

## DEPARTMENT OF LAND AND NATURAL RESOURCES

### U.S. COAST GUARD CAPTAIN OF THE PORT

### News Release

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For Immediate Release: April 6, 2010

#### **DLNR AND U.S. COAST GUARD ISSUE JOINT STATEMENT TO CLARIFY MARINE EVENT MANAGEMENT POLICY ON ACTIVE NAVIGABLE WATERWAYS**

HONOLULU – The Department of Land and Natural Resources (DLNR) and the United States Coast Guard (USCG) Sector Honolulu today released a joint statement to clarify their mutual position regarding marine events, including races, in navigable boat channels in state waters. The overall goal of this policy is to protect the safety of ocean users.

DLNR and the Coast Guard recently met with representatives of O‘ahu canoe clubs who had expressed concern that marine event permits no longer allowed races in active navigable boat channels. On O‘ahu, three channels have been locations for racing events: Ala Wai small boat harbor, Ke‘ehi small boat harbor, and Maunalua Bay. The groups asked under what conditions could racing in specific waterways continue to be allowed.

Marine events attract crowds of spectators, and because of their desire to see the competition and the participants up close, race courses have in the past been staged close to shore and in areas of elevated vessel traffic, including boat channels.

However, due to the mix of different uses in these channels, volume of boat traffic, and restricted maneuverability, adding races creates a potentially dangerous situation and dramatically increases the potential for loss of life and property. DLNR and the Coast Guard have determined that they cannot be used safely as a race venue without proper marine event permits and safety controls.

“We want to clarify that racing will be able to continue in channels with low traffic. However in areas of high traffic, we will work with the constituencies to ensure that any vessel racing is done

in a manner that protects both life and property and the safety of ocean users in these areas," said Laura H. Thielen, DLNR chairperson.

"The feedback received during our recent meeting with local paddlers helped us to reach a compromise that implements the proper safeguards to protect all waterway users, while still facilitating race events that can be enjoyed by the maritime community," said Captain Barry A. Compagnoni, Sector Honolulu Commander.

The conditions that will apply in future to marine events include:

- DLNR and the USCG will not completely ban racing in the three specified boat channels but have placed very strict guidelines and requirements for their use as racing venues. Both DLNR and the USCG would allow racing in boat channels if all safety requirements are met.
- To conduct an organized race in Ala Wai, Keehi and Maunalua Bay channels, DLNR's Marine Unit of the Division of Conservation and Resources Enforcement (DOCARE) would need to be contracted to continuously monitor and direct vessel traffic during racing. The fee for DOCARE's Marine Unit is \$1500 for four hours. There is a four hour minimum.
- Safety requirements for all marine events conducted in State waters are detailed in Marine Event Permits issued by DLNR with the concurrence of the USCG. Marine event permits are required for all marine events involving groups of participants and watercraft.
- Each request for a Marine Event Permit has been, and always will be, reviewed on a case-by-case basis and safety requirements will be stipulated according to the type of event, number of participants and number/types of vessels.

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Attachment: Joint Statement

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## **MARINE EVENT RISK ASSESSMENT FACT SHEET**

### **Competitive racing of watercraft in vessel ingress-egress channels in Hawaii**

#### **AGENCY RESPONSIBILITIES**

The US Coast Guard 14<sup>th</sup> District (USCG) and the Department of Land and Natural Resources (DLNR) through the Division of Boating and Ocean Recreation (DOBOR) share the responsibility of reviewing and issuing marine event permits. The permits required to host a marine event are important safeguards that allow the USCG and DLNR to foresee risks to life and property and mitigate the danger that is inherent in large numbers of people or watercraft operating in close proximity in our offshore waters.

#### **OBJECTIVE**

Both agencies stipulate conditions in marine event permits with one goal in mind, the safety of the event participants and all others who may be sharing the waterway. Both the USCG and DLNR must be assured when issuing a marine event permit that adequate resources are readily available to protect lives and property, not only along the course of a marine event but also in other waterways within the State of Hawaii and the miles of open ocean out to sea.

#### **PROCESS**

Every organization wishing to host a marine event involving groups of participants and watercraft is required to apply for a marine event permit (MEP) issued by DOBOR. Applications must be received by the appropriate DOBOR District Office no less than 30-days in advance of the event so all involved agencies have ample time to review the plans of the host organization, stipulate conditions on the permit and confer with pertinent regulatory agencies. A course map, insurance, a list of vessels involved in the event, an indication of the presence and/or use of Personal Watercraft (PWCs), etc. may be required. If the course of an event extends between two islands and between two or more DOBOR districts, a marine event permit is required from each of those DOBOR District Offices. In addition, the USCG may require a permit for events that impact commercial vessel traffic or traverse the channels between islands.

