

Honolulu, Hawaii

APR 04 2023

RE: S.R. No. 165
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred S.R. No. 165 entitled:

"SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO IMPLEMENT AN IMMEDIATE FINE FOR GROUNDED VESSELS THAT HAVE REASONABLY CAUSED SIGNIFICANT DAMAGE TO THE ENVIRONMENT OR CREATED A MATERIAL BURDEN ON THE STATE FOR ITS REMOVAL,"

begs leave to report as follows:

The purpose and intent of this measure is to request the Department of Land and Natural Resources to implement an immediate fine for grounded vessels that have reasonably caused significant damage to the environment or created a material burden on the state for its removal.

Your Committee received testimony in support of this measure from the Hawai'i Reef and Ocean Coalition. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that grounded vessels can cause considerable damage to the State's natural resources by smashing coral reefs and poisoning fish and other native marine wildlife. However, your Committee also finds that the State's current recourse process for grounded vessels is onerous, requiring the



Department of Land and Natural Resources to submit a fact-intensive recommendation of proposed administrative penalties to the Board of Land and Natural Resources, which can often take weeks or months. Your Committee finds that an immediate fine for grounded vessels could serve as a deterrence to irresponsible vessel owners and also provide a cost offset for the State while it investigates and finalizes its recommended penalties to the Board. Therefore, this measure requests the Department of Land and Natural Resources to implement an immediate fine of \$10,000 for grounded vessels.

Your Committee has amended this measure by:

- (1) Removing the qualifier that the damage to the environment reasonably caused by a grounded vessel be "significant" to be immediately fined; and
- (2) Amending its title in accordance with its amended purpose.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 165, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 165, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Water and Land,


LORRAINE R. INOUÉ Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SR165	Committee Referral: WTL	Date: 3/24/23		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
INOUYE, Lorraine R. (C)	✓			
ELEFANTE, Brandon J.C. (VC)	✓			
CHANG, Stanley	✓			
MCKELVEY, Angus L.K.	✓			
FEVELLA, Kurt				✓
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes