

# **WATER AND LAND**

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The purview of this committee includes those programs relating to state planning; sustainability; land and water management; forest management and reserve; coastal zone management; land reclamation; naturally occurring fisheries; ocean resources; state parks and beaches; management areas, including ocean recreation management areas, and small boat harbors.

## **Highlights**

### **GEOTHERMAL ENERGY**

Hawaii's natural resources, such as geothermal energy, help reduce the State's dependence on imported oil for its energy needs and make the State more self-sufficient. Geothermal energy in Hawaii has proven to be a reliable, inexhaustible energy source that is nearly emission-free and offers tremendous potential for growth and expansion.

The State needs a sound, comprehensive strategy to ensure that geothermal energy is developed in an economically feasible manner that still protects public health, the environment, and cultural rights. A working group is necessary to discuss strategies for the development and expansion of geothermal energy and technology, including geothermal energy and technology development on the island of Hawaii and the development of a geothermal energy and technology park.

**SR136, SD2**, requests the Governor to establish a Geothermal Energy and Technology Working Group to discuss strategies for the development and expansion of geothermal energy and technology in Hawaii, including but not limited to geothermal energy and technology development on the island of Hawaii and the development of a geothermal energy and technology park.

### **LIPOA POINT ACQUISITION**

**HB1424, SD2, CD1**, requires the Department of Land and Natural Resources, in consultation with the Hawaiian Islands Land Trust, to engage in efforts to acquire the parcel of land located at Lipoa Point, Maui. Lipoa Point-Honolua is one of the most iconic landmarks in Hawaii. Honolua is rich in marine resources and historical and archaeological sites, and is one of the most popular recreational areas for locals and tourists alike, offering some of the best snorkeling and surfing conditions on the island of Maui. Nationally recognized as a marine preserve, it has attracted federal funding and programs due to having some of the highest fish assemblage characteristics of all the Hawaiian islands. Additionally, Honolua is considered to have one of the most diverse, unique, and abundant reef formations, providing a habitat for rare coral species.

Historically, not only is Honolua Bay significant for Hawaiian canoe voyaging as being the departure point for the Hōkūle'a maiden voyage in 1976, it is also the site of several archaeological finds that were identified by Bishop Museum staff in 1974, including two

heiau, boulders with grinding surfaces, house platforms, burial mounds, and agricultural terraces. Due to its iconic reputation, Honolua Bay has drawn countless visitors to Hawaii, which helps generate revenue by bolstering the State's important tourist industry.

The parcel was pledged against a pension fund established by the retirees' former employer, Maui Land and Pineapple Company, Inc., to ensure that kupuna would continue to receive the benefits that they worked for. If this pension fund should fail, many of the pensioners would have to turn to state services and programs, thereby straining the social safety net, especially in an area where resources are already scarce. This measure specifically provides that to the maximum extent practicable, the Department of Land and Natural Resources shall ensure that the seller of the land uses the proceeds of the sale to benefit the pension plan of the retirees. The Legislature has committed to the purchase by authorizing \$20,000,000 in general obligation bond financing in the state budget.

## **PUBLIC LAND DEVELOPMENT CORPORATION**

**HB1133, SD2 (Act 38)**, repeals the Public Land Development Corporation (PLDC) and makes conforming amendments thereto. The PLDC, created by Session Laws of Hawaii 2011 (Act 55), engendered significant public concern and scrutiny due in part to the fact that projects undertaken pursuant to Act 55, are exempt from state and county laws regarding land use, zoning, and construction standards for subdivisions, development, and improvement of land. In addition, concerns were raised regarding inadequate notice given to the public to testify on the exemption provisions. The exemptions, coupled with the manner in which Act 55 was passed, led to distrust and uncertainty of the PLDC's intentions and development plans.

The intent of Act 55 was to ensure that the public lands of Hawaii are used and administered in an equitable and transparent manner that should not necessarily be relegated to administrative decision-making or rule-making on an ad hoc basis. While the optimization of the use of public lands is a meritorious goal with the potential to significantly benefit the people of Hawaii, achieving this goal requires a greater respect for existing laws and procedures and greater assurance that an entity with this great responsibility will produce economic, environmental, and social benefit for the people of Hawaii.

