless of whether the activity is recreational or commercial)
2. Exempt for boats fitted with outboard motors which operate closer than 500 meters from shore only when traversing to and from harborage, provided passengers will not be entering and exiting the boat from the water.
3. Required as a condition of the State of Hawaii's DLNR Marine/Ocean Waters Event Permit for all vessels participating in the proposed event.

I humbly ask that you support the passage of this bill in honor of those who have sacrificed so that we may break the cycle of propeller-caused traumatic injury and death, and change our actions to truly make public safety in our nearshore waters the priority.

Mahalo nui loa,
Heather Nahaku Kalei
Faith's Daughter



From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 7:37 PM
To: omhtestimony
Cc: fitzformaui@gmail.com
Subject: Submitted testimony for HB436 on Feb 7, 2017 09:00AM

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Submitted on: 2/6/2017

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Submitted By	Organization	Testifier Position	Present at Hearing
John Fitzpatrick	Individual	Comments Only	No

Comments: Aloha Honorable House Members, I want to write to say I appreciate you bringing this issue forward to solve the problem of people being run over and killed by boats, particularly in paddling regattas. However, I can not support this bill the way it is currently written. I believe a majority if not all of the incidents occurred with outboard motors and inboard outboard motors. Both of these motors can be outfitted with prop guards for a fairly modest amount that is worth the price of human life. I am concerned that there are many boats with straight shaft motors and I have yet to see prop guards for these types of boats. In addition, the props of these boats are usually pretty far under the hull of the boat. This alone, protects people and marine life from getting propped. I ask that you amend this bill to ask that only outboard and inboard motors to have the required prop guards. Retrofitting an inboard outboard boat would cost thousands of dollars and I don't believe it is necessary. Thank you for bringing this bill forward. Mahalo, Fitz Captain for over 12 years here in Hawai'i.

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