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Falls of Clyde Administration Hearing: What Happened?

The much awaited administrative hearing over the impoundment of the National Historic Landmark vessel *Falls of Clyde* was held this morning. The Harbors Division, represented by attorneys from the Attorney General's office, presented a straightforward case:

1. Was the ship's revocable permit terminated according to the terms of the permit?
Yes
2. Was the ship impounded because it was not moved out of the harbor after the permit was terminated and, therefore, illegally moored. Yes

Friends of Falls of Clyde made the following argument:

1. Why did Harbors Division impound the ship? Because the Harbors Division denied the plan it required to show how Friends of Falls of Clyde was going to meet our mission, which includes drydocking the ship for hull work or finding an alternate berthing outside of Honolulu Harbor. They also required a plan part to show how we would get rid of the ship, which is to work with a local company interested in using the ship as a dive site. One of these three things would occur by midyear 2017.
2. Why did Harbors Division deny the plan? Because at the last minute they wanted us to include details about how we would have the ship moved, including a towage plan and financing. This appeared to be an immediate action and was not consistent with the plan. The plan did include the fact that we have a towage agreement when it is time to go into drydock. We are also working with people outside of Hawaii to find alternate berthing.
3. Why did Harbors Division request a plan in the first place? Because we contested the reason for the termination of the revocable permit, which was based on Friends of Falls of Clyde not getting a legislative Grant-In-Aid. We were led to believe that asking for a plan was an act of good faith and cooperation to allow us to have the permit termination reversed.

Both parties will now file documents with the hearing officer in order to support our respective positions. He is to make his decision by the latter part of September.

We stressed that actions by Harbors Division show a pattern of not acting in good faith, which we believe should carry weight over the technical argument made based on the terms of the revocable permit. As someone from the audience remarked, this is a moral and ethical issue versus a technical issue. Friends of Falls of Clyde awaits the decision. Our questions to the Harbors Division are “Why not let the plan be executed? What have you got to lose?”

Friends of Falls of Clyde is a 501(c)(3) nonprofit organization whose mission is to preserve and restore *Falls of Clyde* for her historical, cultural, and educational importance to the maritime history of Hawaii and the world. See our website at www.friendsoffallofcl Clyde.org or follow us on Facebook.