## **TURTLE BAY**

The proposed expansion of the Turtle Bay Hotel and Resort located in the ahupuaa of Hana Kaoe, in Kahuku on the island of Oahu, is pending resolution. Act 140, Session Laws of Hawaii 2008, declared that it is in the public interest to acquire private lands currently owned by Kuilima Resort Company, Oaktree Capital Management, LLC, and their successors in interest, for preservation, by purchasing those lands, exercising the State's power of eminent domain to acquire those lands, or participating in a cooperative agreement to acquire those lands to protect and preserve Hawaii's historic and cultural heritage. Negotiations are ongoing with hope of an agreement this year. **SCR164; SR121**, requests the Governor to establish a working group to develop a conservation action plan to explore and identify conservation alternatives for the undeveloped portions of the Turtle Bay Hotel and Resort property and surrounding lands with conservation or historic value.

## **WAIMEA DISTRICT/REGIONAL PARK, HAWAII**

The Waimea community has long been lacking in active playing fields for various sports, and for more than twenty years, the community has been promised a park for all the sports organizations and non-profits to congregate. Without sufficient facilities, including a county gym, there is not enough space to support the increase of youth and adult sports programs.

**HB200, SD1, HD1, CD1**, the state budget bill, appropriates \$2,500,000 in each fiscal year of the 2013-2015 fiscal biennium to the County of Hawaii, with a dollar-for-dollar match from the County of Hawaii. The appropriation is for plans, design, and construction of master plan improvements, including construction of infrastructure – water, sewer, drainage and power; park access roads; parking lot; drainage dike treatment; one regulation football field; one regulation soccer/rugby field; and one comfort station. The master plan includes active sports fields along with a gymnasium or covered all-weather courts. Land has been set aside by Parker Ranch as part of a condition of zoning.

The community is anticipated to benefit significantly from construction and improvements to the Waimea District/Regional Park by meeting growing recreational needs of the community; serving the recreational needs of all ages; consolidating competing field use of the variety of sports, such as baseball, soccer, rugby, and football, into the district park while retaining the existing park for softball and casual park recreation; furnishing a gathering area for youth to enable them to achieve a healthier lifestyle and to lower juvenile delinquency rates; and hosting island-wide and statewide athletic events.

## **Bills Passed**

### **I. Water**

**Gray Water Use for Irrigation. (SB454, SD1, HD1)** Repeals the limitation on the use of gray water to residential units for irrigation purposes and encourages the Department of Health and the counties to promote widespread use of gray water in the interests of water conservation. Requires any guidelines for the use of gray water for irrigation purposes to be liberally construed so as to allow widespread use of gray water. Defines "gray water" as any untreated wastewater that has not come into contact with toilet waste, including used water from bathtubs, showers, and bathroom wash basins and water from clothes washers and laundry tubs and excluding wastewater from food preparation sinks or dishwashers; provided that the water is not contaminated with any household hazardous waste or any contaminant the Department of Health deems inappropriate. Requires all use of gray water to conform to the state plumbing code.

**Impounded Vessels; Costs of Impoundment and Disposal; Registration. (SB1161, SD1, HD2, CD1)** Makes the owner of an impounded, unauthorized vessel solely responsible for all costs of the impoundment and the disposal of the vessel. Requires any proceeds resulting from the impoundment and the disposal of the unauthorized vessel to be used first to pay the costs of impoundment and disposal and then to pay any mooring fees due. Makes the owner of the vessel liable for the outstanding costs and mooring fees. Provides that no vessel registration shall be renewed or transferred if:

- The registered owner is delinquent in payment of any monies due and payable to the Department of Land and Natural Resources;
- The registered owner has pending a citation for violation of any of the Department's rules; or
- The registered owner's vessel is an abandoned vessel, grounded vessel, derelict vessel, unauthorized vessel, or impounded vessel until all fees and charges relating to the vessel impound as well as any other fees associated with the vessel are paid in full.