#### **ISSUE**

Requests to host marine events that begin and/or finish in ingress/egress channels for harbors or races that run their course along the length of an entrance channel are often received by the USCG and DLNR/DOBOR. Historically, the USCG has agreed with local agencies to allow use of boat channels including ones situated along the Mississippi River and on the Great Lakes. Here in Hawaii, races have been held in Hilo Bay on the Big Island and in Nawiliwili Harbor on Kauai with the concurrence of DLNR/DOBOR. On Oahu, the same issue has been raised about utilizing the Ala Wai Small Boat Harbor (SBH) entrance channel as well as the entrance channels for Keehi SBH and Maunalua Bay in the same way. The Ala Wai venue is one site that allows a race course to pass close to shore for the benefit of spectators if the course runs along the interior of the boat channel. Approximately five years ago, the USCG contacted DOBOR and stated that organized vessel racing events occurring within a navigable channel poses a potential safety risk and the events should start and stop outside of the designated channel. DOBOR complied with this request and began including a provision in the MEP's that prohibited vessel racing within the navigable channels.

## **FACTORS**

Although there is a precedent for racing in boat channels here and abroad, every situation is different and many factors must be weighed when assessing the risk inherent in any intended use of a waterway. The ability to maneuver in a given waterway is the key to safety. These are the factors that have been taken into account in rendering this determination:

- the Ala Wai boat channel is the ingress-egress point for largest marina in the State of Hawaii as well as two yacht clubs and is the main thoroughfare for a very high concentration of vessel traffic;
- the Ala Wai channel itself is narrow and affords limited maneuverability;
- the boat channels for Keehi SBH and Maunalua Bay also serve boating communities and serve a high volume of vessel traffic in constricted space;
- during races, the participants place a higher priority on finishing and winning the race than avoiding a collision with oncoming vessels;
- the reports of near collisions in congested boat channels usually involve watercraft engaged in racing;
- other types of activities including swimming and diving are restricted in boat channels for safety reasons;
- other venues for racing of Hawaiian racing canoes and all other forms of watercraft already exist which provide participants with a safe environment and spectators good vantage points to watch races from land;
- to safely conduct a race in a congested boat channel, race sponsors will need to obtain marine event permits from the USCG and DLNR. The race permits will stipulate the safety measures required to be taken by the race coordinator. Neither the USCG nor DLNR can afford to commit personnel and vessels to monitor and direct vessel traffic for the number of hours it takes to conduct the regular season of a single sport, much less all the different types of user groups interested in racing in boat channels. Historically, marine events requiring the full closure of a channel have been funded by the host organization (\$1500 for DLNR marine enforcement vessels and personnel for a four hour period);
- allowing one type of watercraft to race in the vessel ingress/egress channels without appropriate controls in place would open the gates to all forms of watercraft using the channels for the same purpose. Both agencies would have to allow all manner of watercraft to use the waterway for racing, including: Hawaiian racing canoes, paddleboards, stand-up paddleboards, all types of motorized vessels, kite boards, windsurfers, kayaks, and many others;
- the USCG and DLNR do not plan to prohibit races that cut across boat channels or the use of boat channels by single watercraft engaged in practice for a sport.

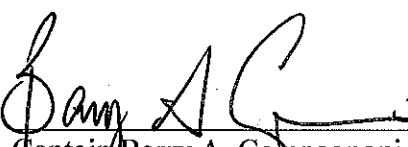
## **DETERMINATION**

Both the USCG and DLNR are obligated to manage our waterways in a manner that is safest for all users. Although, it has been stated that racing in boat channels has been allowed under certain conditions, there are boat channels where maneuverability is compromised by a narrow, constricted waterway and this already hazardous situation is compounded by the number of vessels in that area and a high volume of vessel traffic. With these factors in mind, the USCG and DLNR have determined that specific boat channels in Hawaii cannot be used safely for racing in conjunction with normal vessel traffic. These channels would include, but are not

limited to, the Ala Wai SBH, the Keehi SBH and Maunalua Bay boat channels. Neither the USCG nor the DLNR can effectively de-conflict the use of these waterways if racing is allowed along with normal vessel traffic. This type of activity without proper controls in place constitutes an unnecessary danger to event participants as well as boaters. The mix of uses creates a dangerous situation and dramatically increases the potential for loss of life and property. This determination is a risk-based decision in which the volume of traffic in the aforementioned channels and constricted maneuverability played a large part.

In order for an organized vessel race to occur within a confined navigable channel, such as those listed above, the race sponsor shall obtain a marine event permit from both the USCG and DLNR. The event permits will dictate the steps required to be taken by the sponsor to safely hold the race in the channel. Certain races will require a full channel closure to all non-participants and each request will need to be evaluated on a case-by-case basis with special consideration given to the duration of the closure and the effect on normal vessel traffic. In cases where a full closure is necessary, the race sponsor will be responsible for ensuring that the waterway remains closed during the event as well as cover the costs of required enforcement personnel.

  
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