**Native Hawaiian Canoes; State Small Boat Harbors. (HB1412, SD2)** Requires the Department of Land and Natural Resources (DLNR), to accommodate in all state small boat harbors the mooring of native Hawaiian canoes owned or leased by a nonprofit corporation, association, organization, or other duly chartered entity that operates native Hawaiian canoes for educational purposes. Requires any owner or lessee of a native Hawaiian canoe so accommodated to submit to the DLNR an annual report describing how the educational activities that were conducted during the previous year used, involved, or focused on the native Hawaiian canoe, including:

- A description of each educational activity;
- The date of each educational activity; and
- The number of participants in each educational activity.

**Shoreline; Mining Prohibition; Inadvertent Takings. (HB17, HD1, SD2)** Deletes the "one gallon per person per day" limit on the removal of sand and other beach or marine deposits seaward from the shoreline and from the shoreline area. Prohibits the mining or taking of sand, dead coral or coral rubble, rocks, soil, or other marine deposits seaward from the shoreline and from the shoreline area with the following exceptions:

- The inadvertent taking from seaward of the shoreline of these materials, such as those inadvertently carried away on the body, and on clothes, toys, recreational equipment, and bags;
- The exercise of traditional cultural practices as authorized by law or as permitted by the Department of Land and Natural Resources pursuant to article XII, section 7, of the Hawaii State Constitution;
- For the response to a public emergency or a state or local disaster; or
- For mining or taking from the shoreline area, the taking of driftwood, shells, beach glass, glass floats, or seaweed.

Makes Act 160, Session Laws of Hawaii 2010 (Act 160), permanent, which requires landowners to remove human-induced, enhanced, or unmaintained vegetation interfering with public lateral shoreline access and extends the Department of Land and Natural Resources' enforcement duty to maintain the access. Clarifies that Act 160 shall not be construed to modify or alter any agreement of the Department of Land and Natural Resources that was in effect or executed on the effective date of this measure.

**Thrill Craft; Exemption for Ocean Cleanup. (SB319, HD1)** Exempts the use of thrill craft to conduct ocean cleanup, as authorized by rules adopted by the Department of Land and Natural Resources, from the prohibition on operating a thrill craft in the waters of the State. Requires the Chairperson of the Board of Land and Natural Resources to report on the status of the adoption of rules to the Legislature prior to the convening of the Regular Session of 2014.

## II. Land

### PRESERVATION

**Acquisition of Resource Value Lands; Lipoa Point. (HB1424, SD2, CD1)** Requires the Department of Land and Natural Resources, in consultation with the Hawaiian Islands Land Trust, to engage in efforts to acquire the parcel of land located at Lipoa Point, Maui, identified as TMK 2-4-1-001-010-0000. States that it is the Legislature's intent that the Department of Land and Natural Resources (DLNR) explore options to protect and preserve the area's pristine condition, while ensuring the adequate capitalization of the pension fund for retirees of Maui Land and Pineapple Company, Inc. Clarifies that to the maximum extent practicable, the DLNR shall ensure that the seller of the land uses the proceeds of the sale to benefit the pension plan of retirees of the Maui Land and Pineapple Company, Inc. Clarifies that this measure shall not be construed or interpreted or deemed to obligate the State for the pension plan liabilities of employees and retirees of the Maui Land and Pineapple Company, Inc.

**Natural Area Reserves System Commission; Membership. (HB941; Act 4)** Amends the composition of the Natural Area Reserves System Commission by adding a member who possesses a background in native Hawaiian traditional and customary practices, and removing the Superintendent of Education as a member.

### PUBLIC LANDS

**Public Land Development Corporation; Repeal. (HB1133, SD2; Act 38)** Repeals Chapter 171C, Hawaii Revised Statutes, relating to the Public Land Development Corporation. Transfers the Corporation's assets to the Department of Land and Natural Resources (DLNR). Deposits funds appropriated to the DLNR pursuant to Act 55, Session Laws of Hawaii 2011, into the Land Conservation Fund. Deposits certain unexpended and unencumbered proceeds in the Stadium Facilities Special Fund and the School Facilities Special Fund into the General Fund.

**Public Lands; Leases; Takings; Compensation. (SB5, SD1, HD1, CD1)** Repeals the requirement that upon withdrawal or upon a taking of lands leased for intensive agricultural and pasture uses, the rent is to be reduced in proportion to the value of the land withdrawn or made unusable and replaces it with a requirement that upon a withdrawal or taking of leased public land that causes any portion of the land to become unusable for the specific use or uses for which it was leased, the lease rent shall be reduced in proportion to the value of the land withdrawn or made unusable; provided that if any permanent improvement made to or

constructed upon the land by the lessee is destroyed or made unusable in the process of the withdrawal or taking, the proportionate value thereof shall be paid to the lessee based upon the unexpired term of the lease. Requires that no land that is under cultivation shall be withdrawn or taken until the crops are harvested, unless the Board of Land and Natural Resources pays the lessee the value of the crops. Requires that upon a withdrawal, any person with a long-term lease shall be compensated for the present value of all permanent improvements in place at the time of the withdrawal that were legally made to or constructed upon the land by the lessee of the leased land being withdrawn. Makes special provisions for tree-crops and breeding livestock.

Entitles a lessee to compensation for costs attributable to the diminished use of the leased land, including reimbursement for the cost of any insurance required by the Board to be maintained, or property tax paid, by the lessee on the portion of the leased land withdrawn or taken; provided that a lessee of land subject to easements shall be entitled to compensation only if the easements are placed upon the land subsequent to the original lease and prevent the lessee from using the land for the original intended use.

Clarifies that lessees of public land condemned by the State for public purposes are also entitled to these rights .

**Public Trust Lands; Inventory of Public Buildings, Facilities, and Sites; Comprehensive System for Asset Management; Appropriation. (SB722, SD2, HD1, CD1)** Expands the scope of Act 54, Session Laws of Hawaii 2011, which established a comprehensive information system to inventory and maintain information about lands of the public land trust, by requiring the Department of Accounting and General Services (DAGS) to coordinate efforts to establish a complete and accurate inventory of public buildings, facilities, and sites on the lands of the public land trust to which state agencies hold title or over which they maintain management control. Requires DAGS to incorporate the inventory of public buildings, facilities, and sites together with the public land trust inventory and the public land trust information system to create an integrated, comprehensive system for asset management of public buildings, facilities, and sites.

Requires all state agencies to transfer to DAGS all programs and hardware associated with the inventory; report to DAGS by December 1, 2013, an inventory of public buildings, facilities, and sites owned or operated by the reporting agency; and comply with requests for information or services by DAGS. Requires DAGS to submit a report to the Legislature of its progress in implementing this Act prior to the Regular Session of 2014.

Defines "public buildings, facilities, and sites" as buildings, facilities, sites, and the infrastructure thereof that:

- Are designed, constructed, purchased, or leased with the use of any state or county funds or federal funds administered by the State or a county;
- House state or county programs, services, or activities that are intended to be accessed by the general public; or
- Are constructed on state or county lands or lands that will be transferred to the State or a county.

Appropriates \$250,000 or so much thereof as may be necessary for fiscal year 2013-2014 for DAGS to coordinate the inventory of public buildings, facilities, and sites and to establish a comprehensive system for asset management.

## **OTHER ISSUES**

**Homestead Leases; Trustees of Land Trusts. (HB1268, HD1, SD1)** Expands the eligibility of potential assignees of a homestead lease to include trustees of land trusts created to manage and hold a homestead for the benefit of the lessee and lessee's family members. Authorizes the lessee to be the trustee of the trust.

**Kaho'olawe Island Reserve Commission; Food and Fuel Products; Permanent Procurement Exemption. (HB1328, HD1, SD1)** Makes permanent the exemption for the procurement of food or fuel products necessary for the Kaho'olawe Island Reserve Commission to carry out its statutory duties.

**Rural Designation; Federal Program Qualification. (SB1339, SD1, HD1, CD1)** Clarifies that an area that qualifies as rural pursuant to a federal definition shall be considered rural by the State to qualify for a federal program.

Provides that if an area does not qualify as rural pursuant to a federal definition, the following definitions may be used for determining the area's rural status for the purposes of a federal program that accepts state definitions:

- Any island with a population density fewer than or equal to five hundred people per square mile shall be considered rural; and
- If an island's population density exceeds five hundred people per square mile, an area within the island shall be considered rural if it is within a zip code tabulation area with a population density below eight hundred people per square mile as determined by the population of the last official census and using the entire zip code tabulation area as determined by the United States Census Bureau.

## **Resolutions Adopted**

### **I. Water**

**Commercial Vessel Permits; Study; Kalaeloa Point and Kaena Point. (HCR120, SD1)** Requests the Department of Land and Natural Resources to:

- Conduct a study of the state small boat harbor facility commercial permits for vessels engaged in ocean-use activities in ocean waters between Kalaeloa Point and Kaena Point that were in existence at the time of the moratorium in 2005, the uses for such permits, and the revenue generated and the current commercial vessel permits, the uses for such permits, and the revenue generated;

- Consult with the Waianae Coast community regarding the existing and future ocean-use activities; and
- Report its findings and recommendations to the Legislature before the 2014 Regular Session.

**Ocean Vessels; Humpback Whales. (SR70, SD1)** Urges the Department of Land and Natural Resources (DLNR) and the National Oceanic and Atmospheric Administration (NOAA) to collaborate to form a permanent plan to protect humpback whales from vessel strikes within the Hawaiian Islands Humpback Whale National Marine Sanctuary. Requests the DLNR, with the assistance of NOAA, to report to the Legislature prior to the convening of the Regular Session of 2014, a plan for the Hawaiian Islands Humpback Whale National Marine Sanctuary to address the threat from whale-vessel contacts. Requests the DLNR to report annually, beginning June 1, 2014, to the Legislature on confirmed whale-vessel contacts within the Hawaiian Islands Humpback Whale National Marine Sanctuary in the immediately preceding twelve months.

## II. Land

**Easement; State Submerged Lands at Honolulu, Hawaii. (SCR106)** Authorizes the Board of Land and Natural Resources to issue a non-exclusive easement for a fifty-five year term, covering that portion of state submerged lands located in Honolulu, identified as tax map key number (1) 3-6-001-021, for purposes of renovation and construction of a pier, subject to limitations and conditions to be determined by the Board.

**Easement; State Submerged Lands at Kaalaea, Koolaupoko, Oahu. (SCR126; HCR104)** Authorizes the Board of Land and Natural Resources to issue a term non-exclusive easement covering a portion of state submerged lands fronting the property identified as tax map key (1) 4-7-014: seaward of 010, Kaalaea, Koolaupoko, Oahu, for use, maintenance, and repair of the existing seawall and encroachments.

**Easement; State Submerged Lands at Kaalaea, Koolaupoko, Oahu. (SCR22)** Authorizes the Board of Land and Natural Resources to issue a term, non-exclusive easement covering a portion of state submerged lands fronting the property identified as Tax Map Key: (1) 4-7-024: seaward of 022, Kaalaea, Koolaupoko, Oahu, for the maintenance and repair of the existing seawall, and for use, maintenance, and repair of the existing improvements constructed thereon.

**Easement; State Submerged Lands at Kaneohe, Koolaupoko, Oahu. (SCR23, SD1)** Authorizes the Board of Land and Natural Resources to issue a term, non-exclusive easement covering a portion of state submerged lands fronting the property identified as Tax Map Key: (1) 4-4-037: seaward of 033, Kaneohe, Koolaupoko, Oahu, for the maintenance and repair of the existing pier, seawall, and landscaping area, and for use, maintenance, and repair of the existing improvements constructed thereon.

**Easement; State Submerged Lands at Kapahulu, Honolulu, Oahu. (HCR37)** Authorizes the Board of Land and Natural Resources to issue a perpetual, nonexclusive easement covering a portion of state submerged lands fronting the property identified as tax map key (1) 3-1-

038: seaward of 042, Kapahulu, Honolulu, Oahu, for use, maintenance, and repair of the existing seawall and steps, and for use, maintenance, and repair of the existing improvements constructed thereon.

**Easement; State Submerged Lands at Kawailoa, District of Waialua, City and County of Honolulu. (SCR103)** Authorizes the issuance of a non-exclusive easement for a fifty-five year term to Douglas and Kathleen Giannetti, owners of the abutting property identified by tax map key: (1) 6-1-003:0024-0001 seaward, according to the terms and conditions approved by the Board of Land and Natural Resources.

**Easement; State Submerged Lands at Lanikai, Koolaupoko, Oahu. (HCR46, SD1)** Authorizes the Board of Land and Natural Resources to issue a term, non-exclusive easement covering a portion of state submerged lands identified as tax map key (1) 4-3-005: seaward of 56, at Lanikai, Koolaupoko, Oahu, Hawaii for seawall and revetment purposes.

**Easement; State Submerged Lands at Makaha, Waianae, Oahu. (SCR105)** Authorizes the Board of Land and Natural Resources to issue a non-exclusive easement for a fifty-five year term, covering that portion of state submerged lands in Makaha, Waianae, Oahu, identified as tax map key number (1) 8-4-005:002 seaward of parcel 2, for purposes of renovation and construction of a seawall, subject to limitations and conditions to be determined by the Board.

**Easement; State Submerged Land at Manele Bay, Lanai. (SCR158, SD2)** Authorizes the Board of Land and Natural Resources to issue a term, non-exclusive thirty-five-year lease of an easement covering a portion of state submerged lands identified as tax map key (2) 4-9-17:06 located at Manele Bay, Lanai.

**Easement; State Submerged Lands at Mokuleia, District of Waialua, City and County of Honolulu. (SCR101)** Authorizes the issuance of a the fifty-five year term, non-exclusive easement covering a portion of state submerged land identified as tax map key (1) 6-8-004, seaward of parcel 14 at Mokuleia, District of Waialua, City and County of Honolulu, to Christine McAuliffe Fuss as successor trustee of the Priscilla Jane McAuliffe Living Trust for seawall and step purposes, according to the terms and conditions approved by the Board of Land and Natural Resources.

**Easement; State Submerged Lands at Puamana, Lahaina, Maui. (SCR69)** Authorizes the Board of Land and Natural Resources to issue a fifty-five year term, non-exclusive easement covering a portion of state submerged lands fronting the property identified as tax map key: (2) 4-6-028:001 at Puamana, Lahaina, Maui, for the use, maintenance, repair, replacement, and removal of the existing seawall structures, the concrete groin, and the revetment footings of the historic swimming pool over, under, and across state-owned land.

**Exchange and Sale of Public Land; Kahananui, Molokai, Hawaii. (SCR21, HD1)** Approves the exchange and sale of property, as approved by the Board of Land and Natural Resources at its meeting on June 8, 2012, under agenda item D-11, pursuant to the stipulated judgment on title and the stipulated judgment on partition in Napoleon, et al., v. State of Hawaii, et al., Civ. No. 92-0789, for land located at Kahananui, Molokai, Hawaii, Tax Map Keys: (2) 5-6-06:14; (2) 5-6-06:15; (2) 5-6-03:12; (2) 5-6-03:08; and (2) 5-6-03:10. Specifies information required by section 171-64.7(c), Hawaii Revised Statutes, for review by the Legislature of the proposed exchange and sale.

**Exchange of Public and Private Land; Approval. (SCR20; HCR25)** Approves the exchange between the State of Hawaii and Hawaii Baptist Academy, a nonprofit corporation, as approved in principle by the Board of Land and Natural Resources, of public land located at Nuuanu Valley, Honolulu, Oahu, identified as Tax Map Key (1) 2-2-22:19, and private land located at District of Ewa, City and County of Honolulu, identified as Tax Map Key (1) 9-4-49:62. Provides that at the time of the exchange, Hawaii Baptist Academy shall pay to the State the difference in value of the public land over the value of the private land together with all improvements thereon.

**Geothermal Energy and Technology; Working Group. (SR136, SD2)** Requests the Governor to establish a Geothermal Energy and Technology Working Group to discuss strategies for the development and expansion of geothermal energy and technology in Hawaii, including but not limited to geothermal energy and technology development on the island of Hawaii and the development of a geothermal energy and technology park. Specifies membership of the working group. Requests the working group to report its findings and recommendations to the Legislature prior to the Regular Session of 2014.

**Mauna Kea State Recreational Area; Hapuna Beach Park; Lease to Hawaii County. (SR48, SD1)** Requests the Department of Land and Natural Resources to negotiate in good faith with the County of Hawaii to lease to the County of Hawaii the Mauna Kea State Recreational Area, including land located within the Recreational Area that is use for roads, streets, or highways, and the Hapuna Beach Park, including land located within Hapuna Beach Park that is used for roads, streets, or highways. Specifies that of the gross revenues derived by the County of Hawaii from any sublease or rental of or concession on the Mauna Kea State Recreational Area or the Hapuna Beach Park, or the sale, lease, rental, or other disposition of property or services on or flowing from those public lands, an agreed-upon percentage be transmitted by the County to the State Director of Finance and be deposited into the state parks special fund; provided that "gross revenues" does not include any taxes or improvement district assessments imposed by the County and collected from any person subleasing or otherwise using the leased public land or fees imposed and collected by the County for county governmental or utility services. Requests the Department to report to the Legislature if a lease agreement is reached and, if a lease agreement is not reached by January 1, 2014, then report on the action taken and progress made to reach a lease agreement.

**Rock Climbing, Mountain Climbing, Repelling, Bouldering; Liability. (SR125, SD1)** Urges the Department of Land and Natural Resources, in consultation with the Department of the Attorney General, to:

- Evaluate the feasibility of establishing that no public entity or public employee shall be liable to any person for injury or damage sustained on government land when engaged in mountain climbing, rock climbing, rappelling, and bouldering;
- Identify and evaluate laws of other state jurisdictions that have similar limited liability statutes;
- Identify and determine the areas within the jurisdiction of the Department of Land and Natural Resources that are safe or unsafe for mountain climbing, rock climbing, rappelling, and bouldering;

- Explore and identify options that will ensure safety without closing sites within the jurisdiction of the Department of Land and Natural Resources for mountain climbing, rock climbing, rappelling, and bouldering;
- Consult with various stakeholders related to mountain climbing, rock climbing, rappelling, and bouldering; and
- Examine the possibility of requiring those engaging in mountain climbing, rock climbing, rappelling, and bouldering to obtain insurance through a rock climbing organization to protect the State from liability.

Requests the Department to report its findings and recommendations to the Legislature before the 2014 Regular Session.

**Sand Island; Revenue Generating Activities. (HCR181, HD1)** Requests the Department of Land and Natural Resources to evaluate the potential challenges and benefits of current and potential revenue generating activities on state-owned land at Sand Island including potential costs, revenue projections, and other issues that may arise. Requests the Department to submit a report to the Legislature before the 2014 Regular Session.

**Turtle Bay Hotel; Working Group. (SCR164; SR121)** Requests the Governor to establish a working group to develop a conservation action plan to explore and identify conservation alternatives for the undeveloped portions of the Turtle Bay Hotel and Resort property and surrounding lands with conservation or historic value. Specifies that the purpose of the working group is to provide information and make recommendations to the Governor as the State and the developer Turtle Bay Resorts, LLC, engage in good faith negotiations. Specifies the working group's duties and membership. Requests the Governor and the developer to submit a written report to the Legislature regarding the results of their negotiations and any proposed legislation no later than November 30, 2013.

**Waimea Trails and Greenways Trailhead; Negotiations with Hawaii County. (SCR172, SD2; SR129, SD2)** Urges the County of Hawaii to continue negotiations with the private lessee of state land identified as Tax Map Key 6-6-001:010 to mutually cancel the lease or, alternatively, to obtain a public easement in favor of the County to allow the County to proceed with its plans for the Waimea Trails and Greenways trailhead and county park. Requests the Department of Land and Natural Resources to require the County of Hawaii to indemnify the State for any costs incurred in canceling the lease.

